

114TH CONGRESS
1ST SESSION

H. R. 2028

AN ACT

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for en-
3 ergy and water development and related agencies for the
4 fiscal year ending September 30, 2016, and for other pur-
5 poses, namely:

6 TITLE I—CORPS OF ENGINEERS—CIVIL

7 DEPARTMENT OF THE ARMY

8 CORPS OF ENGINEERS—CIVIL

9 The following appropriations shall be expended under
10 the direction of the Secretary of the Army and the super-
11 vision of the Chief of Engineers for authorized civil func-
12 tions of the Department of the Army pertaining to river
13 and harbor, flood and storm damage reduction, shore pro-
14 tection, aquatic ecosystem restoration, and related efforts.

15 INVESTIGATIONS

16 For expenses necessary where authorized by law for
17 the collection and study of basic information pertaining
18 to river and harbor, flood and storm damage reduction,
19 shore protection, aquatic ecosystem restoration, and re-
20 lated needs; for surveys and detailed studies, and plans
21 and specifications of proposed river and harbor, flood and
22 storm damage reduction, shore protection, and aquatic
23 ecosystem restoration projects, and related efforts prior to
24 construction; for restudy of authorized projects; and for
25 miscellaneous investigations, and, when authorized by law,

1 surveys and detailed studies, and plans and specifications
2 of projects prior to construction, \$110,000,000 (increased
3 by \$1,000,000), to remain available until expended.

4 CONSTRUCTION

5 For expenses necessary for the construction of river
6 and harbor, flood and storm damage reduction, shore pro-
7 tection, aquatic ecosystem restoration, and related
8 projects authorized by law; for conducting detailed studies,
9 and plans and specifications, of such projects (including
10 those involving participation by States, local governments,
11 or private groups) authorized or made eligible for selection
12 by law (but such detailed studies, and plans and specifica-
13 tions, shall not constitute a commitment of the Govern-
14 ment to construction); \$1,631,000,000 (increased by
15 \$3,000,000) (increased by \$1,000,000) (reduced by
16 \$10,000,000) (increased by \$10,000,000), to remain avail-
17 able until expended; of which such sums as are necessary
18 to cover the Federal share of construction costs for facili-
19 ties under the Dredged Material Disposal Facilities pro-
20 gram shall be derived from the Harbor Maintenance Trust
21 Fund as authorized by Public Law 104–303; and of which
22 such sums as are necessary to cover one-half of the costs
23 of construction, replacement, rehabilitation, and expansion
24 of inland waterways projects shall be derived from the In-

1 land Waterways Trust Fund, except as otherwise specifi-
2 cally provided for in law.

3 MISSISSIPPI RIVER AND TRIBUTARIES

4 For expenses necessary for flood damage reduction
5 projects and related efforts in the Mississippi River allu-
6 vial valley below Cape Girardeau, Missouri, as authorized
7 by law, \$275,000,000, to remain available until expended,
8 of which such sums as are necessary to cover the Federal
9 share of eligible operation and maintenance costs for in-
10 land harbors shall be derived from the Harbor Mainte-
11 nance Trust Fund.

12 OPERATION AND MAINTENANCE

13 For expenses necessary for the operation, mainte-
14 nance, and care of existing river and harbor, flood and
15 storm damage reduction, aquatic ecosystem restoration,
16 and related projects authorized by law; providing security
17 for infrastructure owned or operated by the Corps, includ-
18 ing administrative buildings and laboratories; maintaining
19 harbor channels provided by a State, municipality, or
20 other public agency that serve essential navigation needs
21 of general commerce, where authorized by law; surveying
22 and charting northern and northwestern lakes and con-
23 necting waters; clearing and straightening channels; and
24 removing obstructions to navigation, \$3,058,000,000 (in-
25 creased by \$36,306,000), to remain available until ex-

1 pending, of which such sums as are necessary to cover the
2 Federal share of eligible operation and maintenance costs
3 for coastal harbors and channels, and for inland harbors
4 shall be derived from the Harbor Maintenance Trust
5 Fund; of which such sums as become available from the
6 special account for the Corps of Engineers established by
7 the Land and Water Conservation Fund Act of 1965 shall
8 be derived from that account for resource protection, re-
9 search, interpretation, and maintenance activities related
10 to resource protection in the areas at which outdoor recre-
11 ation is available; and of which such sums as become avail-
12 able from fees collected under section 217 of Public Law
13 104–303 shall be used to cover the cost of operation and
14 maintenance of the dredged material disposal facilities for
15 which such fees have been collected: *Provided*, That 1 per-
16 cent of the total amount of funds provided for each of the
17 programs, projects, or activities funded under this heading
18 shall not be allocated to a field operating activity prior
19 to the beginning of the fourth quarter of the fiscal year
20 and shall be available for use by the Chief of Engineers
21 to fund such emergency activities as the Chief of Engi-
22 neers determines to be necessary and appropriate, and
23 that the Chief of Engineers shall allocate during the
24 fourth quarter any remaining funds which have not been
25 used for emergency activities proportionally in accordance

1 with the amounts provided for the programs, projects, or
2 activities.

3 REGULATORY PROGRAM

4 For expenses necessary for administration of laws
5 pertaining to regulation of navigable waters and wetlands,
6 \$200,000,000 (reduced by \$424,000), to remain available
7 until September 30, 2017.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

9 For expenses necessary to clean up contamination
10 from sites in the United States resulting from work per-
11 formed as part of the Nation's early atomic energy pro-
12 gram, \$104,000,000, to remain available until expended.

13 FLOOD CONTROL AND COASTAL EMERGENCIES

14 For expenses necessary to prepare for flood, hurri-
15 cane, and other natural disasters and support emergency
16 operations, repairs, and other activities in response to
17 such disasters as authorized by law, \$34,000,000, to re-
18 main available until expended.

19 EXPENSES

20 For expenses necessary for the supervision and gen-
21 eral administration of the civil works program in the head-
22 quarters of the Corps of Engineers and the offices of the
23 Division Engineers; and for costs of management and op-
24 eration of the Humphreys Engineer Center Support Activ-
25 ity, the Institute for Water Resources, the United States

1 Army Engineer Research and Development Center, and
2 the United States Army Corps of Engineers Finance Cen-
3 ter allocable to the civil works program, \$180,000,000 (re-
4 duced by \$1,000,000), to remain available until September
5 30, 2017, of which not to exceed \$5,000 may be used for
6 official reception and representation purposes and only
7 during the current fiscal year: *Provided*, That no part of
8 any other appropriation provided in this title shall be
9 available to fund the civil works activities of the Office
10 of the Chief of Engineers or the civil works executive di-
11 rection and management activities of the division offices:
12 *Provided further*, That any Flood Control and Coastal
13 Emergencies appropriation may be used to fund the super-
14 vision and general administration of emergency oper-
15 ations, repairs, and other activities in response to any
16 flood, hurricane, or other natural disaster.

17 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
18 FOR CIVIL WORKS

19 For the Office of the Assistant Secretary of the Army
20 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
21 \$4,750,000 (increased by \$30,000,000) (reduced by
22 \$30,000,000), to remain available until September 30,
23 2017: *Provided*, That not more than 25 percent of such
24 amount may be obligated or expended until the Assistant
25 Secretary submits to the Committees on Appropriations

1 of both Houses of Congress a work plan that allocates at
2 least 95 percent of the additional funding provided under
3 each heading in this title (as designated under such head-
4 ing in the report of the Committee on Appropriations ac-
5 companying this Act) to specific programs, projects, or ac-
6 tivities.

7 GENERAL PROVISIONS—CORPS OF
8 ENGINEERS—CIVIL
9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 101. (a) None of the funds provided in this title
11 shall be available for obligation or expenditure through a
12 reprogramming of funds that—

13 (1) creates or initiates a new program, project,
14 or activity;

15 (2) eliminates a program, project, or activity;

16 (3) increases funds or personnel for any pro-
17 gram, project, or activity for which funds have been
18 denied or restricted by this Act;

19 (4) reduces funds that are directed to be used
20 for a specific program, project, or activity by this
21 Act;

22 (5) increases funds for any program, project, or
23 activity by more than \$2,000,000 or 10 percent,
24 whichever is less; or

1 (6) reduces funds for any program, project, or
2 activity by more than \$2,000,000 or 10 percent,
3 whichever is less.

4 (b) Subsection (a)(1) shall not apply to any project
5 or activity authorized under section 205 of the Flood Con-
6 trol Act of 1948, section 14 of the Flood Control Act of
7 1946, section 208 of the Flood Control Act of 1954, sec-
8 tion 107 of the River and Harbor Act of 1960, section
9 103 of the River and Harbor Act of 1962, section 111
10 of the River and Harbor Act of 1968, section 1135 of the
11 Water Resources Development Act of 1986, section 206
12 of the Water Resources Development Act of 1996, or sec-
13 tion 204 of the Water Resources Development Act of
14 1992.

15 (c) The Corps of Engineers shall submit reports on
16 a quarterly basis to the Committees on Appropriations of
17 both Houses of Congress detailing all the funds repro-
18 grammed between programs, projects, activities, or cat-
19 egories of funding. The first quarterly report shall be sub-
20 mitted not later than 60 days after the date of enactment
21 of this Act.

22 SEC. 102. None of the funds made available in this
23 title may be used to award or modify any contract that
24 commits funds beyond the amounts appropriated for that
25 program, project, or activity that remain unobligated, ex-

1 cept that such amounts may include any funds that have
2 been made available through reprogramming pursuant to
3 section 101.

4 SEC. 103. The Secretary of the Army may transfer
5 to the Fish and Wildlife Service, and the Fish and Wildlife
6 Service may accept and expend, up to \$4,700,000 of funds
7 provided in this title under the heading “Operation and
8 Maintenance” to mitigate for fisheries lost due to Corps
9 of Engineers projects.

10 SEC. 104. None of the funds made available in this
11 or any other Act making appropriations for Energy and
12 Water Development for any fiscal year may be used by
13 the Corps of Engineers to develop, adopt, implement, ad-
14 minister, or enforce any change to the regulations in effect
15 on October 1, 2012, pertaining to the definitions of the
16 terms “fill material” or “discharge of fill material” for the
17 purposes of the Federal Water Pollution Control Act (33
18 U.S.C. 1251 et seq.).

19 SEC. 105. None of the funds made available in this
20 or any other Act making appropriations for Energy and
21 Water Development for any fiscal year may be used by
22 the Corps of Engineers to develop, adopt, implement, ad-
23 minister, or enforce any change to the regulations and
24 guidance in effect on October 1, 2012, pertaining to the
25 definition of waters under the jurisdiction of the Federal

1 Water Pollution Control Act (33 U.S.C. 1251 et seq.), in-
2 cluding the provisions of the rules dated November 13,
3 1986, and August 25, 1993, relating to such jurisdiction,
4 and the guidance documents dated January 15, 2003, and
5 December 2, 2008, relating to such jurisdiction.

6 SEC. 106. None of the funds made available by this
7 Act may be used to require a permit for the discharge
8 of dredged or fill material under the Federal Water Pollu-
9 tion Control Act (33 U.S.C. 1251, et seq.) for the activi-
10 ties identified in subparagraphs (A) and (C) of section
11 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

12 SEC. 107. As of the date of enactment of this Act
13 and each fiscal year thereafter, the Secretary of the Army
14 shall not promulgate or enforce any regulation that pro-
15 hibits an individual from possessing a firearm, including
16 an assembled or functional firearm, at a water resources
17 development project covered under section 327.0 of title
18 36, Code of Federal Regulations (as in effect on the date
19 of enactment of this Act), if—

20 (1) the individual is not otherwise prohibited by
21 law from possessing the firearm; and

22 (2) the possession of the firearm is in compli-
23 ance with the law of the State in which the water
24 resources development project is located.

1 BUREAU OF RECLAMATION

2 The following appropriations shall be expended to
3 execute authorized functions of the Bureau of Reclama-
4 tion:

5 WATER AND RELATED RESOURCES
6 (INCLUDING TRANSFERS OF FUNDS)

7 For management, development, and restoration of
8 water and related natural resources and for related activi-
9 ties, including the operation, maintenance, and rehabilita-
10 tion of reclamation and other facilities, participation in
11 fulfilling related Federal responsibilities to Native Ameri-
12 cans, and related grants to, and cooperative and other
13 agreements with, State and local governments, federally
14 recognized Indian tribes, and others, \$948,640,000 (in-
15 creased by \$2,000,000), to remain available until ex-
16 pended, of which \$22,000 shall be available for transfer
17 to the Upper Colorado River Basin Fund and \$5,899,000
18 shall be available for transfer to the Lower Colorado River
19 Basin Development Fund; of which such amounts as may
20 be necessary may be advanced to the Colorado River Dam
21 Fund: *Provided*, That such transfers may be increased or
22 decreased within the overall appropriation under this
23 heading: *Provided further*, That of the total appropriated,
24 the amount for program activities that can be financed
25 by the Reclamation Fund or the Bureau of Reclamation

1 special fee account established by 16 U.S.C. 6806 shall
2 be derived from that Fund or account: *Provided further*,
3 That funds contributed under 43 U.S.C. 395 are available
4 until expended for the purposes for which the funds were
5 contributed: *Provided further*, That funds advanced under
6 43 U.S.C. 397a shall be credited to this account and are
7 available until expended for the same purposes as the
8 sums appropriated under this heading: *Provided further*,
9 That of the amounts provided herein, funds may be used
10 for high-priority projects which shall be carried out by the
11 Youth Conservation Corps, as authorized by 16 U.S.C.
12 1706.

13 CENTRAL VALLEY PROJECT RESTORATION FUND

14 For carrying out the programs, projects, plans, habi-
15 tat restoration, improvement, and acquisition provisions of
16 the Central Valley Project Improvement Act, \$49,528,000,
17 to be derived from such sums as may be collected in the
18 Central Valley Project Restoration Fund pursuant to sec-
19 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
20 102–575, to remain available until expended: *Provided*,
21 That the Bureau of Reclamation is directed to assess and
22 collect the full amount of the additional mitigation and
23 restoration payments authorized by section 3407(d) of
24 Public Law 102–575: *Provided further*, That none of the
25 funds made available under this heading may be used for

1 the acquisition or leasing of water for in-stream purposes
2 if the water is already committed to in-stream purposes
3 by a court adopted decree or order.

4 CALIFORNIA BAY-DELTA RESTORATION
5 (INCLUDING TRANSFERS OF FUNDS)

6 For carrying out activities authorized by the Water
7 Supply, Reliability, and Environmental Improvement Act,
8 consistent with plans to be approved by the Secretary of
9 the Interior, \$37,000,000, to remain available until ex-
10 pended, of which such amounts as may be necessary to
11 carry out such activities may be transferred to appropriate
12 accounts of other participating Federal agencies to carry
13 out authorized purposes: *Provided*, That funds appro-
14 priated herein may be used for the Federal share of the
15 costs of CALFED Program management: *Provided fur-*
16 *ther*, That CALFED implementation shall be carried out
17 in a balanced manner with clear performance measures
18 demonstrating concurrent progress in achieving the goals
19 and objectives of the Program.

20 POLICY AND ADMINISTRATION

21 For expenses necessary for policy, administration,
22 and related functions in the Office of the Commissioner,
23 the Denver office, and offices in the five regions of the
24 Bureau of Reclamation, to remain available until Sep-
25 tember 30, 2017, \$59,500,000, to be derived from the

1 Reclamation Fund and be nonreimbursable as provided in
2 43 U.S.C. 377: *Provided*, That not more than 25 percent
3 of such amount may be obligated or expended until Rec-
4 lamation complies with congressional and statutory direc-
5 tion related to Technical Memorandum 8140–CC–2004–
6 1 (“Corrosion Considerations for Buried Metallic Water
7 Pipe”) and the associated pipeline reliability study: *Pro-*
8 *vided further*, That no part of any other appropriation in
9 this Act shall be available for activities or functions budg-
10 eted as policy and administration expenses.

11 ADMINISTRATIVE PROVISION

12 Appropriations for the Bureau of Reclamation shall
13 be available for purchase of not to exceed five passenger
14 motor vehicles, which are for replacement only.

15 GENERAL PROVISIONS—DEPARTMENT OF THE
16 INTERIOR

17 SEC. 201. (a) None of the funds provided in this title
18 shall be available for obligation or expenditure through a
19 reprogramming of funds that—

20 (1) creates or initiates a new program, project,
21 or activity;

22 (2) eliminates a program, project, or activity;

23 (3) increases funds for any program, project, or
24 activity for which funds have been denied or re-
25 stricted by this Act;

1 (4) restarts or resumes any program, project or
2 activity for which funds are not provided in this Act,
3 unless prior approval is received from the Commit-
4 tees on Appropriations of both Houses of Congress;

5 (5) transfers funds in excess of the following
6 limits—

7 (A) 15 percent for any program, project or
8 activity for which \$2,000,000 or more is avail-
9 able at the beginning of the fiscal year; or

10 (B) \$300,000 for any program, project or
11 activity for which less than \$2,000,000 is avail-
12 able at the beginning of the fiscal year;

13 (6) transfers more than \$500,000 from either
14 the Facilities Operation, Maintenance, and Rehabili-
15 tation category or the Resources Management and
16 Development category to any program, project, or
17 activity in the other category; or

18 (7) transfers, when necessary to discharge legal
19 obligations of the Bureau of Reclamation, more than
20 \$5,000,000 to provide adequate funds for settled
21 contractor claims, increased contractor earnings due
22 to accelerated rates of operations, and real estate de-
23 ficiency judgments.

1 (b) Subsection (a)(5) shall not apply to any transfer
2 of funds within the Facilities Operation, Maintenance, and
3 Rehabilitation category.

4 (c) For purposes of this section, the term “transfer”
5 means any movement of funds into or out of a program,
6 project, or activity.

7 (d) The Bureau of Reclamation shall submit reports
8 on a quarterly basis to the Committees on Appropriations
9 of both Houses of Congress detailing all the funds repro-
10 grammed between programs, projects, activities, or cat-
11 egories of funding. The first quarterly report shall be sub-
12 mitted not later than 60 days after the date of enactment
13 of this Act.

14 SEC. 202. (a) None of the funds appropriated or oth-
15 erwise made available by this Act may be used to deter-
16 mine the final point of discharge for the interceptor drain
17 for the San Luis Unit until development by the Secretary
18 of the Interior and the State of California of a plan, which
19 shall conform to the water quality standards of the State
20 of California as approved by the Administrator of the En-
21 vironmental Protection Agency, to minimize any detri-
22 mental effect of the San Luis drainage waters.

23 (b) The costs of the Kesterson Reservoir Cleanup
24 Program and the costs of the San Joaquin Valley Drain-
25 age Program shall be classified by the Secretary of the

1 Interior as reimbursable or nonreimbursable and collected
2 until fully repaid pursuant to the “Cleanup Program—
3 Alternative Repayment Plan” and the “SJVDP—Alter-
4 native Repayment Plan” described in the report entitled
5 “Repayment Report, Kesterson Reservoir Cleanup Pro-
6 gram and San Joaquin Valley Drainage Program, Feb-
7 ruary 1995”, prepared by the Department of the Interior,
8 Bureau of Reclamation. Any future obligations of funds
9 by the United States relating to, or providing for, drainage
10 service or drainage studies for the San Luis Unit shall
11 be fully reimbursable by San Luis Unit beneficiaries of
12 such service or studies pursuant to Federal reclamation
13 law.

14 SEC. 203. The Secretary of the Interior, acting
15 through the Commissioner of Reclamation, shall—

16 (1) complete the feasibility studies described in
17 clauses (i)(I) and (ii)(II) of section 103(d)(1)(A) of
18 Public Law 108–361 (118 Stat. 1684) and submit
19 such studies to the appropriate committees of the
20 House of Representatives and the Senate not later
21 than December 31, 2015;

22 (2) complete the feasibility studies described in
23 clauses (i)(II) and (ii)(I) of section 103(d)(1)(A) of
24 Public Law 108–361 and submit such studies to the
25 appropriate committees of the House of Representa-

1 tives and the Senate not later than November 30,
2 2016;

3 (3) complete the feasibility study described in
4 section 103(f)(1)(A) of Public Law 108–361 (118
5 Stat. 1694) and submit such study to the appro-
6 priate committees of the House of Representatives
7 and the Senate not later than December 31, 2017;
8 and

9 (4) provide a progress report on the status of
10 the feasibility studies referred to in paragraphs (1)
11 through (3) to the appropriate committees of the
12 House of Representatives and the Senate not later
13 than 90 days after the date of the enactment of this
14 Act and each 180 days thereafter until December
15 31, 2017, as applicable. The report shall include
16 timelines for study completion, draft environmental
17 impact statements, final environmental impact state-
18 ments, and Records of Decision.

19 TITLE III—DEPARTMENT OF ENERGY

20 ENERGY PROGRAMS

21 ENERGY EFFICIENCY AND RENEWABLE ENERGY

22 For Department of Energy expenses including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment, and other expenses necessary for energy
25 efficiency and renewable energy activities in carrying out

1 the purposes of the Department of Energy Organization
2 Act (42 U.S.C. 7101 et seq.), including the acquisition or
3 condemnation of any real property or any facility or for
4 plant or facility acquisition, construction, or expansion,
5 \$1,657,774,000 (reduced by \$4,000,000) (increased by
6 \$4,000,000) (increased by \$9,000,000) (increased by
7 \$2,000,000), to remain available until expended: *Provided*,
8 That of such amount, \$150,000,000 shall be available
9 until September 30, 2017, for program direction.

10 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

11 For Department of Energy expenses including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment, and other expenses necessary for elec-
14 tricity delivery and energy reliability activities in carrying
15 out the purposes of the Department of Energy Organiza-
16 tion Act (42 U.S.C. 7101 et seq.), including the acqui-
17 sition or condemnation of any real property or any facility
18 or for plant or facility acquisition, construction, or expan-
19 sion, \$187,500,000, to remain available until expended:
20 *Provided*, That of such amount, \$27,000,000 shall be
21 available until September 30, 2017, for program direction.

22 NUCLEAR ENERGY

23 For Department of Energy expenses including the
24 purchase, construction, and acquisition of plant and cap-
25 ital equipment, and other expenses necessary for nuclear

1 energy activities in carrying out the purposes of the De-
2 partment of Energy Organization Act (42 U.S.C. 7101 et
3 seq.), including the acquisition or condemnation of any
4 real property or any facility or for plant or facility acquisi-
5 tion, construction, or expansion, \$936,161,000, to remain
6 available until expended: *Provided*, That of such amount,
7 \$80,000,000 shall be available until September 30, 2017,
8 for program direction including official reception and rep-
9 resentation expenses not to exceed \$10,000.

10 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

11 For Department of Energy expenses necessary in car-
12 rying out fossil energy research and development activi-
13 ties, under the authority of the Department of Energy Or-
14 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
15 quisition of interest, including defeasible and equitable in-
16 terests in any real property or any facility or for plant
17 or facility acquisition or expansion, and for conducting in-
18 quiries, technological investigations and research con-
19 cerning the extraction, processing, use, and disposal of
20 mineral substances without objectionable social and envi-
21 ronmental costs (30 U.S.C. 3, 1602, and 1603),
22 \$605,000,000, to remain available until expended: *Pro-*
23 *vided*, That of such amount \$120,000,000 shall be avail-
24 able until September 30, 2017, for program direction.

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

2 For Department of Energy expenses necessary to
3 carry out naval petroleum and oil shale reserve activities,
4 \$17,500,000, to remain available until expended: *Pro-*
5 *vided*, That, notwithstanding any other provision of law,
6 unobligated funds remaining from prior years shall be
7 available for all naval petroleum and oil shale reserve ac-
8 tivities.

9 STRATEGIC PETROLEUM RESERVE

10 For Department of Energy expenses necessary for
11 Strategic Petroleum Reserve facility development and op-
12 erations and program management activities pursuant to
13 the Energy Policy and Conservation Act (42 U.S.C. 6201
14 et seq.), \$212,030,000, to remain available until expended.

15 NORTHEAST HOME HEATING OIL RESERVE

16 For Department of Energy expenses necessary for
17 Northeast Home Heating Oil Reserve storage, operation,
18 and management activities pursuant to the Energy Policy
19 and Conservation Act (42 U.S.C. 6201 et seq.),
20 \$7,600,000, to remain available until expended.

21 ENERGY INFORMATION ADMINISTRATION

22 For Department of Energy expenses necessary in car-
23 rying out the activities of the Energy Information Admin-
24 istration, \$117,000,000, to remain available until ex-
25 pended.

1 ital equipment, and other expenses necessary for science
2 activities in carrying out the purposes of the Department
3 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
4 cluding the acquisition or condemnation of any real prop-
5 erty or facility or for plant or facility acquisition, construc-
6 tion, or expansion, and purchase of not more than 17 pas-
7 senger motor vehicles for replacement only, including one
8 ambulance and one bus, \$5,100,000,000, to remain avail-
9 able until expended: *Provided*, That of such amount,
10 \$181,000,000 shall be available until September 30, 2017,
11 for program direction.

12 NUCLEAR WASTE DISPOSAL

13 For nuclear waste disposal activities to carry out the
14 purposes of the Nuclear Waste Policy Act of 1982 (Public
15 Law 97-425), including the acquisition of real property
16 or facility construction or expansion, \$150,000,000, to re-
17 main available until expended, and to be derived from the
18 Nuclear Waste Fund: *Provided*, That of the amount pro-
19 vided under this heading, \$5,000,000 shall be made avail-
20 able to affected units of local government, as defined in
21 section 2(31) of the Nuclear Waste Policy Act of 1982
22 (42 U.S.C. 10101(31)), to support the Yucca Mountain
23 geologic repository, as authorized by such Act.

1 tional amounts as necessary to cover increases in the esti-
2 mated amount of cost of work for others notwithstanding
3 the provisions of the Anti-Deficiency Act (31 U.S.C. 1511
4 et seq.): *Provided*, That such increases in cost of work are
5 offset by revenue increases of the same or greater amount:
6 *Provided further*, That moneys received by the Department
7 for miscellaneous revenues estimated to total
8 \$117,171,000 in fiscal year 2016 may be retained and
9 used for operating expenses within this account, as au-
10 thorized by section 201 of Public Law 95–238, notwith-
11 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
12 *ther*, That the sum herein appropriated shall be reduced
13 as collections are received during the fiscal year so as to
14 result in a final fiscal year 2016 appropriation from the
15 general fund estimated at not more than \$130,249,000:
16 *Provided further*, That of the total amount made available
17 under this heading, \$31,297,000 is for Energy Policy and
18 Systems Analysis.

19 OFFICE OF THE INSPECTOR GENERAL

20 For expenses necessary for the Office of the Inspector
21 General in carrying out the provisions of the Inspector
22 General Act of 1978, \$46,000,000 (increased by
23 \$424,000), to remain available until September 30, 2017.

1 ATOMIC ENERGY DEFENSE ACTIVITIES
2 NATIONAL NUCLEAR SECURITY
3 ADMINISTRATION
4 WEAPONS ACTIVITIES

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other incidental expenses necessary for
8 atomic energy defense weapons activities in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 \$8,713,000,000, to remain available until expended: *Pro-*
14 *vided*, That \$92,000,000 shall be available until Sep-
15 tember 30, 2017, for program direction.

16 DEFENSE NUCLEAR NONPROLIFERATION
17 (INCLUDING RESCISSION OF FUNDS)

18 For Department of Energy expenses, including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment and other incidental expenses necessary for
21 defense nuclear nonproliferation activities, in carrying out
22 the purposes of the Department of Energy Organization
23 Act (42 U.S.C. 7101 et seq.), including the acquisition or
24 condemnation of any real property or any facility or for
25 plant or facility acquisition, construction, or expansion,

1 \$1,918,000,000 (reduced by \$13,802,000) (increased by
2 \$10,000,000) (increased by \$3,802,000), to remain avail-
3 able until expended: *Provided*, That funds provided by this
4 Act for Project 99–D–143, Mixed Oxide Fuel Fabrication
5 Facility, and by prior Acts that remain unobligated for
6 such Project, may be made available only for construction
7 and program support activities for such Project. *Provided*
8 *further*, That of the unobligated balances from prior year
9 appropriations available under this heading, \$10,394,000
10 is hereby rescinded: *Provided further*, That no amounts
11 may be rescinded from amounts that were designated by
12 the Congress as an emergency requirement pursuant to
13 a concurrent resolution on the budget or the Balanced
14 Budget and Emergency Deficit Control Act of 1985.

15 NAVAL REACTORS

16 For Department of Energy expenses necessary for
17 naval reactors activities to carry out the Department of
18 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
19 ing the acquisition (by purchase, condemnation, construc-
20 tion, or otherwise) of real property, plant, and capital
21 equipment, facilities, and facility expansion,
22 \$1,320,394,000 (increased by \$2,426,400), to remain
23 available until expended: *Provided*, That \$43,500,000
24 shall be available until September 30, 2017, for program
25 direction.

1 FEDERAL SALARIES AND EXPENSES

2 For expenses necessary for Federal Salaries and Ex-
3 penses in the National Nuclear Security Administration,
4 \$388,000,000 (reduced by \$2,500,000), to remain avail-
5 able until September 30, 2017, including official reception
6 and representation expenses not to exceed \$12,000.

7 ENVIRONMENTAL AND OTHER DEFENSE

8 ACTIVITIES

9 DEFENSE ENVIRONMENTAL CLEANUP

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other expenses necessary for atomic
13 energy defense environmental cleanup activities in car-
14 rying out the purposes of the Department of Energy Orga-
15 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
16 sition or condemnation of any real property or any facility
17 or for plant or facility acquisition, construction, or expan-
18 sion, and the purchase of not to exceed one fire apparatus
19 pumper truck and one armored vehicle for replacement
20 only, \$5,055,550,000, to remain available until expended:
21 *Provided*, That of such amount \$281,951,000 shall be
22 available until September 30, 2017, for program direction.

1 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
2 AND DECOMMISSIONING
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for atomic energy defense
5 environmental cleanup activities for Department of En-
6 ergy contributions for uranium enrichment decontamina-
7 tion and decommissioning activities, \$471,797,000, to be
8 deposited into the Defense Environmental Cleanup ac-
9 count which shall be transferred to the “Uranium Enrich-
10 ment Decontamination and Decommissioning Fund”.

11 OTHER DEFENSE ACTIVITIES

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other expenses, necessary for atomic
15 energy defense, other defense activities, and classified ac-
16 tivities, in carrying out the purposes of the Department
17 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
18 cluding the acquisition or condemnation of any real prop-
19 erty or any facility or for plant or facility acquisition, con-
20 struction, or expansion, \$767,570,000, to remain available
21 until expended: *Provided*, That of such amount,
22 \$253,729,000 shall be available until September 30, 2017,
23 for program direction.

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

3 Expenditures from the Bonneville Power Administra-
4 tion Fund, established pursuant to Public Law 93–454,
5 are approved for the Shoshone Paiute Trout Hatchery, the
6 Spokane Tribal Hatchery, the Snake River Sockeye Weirs
7 and, in addition, for official reception and representation
8 expenses in an amount not to exceed \$5,000: *Provided*,
9 That during fiscal year 2016, no new direct loan obliga-
10 tions may be made.

11 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER

12 ADMINISTRATION

13 For expenses necessary for operation and mainte-
14 nance of power transmission facilities and for marketing
15 electric power and energy, including transmission wheeling
16 and ancillary services, pursuant to section 5 of the Flood
17 Control Act of 1944 (16 U.S.C. 825s), as applied to the
18 southeastern power area, \$6,900,000, including official re-
19 ception and representation expenses in an amount not to
20 exceed \$1,500, to remain available until expended: *Pro-*
21 *vided*, That notwithstanding 31 U.S.C. 3302 and section
22 5 of the Flood Control Act of 1944, up to \$6,900,000 col-
23 lected by the Southeastern Power Administration from the
24 sale of power and related services shall be credited to this
25 account as discretionary offsetting collections, to remain

1 available until expended for the sole purpose of funding
2 the annual expenses of the Southeastern Power Adminis-
3 tration: *Provided further*, That the sum herein appro-
4 priated for annual expenses shall be reduced as collections
5 are received during the fiscal year so as to result in a final
6 fiscal year 2016 appropriation estimated at not more than
7 \$0: *Provided further*, That, notwithstanding 31 U.S.C.
8 3302, up to \$66,500,000 collected by the Southeastern
9 Power Administration pursuant to the Flood Control Act
10 of 1944 to recover purchase power and wheeling expenses
11 shall be credited to this account as offsetting collections,
12 to remain available until expended for the sole purpose
13 of making purchase power and wheeling expenditures:
14 *Provided further*, That for purposes of this appropriation,
15 annual expenses means expenditures that are generally re-
16 covered in the same year that they are incurred (excluding
17 purchase power and wheeling expenses).

18 OPERATION AND MAINTENANCE, SOUTHWESTERN

19 POWER ADMINISTRATION

20 For expenses necessary for operation and mainte-
21 nance of power transmission facilities and for marketing
22 electric power and energy, for construction and acquisition
23 of transmission lines, substations and appurtenant facili-
24 ties, and for administrative expenses, including official re-
25 ception and representation expenses in an amount not to

1 exceed \$1,500 in carrying out section 5 of the Flood Con-
2 trol Act of 1944 (16 U.S.C. 825s), as applied to the
3 Southwestern Power Administration, \$47,361,000, to re-
4 main available until expended: *Provided*, That notwith-
5 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
6 trol Act of 1944 (16 U.S.C. 825s), up to \$35,961,000 col-
7 lected by the Southwestern Power Administration from
8 the sale of power and related services shall be credited to
9 this account as discretionary offsetting collections, to re-
10 main available until expended, for the sole purpose of
11 funding the annual expenses of the Southwestern Power
12 Administration: *Provided further*, That the sum herein ap-
13 propriated for annual expenses shall be reduced as collec-
14 tions are received during the fiscal year so as to result
15 in a final fiscal year 2016 appropriation estimated at not
16 more than \$11,400,000: *Provided further*, That, notwith-
17 standing 31 U.S.C. 3302, up to \$63,000,000 collected by
18 the Southwestern Power Administration pursuant to the
19 Flood Control Act of 1944 to recover purchase power and
20 wheeling expenses shall be credited to this account as off-
21 setting collections, to remain available until expended for
22 the sole purpose of making purchase power and wheeling
23 expenditures: *Provided further*, That, for purposes of this
24 appropriation, annual expenses means expenditures that

1 are generally recovered in the same year that they are in-
2 curred (excluding purchase power and wheeling expenses).

3 CONSTRUCTION, REHABILITATION, OPERATION AND
4 MAINTENANCE, WESTERN AREA POWER ADMINIS-
5 TRATION

6 For carrying out the functions authorized by title III,
7 section 302(a)(1)(E) of the Act of August 4, 1977 (42
8 U.S.C. 7152), and other related activities including con-
9 servation and renewable resources programs as author-
10 ized, \$307,714,000, including official reception and rep-
11 resentation expenses in an amount not to exceed \$1,500,
12 to remain available until expended, of which \$302,000,000
13 shall be derived from the Department of the Interior Rec-
14 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
15 3302, section 5 of the Flood Control Act of 1944 (16
16 U.S.C. 825s), and section 1 of the Interior Department
17 Appropriation Act, 1939 (43 U.S.C. 392a), up to
18 \$214,342,000 collected by the Western Area Power Ad-
19 ministration from the sale of power and related services
20 shall be credited to this account as discretionary offsetting
21 collections, to remain available until expended, for the sole
22 purpose of funding the annual expenses of the Western
23 Area Power Administration: *Provided further*, That the
24 sum herein appropriated for annual expenses shall be re-
25 duced as collections are received during the fiscal year so

1 as to result in a final fiscal year 2016 appropriation esti-
2 mated at not more than \$93,372,000, of which
3 \$87,658,000 is derived from the Reclamation Fund: *Pro-*
4 *vided further*, That, notwithstanding 31 U.S.C. 3302, up
5 to \$352,813,000 collected by the Western Area Power Ad-
6 ministration pursuant to the Flood Control Act of 1944
7 and the Reclamation Project Act of 1939 to recover pur-
8 chase power and wheeling expenses shall be credited to
9 this account as offsetting collections, to remain available
10 until expended for the sole purpose of making purchase
11 power and wheeling expenditures: *Provided further*, That,
12 for purposes of this appropriation, annual expenses means
13 expenditures that are generally recovered in the same year
14 that they are incurred (excluding purchase power and
15 wheeling expenses).

16 FALCON AND AMISTAD OPERATING AND MAINTENANCE
17 FUND

18 For operation, maintenance, and emergency costs for
19 the hydroelectric facilities at the Falcon and Amistad
20 Dams, \$4,490,000, to remain available until expended,
21 and to be derived from the Falcon and Amistad Operating
22 and Maintenance Fund of the Western Area Power Ad-
23 ministration, as provided in section 2 of the Act of June
24 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
25 the provisions of that Act and of 31 U.S.C. 3302, up to

1 \$4,262,000 collected by the Western Area Power Adminis-
2 tration from the sale of power and related services from
3 the Falcon and Amistad Dams shall be credited to this
4 account as discretionary offsetting collections, to remain
5 available until expended for the sole purpose of funding
6 the annual expenses of the hydroelectric facilities of these
7 Dams and associated Western Area Power Administration
8 activities: *Provided further*, That the sum herein appro-
9 priated for annual expenses shall be reduced as collections
10 are received during the fiscal year so as to result in a final
11 fiscal year 2016 appropriation estimated at not more than
12 \$228,000: *Provided further*, That for purposes of this ap-
13 propriation, annual expenses means expenditures that are
14 generally recovered in the same year that they are in-
15 curred: *Provided further*, That for fiscal year 2016, the
16 Administrator of the Western Area Power Administration
17 may accept up to \$460,000 in funds contributed by United
18 States power customers of the Falcon and Amistad Dams
19 for deposit into the Falcon and Amistad Operating and
20 Maintenance Fund, and such funds shall be available for
21 the purpose for which contributed in like manner as if said
22 sums had been specifically appropriated for such purpose:
23 *Provided further*, That any such funds shall be available
24 without further appropriation and without fiscal year limi-
25 tation for use by the Commissioner of the United States

1 Section of the International Boundary and Water Com-
2 mission for the sole purpose of operating, maintaining, re-
3 pairing, rehabilitating, replacing, or upgrading the hydro-
4 electric facilities at these Dams in accordance with agree-
5 ments reached between the Administrator, Commissioner,
6 and the power customers.

7 FEDERAL ENERGY REGULATORY COMMISSION

8 SALARIES AND EXPENSES

9 For expenses necessary for the Federal Energy Regu-
10 latory Commission to carry out the provisions of the De-
11 partment of Energy Organization Act (42 U.S.C. 7101 et
12 seq.), including services as authorized by 5 U.S.C. 3109,
13 official reception and representation expenses not to ex-
14 ceed \$3,000, and the hire of passenger motor vehicles,
15 \$319,800,000, to remain available until expended: *Pro-*
16 *vided*, That notwithstanding any other provision of law,
17 not to exceed \$319,800,000 of revenues from fees and an-
18 nual charges, and other services and collections in fiscal
19 year 2016 shall be retained and used for expenses nec-
20 essary in this account, and shall remain available until ex-
21 pended: *Provided further*, That the sum herein appro-
22 priated from the general fund shall be reduced as revenues
23 are received during fiscal year 2016 so as to result in a
24 final fiscal year 2016 appropriation from the general fund
25 estimated at not more than \$0.

1 (D) announce publicly the intention to make an
2 allocation, award, or Agreement in excess of the lim-
3 its in subparagraph (A) or (B).

4 (2) The Secretary of Energy shall submit to the Com-
5 mittees on Appropriations of both Houses of Congress
6 within 15 days of the conclusion of each quarter a report
7 detailing each grant allocation or discretionary grant
8 award totaling less than \$1,000,000 provided during the
9 previous quarter.

10 (3) The notification required by paragraph (1) and
11 the report required by paragraph (2) shall include the re-
12 cipient of the award, the amount of the award, the fiscal
13 year for which the funds for the award were appropriated,
14 the account and program, project, or activity from which
15 the funds are being drawn, the title of the award, and
16 a brief description of the activity for which the award is
17 made.

18 (c) The Department of Energy may not, with respect
19 to any program, project, or activity that uses budget au-
20 thority made available in this title under the heading “De-
21 partment of Energy—Energy Programs”, enter into a
22 multiyear contract, award a multiyear grant, or enter into
23 a multiyear cooperative agreement unless—

1 (1) the contract, grant, or cooperative agree-
2 ment is funded for the full period of performance as
3 anticipated at the time of award; or

4 (2) the contract, grant, or cooperative agree-
5 ment includes a clause conditioning the Federal Gov-
6 ernment's obligation on the availability of future
7 year budget authority and the Secretary notifies the
8 Committees on Appropriations of both Houses of
9 Congress at least 3 days in advance.

10 (d) Except as provided in subsections (e), (f), and (g),
11 the amounts made available by this title shall be expended
12 as authorized by law for the programs, projects, and ac-
13 tivities specified in the "Bill" column in the "Department
14 of Energy" table included under the heading "Title III—
15 Department of Energy" in the report of the Committee
16 on Appropriations accompanying this Act.

17 (e) The amounts made available by this title may be
18 reprogrammed for any program, project, or activity, and
19 the Department shall notify the Committees on Appropria-
20 tions of both Houses of Congress at least 30 days prior
21 to the use of any proposed reprogramming that would
22 cause any program, project, or activity funding level to
23 increase or decrease by more than \$5,000,000 or 10 per-
24 cent, whichever is less, during the time period covered by
25 this Act.

1 (f) None of the funds provided in this title shall be
2 available for obligation or expenditure through a re-
3 programming of funds that—

4 (1) creates, initiates, or eliminates a program,
5 project, or activity;

6 (2) increases funds or personnel for any pro-
7 gram, project, or activity for which funds are denied
8 or restricted by this Act; or

9 (3) reduces funds that are directed to be used
10 for a specific program, project, or activity by this
11 Act.

12 (g)(1) The Secretary of Energy may waive any re-
13 quirement or restriction in this section that applies to the
14 use of funds made available for the Department of Energy
15 if compliance with such requirement or restriction would
16 pose a substantial risk to human health, the environment,
17 welfare, or national security.

18 (2) The Secretary of Energy shall notify the Commit-
19 tees on Appropriations of both Houses of Congress of any
20 waiver under paragraph (1) as soon as practicable, but
21 not later than 3 days after the date of the activity to which
22 a requirement or restriction would otherwise have applied.
23 Such notice shall include an explanation of the substantial
24 risk under paragraph (1) that permitted such waiver.

1 SEC. 302. The unexpended balances of prior appro-
2 priations provided for activities in this Act may be avail-
3 able to the same appropriation accounts for such activities
4 established pursuant to this title. Available balances may
5 be merged with funds in the applicable established ac-
6 counts and thereafter may be accounted for as one fund
7 for the same time period as originally enacted.

8 SEC. 303. Funds appropriated by this or any other
9 Act, or made available by the transfer of funds in this
10 Act, for intelligence activities are deemed to be specifically
11 authorized by the Congress for purposes of section 504
12 of the National Security Act of 1947 (50 U.S.C. 414) dur-
13 ing fiscal year 2016 until the enactment of the Intelligence
14 Authorization Act for fiscal year 2016.

15 SEC. 304. None of the funds made available in this
16 title shall be used for the construction of facilities classi-
17 fied as high-hazard nuclear facilities under 10 CFR Part
18 830 unless independent oversight is conducted by the Of-
19 fice of Independent Enterprise Assessments to ensure the
20 project is in compliance with nuclear safety requirements.

21 SEC. 305. None of the funds made available in this
22 title may be used to approve critical decision-2 or critical
23 decision-3 under Department of Energy Order 413.3B, or
24 any successive departmental guidance, for construction
25 projects where the total project cost exceeds

1 \$100,000,000, until a separate independent cost estimate
2 has been developed for the project for that critical deci-
3 sion.

4 SEC. 306. Notwithstanding section 301(c) of this Act,
5 none of the funds made available under the heading “De-
6 partment of Energy—Energy Programs—Science” may
7 be used for a multiyear contract, grant, cooperative agree-
8 ment, or Other Transaction Agreement of \$1,000,000 or
9 less unless the contract, grant, cooperative agreement, or
10 Other Transaction Agreement is funded for the full period
11 of performance as anticipated at the time of award.

12 SEC. 307. (a) None of the funds made available in
13 this or any prior Act under the heading “Defense Nuclear
14 Nonproliferation” may be made available to enter into new
15 contracts with, or new agreements for Federal assistance
16 to, the Russian Federation.

17 (b) The Secretary of Energy may waive the prohibi-
18 tion in subsection (a) if the Secretary determines that
19 such activity is in the national security interests of the
20 United States. This waiver authority may not be dele-
21 gated.

22 (c) A waiver under subsection (b) shall not be effec-
23 tive until 15 days after the date on which the Secretary
24 submits to the Committees on Appropriations of both

1 Houses of Congress, in classified form if necessary, a re-
2 port on the justification for the waiver.

3 SEC. 308. (a) NOTIFICATION OF STRATEGIC PETRO-
4 LEUM RESERVE DRAWDOWN.—None of the funds made
5 available by this Act or any prior Act, or funds made avail-
6 able in the SPR Petroleum Account, may be used to con-
7 duct a drawdown (including a test drawdown) and sale
8 or exchange of petroleum products from the Strategic Pe-
9 troleum Reserve unless the Secretary of Energy provides
10 notice, in accordance with subsection (b), of such ex-
11 change, or drawdown (including a test drawdown) to the
12 Committees on Appropriations of both Houses of Con-
13 gress.

14 (b)(1) CONTENT OF NOTIFICATION.—The notifica-
15 tion required under subsection (a) shall include at a min-
16 imum—

17 (A) the justification for the drawdown or ex-
18 change, including—

19 (i) a specific description of any obligation
20 under international energy agreements; and

21 (ii) in the case of a test drawdown, the
22 specific aspects of the Strategic Petroleum Re-
23 serve to be tested;

24 (B) the provisions of law (including regulations)
25 authorizing the drawdown or exchange;

1 (C) the number of barrels of petroleum prod-
2 ucts proposed to be withdrawn or exchanged;

3 (D) the location of the Strategic Petroleum Re-
4 serve site or sites from which the petroleum products
5 are proposed to be withdrawn;

6 (E) a good faith estimate of the expected pro-
7 ceeds from the sale of the petroleum products;

8 (F) an estimate of the total inventories of pe-
9 troleum products in the Strategic Petroleum Reserve
10 after the anticipated drawdown;

11 (G) a detailed plan for disposition of the pro-
12 ceeds after deposit into the SPR Petroleum Account;
13 and

14 (H) a plan for refilling the Strategic Petroleum
15 Reserve, including whether the acquisition will be of
16 the same or a different petroleum product.

17 (2) TIMING OF NOTIFICATION.—The Secretary
18 shall provide the notification required under sub-
19 section (a)—

20 (A) in the case of an exchange or a draw-
21 down, as soon as practicable after the exchange
22 or drawdown has occurred; and

23 (B) in the case of a test drawdown, not
24 later than 30 days prior to the test drawdown.

1 (c) POST-SALE NOTIFICATION.—In addition to re-
2 porting requirements under other provisions of law, the
3 Secretary shall, upon the execution of all contract awards
4 associated with a competitive sale of petroleum products,
5 notify the Committees on Appropriations of both Houses
6 of Congress of the actual value of the proceeds from the
7 sale.

8 (d)(1) NEW REGIONAL RESERVES.—The Secretary
9 may not establish any new regional petroleum product re-
10 serve unless funding for the proposed regional petroleum
11 product reserve is explicitly requested in advance in an an-
12 nual budget submission and approved by the Congress in
13 an appropriations Act.

14 (2) The budget request or notification shall in-
15 clude—

16 (A) the justification for the new reserve;

17 (B) a cost estimate for the establishment,
18 operation, and maintenance of the reserve, in-
19 cluding funding sources;

20 (C) a detailed plan for operation of the re-
21 serve, including the conditions upon which the
22 products may be released;

23 (D) the location of the reserve; and

24 (E) the estimate of the total inventory of
25 the reserve.

1 SEC. 309. Of the amounts made available by this Act
2 for “National Nuclear Security Administration—Weapons
3 Activities”, up to \$50,000,000 may be reprogrammed
4 within such account for Domestic Uranium Enrichment,
5 subject to the notice requirement in section 301(e).

6 SEC. 310. (a) Unobligated balances available from
7 appropriations for fiscal years 2005 through 2010 are
8 hereby permanently rescinded from the following accounts
9 of the Department of Energy in the specified amounts:

10 (1) “Energy Programs—Energy Efficiency and
11 Renewable Energy”, \$16,677,000.

12 (2) “Energy Programs—Electricity Delivery
13 and Energy Reliability”, \$900,000.

14 (3) “Energy Programs—Nuclear Energy”,
15 \$1,665,000.

16 (4) “Energy Programs—Fossil Energy Re-
17 search and Development”, \$12,064,000.

18 (5) “Energy Programs—Science”, \$4,717,000.

19 (6) “Power Marketing Administrations—Con-
20 struction, Rehabilitation, Operation and Mainte-
21 nance, Western Area Power Administration”,
22 \$4,832,000.

23 (b) No amounts may be rescinded by this section
24 from amounts that were designated by the Congress as
25 an emergency requirement pursuant to a concurrent reso-

1 lution on the budget or the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 TITLE IV—INDEPENDENT AGENCIES

4 APPALACHIAN REGIONAL COMMISSION

5 For expenses necessary to carry out the programs au-
6 thorized by the Appalachian Regional Development Act of
7 1965, notwithstanding 40 U.S.C. 14704, and for expenses
8 necessary for the Federal Co-Chairman and the Alternate
9 on the Appalachian Regional Commission, for payment of
10 the Federal share of the administrative expenses of the
11 Commission, including services as authorized by 5 U.S.C.
12 3109, and hire of passenger motor vehicles, \$95,000,000,
13 to remain available until expended.

14 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

15 SALARIES AND EXPENSES

16 For expenses necessary for the Defense Nuclear Fa-
17 cilities Safety Board in carrying out activities authorized
18 by the Atomic Energy Act of 1954, as amended by Public
19 Law 100–456, section 1441, \$29,900,000, to remain
20 available until September 30, 2017.

21 DELTA REGIONAL AUTHORITY

22 SALARIES AND EXPENSES

23 For expenses necessary for the Delta Regional Au-
24 thority and to carry out its activities, as authorized by
25 the Delta Regional Authority Act of 2000, notwith-

1 standing sections 382C(b)(2), 382F(d), 382M, and 382N
2 of said Act, \$12,000,000, to remain available until ex-
3 pended.

4 DENALI COMMISSION

5 For expenses necessary for the Denali Commission
6 including the purchase, construction, and acquisition of
7 plant and capital equipment as necessary and other ex-
8 penses, \$10,000,000, to remain available until expended,
9 notwithstanding the limitations contained in section
10 306(g) of the Denali Commission Act of 1998: *Provided*,
11 That funds shall be available for construction projects in
12 an amount not to exceed 80 percent of total project cost
13 for distressed communities, as defined by section 307 of
14 the Denali Commission Act of 1998 (division C, title III,
15 Public Law 105–277), as amended by section 701 of ap-
16 pendix D, title VII, Public Law 106–113 (113 Stat.
17 1501A–280), and an amount not to exceed 50 percent for
18 non-distressed communities.

19 NORTHERN BORDER REGIONAL COMMISSION

20 For expenses necessary for the Northern Border Re-
21 gional Commission in carrying out activities authorized by
22 subtitle V of title 40, United States Code, \$3,000,000, to
23 remain available until expended: *Provided*, That such
24 amounts shall be available for administrative expenses,

1 notwithstanding section 15751(b) of title 40, United
2 States Code.

3 SOUTHEAST CRESCENT REGIONAL COMMISSION

4 For expenses necessary for the Southeast Crescent
5 Regional Commission in carrying out activities authorized
6 by subtitle V of title 40, United States Code, \$250,000,
7 to remain available until expended.

8 NUCLEAR REGULATORY COMMISSION

9 SALARIES AND EXPENSES

10 For expenses necessary for the Commission in car-
11 rying out the purposes of the Energy Reorganization Act
12 of 1974 and the Atomic Energy Act of 1954,
13 \$1,003,233,000, including official representation expenses
14 not to exceed \$25,000, to remain available until expended,
15 of which \$25,000,000 shall be derived from the Nuclear
16 Waste Fund: *Provided*, That of the amount appropriated
17 herein, not more than \$9,500,000 may be made available
18 for salaries, travel, and other support costs for the Office
19 of the Commission, to remain available until September
20 30, 2017, of which, notwithstanding section 201(a)(2)(c)
21 of the Energy Reorganization Act of 1974 (42 U.S.C.
22 5841(a)(2)(c)), the use and expenditure shall only be ap-
23 proved by a majority vote of the Commission: *Provided*
24 *further*, That revenues from licensing fees, inspection serv-
25 ices, and other services and collections estimated at

1 \$862,274,000 in fiscal year 2016 shall be retained and
2 used for necessary salaries and expenses in this account,
3 notwithstanding 31 U.S.C. 3302, and shall remain avail-
4 able until expended: *Provided further*, That the sum herein
5 appropriated shall be reduced by the amount of revenues
6 received during fiscal year 2016 so as to result in a final
7 fiscal year 2016 appropriation estimated at not more than
8 \$140,959,000: *Provided further*, That of the amounts ap-
9 propriated under this heading, \$10,000,000 shall be for
10 university research and development in areas relevant to
11 their respective organization's mission, and \$5,000,000
12 shall be for a Nuclear Science and Engineering Grant Pro-
13 gram that will support multiyear projects that do not align
14 with programmatic missions but are critical to maintain-
15 ing the discipline of nuclear science and engineering.

16 OFFICE OF INSPECTOR GENERAL

17 For expenses necessary for the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, \$12,136,000, to remain available
20 until September 30, 2017: *Provided*, That revenues from
21 licensing fees, inspection services, and other services and
22 collections estimated at \$10,060,000 in fiscal year 2016
23 shall be retained and be available until September 30,
24 2017, for necessary salaries and expenses in this account,
25 notwithstanding section 3302 of title 31, United States

1 Code: *Provided further*, That the sum herein appropriated
2 shall be reduced by the amount of revenues received dur-
3 ing fiscal year 2016 so as to result in a final fiscal year
4 2016 appropriation estimated at not more than
5 \$2,076,000: *Provided further*, That of the amounts appro-
6 priated under this heading, \$958,000 shall be for Inspec-
7 tor General services for the Defense Nuclear Facilities
8 Safety Board, which shall not be available from fee reve-
9 nues.

10 NUCLEAR WASTE TECHNICAL REVIEW BOARD

11 SALARIES AND EXPENSES

12 For expenses necessary for the Nuclear Waste Tech-
13 nical Review Board, as authorized by Public Law 100-
14 203, section 5051, \$3,600,000, to be derived from the Nu-
15 clear Waste Fund, to remain available until September 30,
16 2017.

17 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

18 NATURAL GAS TRANSPORTATION PROJECTS

19 For expenses necessary for the Office of the Federal
20 Coordinator for Alaska Natural Gas Transportation
21 Projects pursuant to the Alaska Natural Gas Pipeline Act,
22 \$1,000,000, to remain available until September 30, 2017:
23 *Provided*, That any fees, charges, or commissions received
24 pursuant to section 106(h) of the Alaska Natural Gas
25 Pipeline Act (15 U.S.C. 720d(h)) in fiscal year 2016 in

1 ment may provide goods or services to another depart-
2 ment, agency, or instrumentality.

3 (b) None of the funds made available for any depart-
4 ment, agency, or instrumentality of the United States
5 Government may be transferred to accounts funded in title
6 III of this Act, except pursuant to a transfer made by or
7 transfer authority provided in this Act or any other appro-
8 priations Act for any fiscal year, transfer authority ref-
9 erenced in the report of the Committee on Appropriations
10 accompanying this Act, or any authority whereby a de-
11 partment, agency, or instrumentality of the United States
12 Government may provide goods or services to another de-
13 partment, agency, or instrumentality.

14 (c) The head of any relevant department or agency
15 funded in this Act utilizing any transfer authority shall
16 submit to the Committees on Appropriations of both
17 Houses of Congress a semiannual report detailing the
18 transfer authorities, except for any authority whereby a
19 department, agency, or instrumentality of the United
20 States Government may provide goods or services to an-
21 other department, agency, or instrumentality, used in the
22 previous 6 months and in the year-to-date. This report
23 shall include the amounts transferred and the purposes
24 for which they were transferred, and shall not replace or

1 modify existing notification requirements for each author-
2 ity.

3 SEC. 503. None of the funds made available by this
4 Act may be used in contravention of Executive Order No.
5 12898 of February 11, 1994 (Federal Actions to Address
6 Environmental Justice in Minority Populations and Low-
7 Income Populations).

8 SEC. 504. None of the funds made available by this
9 Act may be used to conduct closure of adjudicatory func-
10 tions, technical review, or support activities associated
11 with the Yucca Mountain geologic repository license appli-
12 cation, or for actions that irrevocably remove the possi-
13 bility that Yucca Mountain may be a repository option in
14 the future.

15 SEC. 505. None of the funds made available by this
16 Act may be used to further implementation of the coastal
17 and marine spatial planning and ecosystem-based manage-
18 ment components of the National Ocean Policy developed
19 under Executive Order No. 13547 of July 19, 2010.

20 SPENDING REDUCTION ACCOUNT

21 SEC. 506. The amount by which the applicable alloca-
22 tion of new budget authority made by the Committee on
23 Appropriations of the House of Representatives under sec-
24 tion 302(b) of the Congressional Budget Act of 1974 ex-
25 ceeds the amount of proposed new budget authority is \$0.

1 SEC. 507. None of the funds made available by this
2 Act may be used to transform the National Energy Tech-
3 nology Laboratory into a government-owned, contractor-
4 operated laboratory, or to consolidate or close the National
5 Energy Technology Laboratory.

6 SEC. 508. None of the funds made available in this
7 Act under the heading “Defense Nuclear Nonprolifera-
8 tion” may be made available to enter into new contracts
9 with, or new agreements for Federal assistance to the Is-
10 lamic Republic of Iran except for contracts or agreements
11 that require the Islamic Republic of Iran to cease the pur-
12 suit, acquisition, and development of nuclear weapons
13 technology.

14 SEC. 509. None of the funds made available by this
15 Act may be used by the Department of Energy, the De-
16 partment of the Interior, or any other Federal agency to
17 lease or purchase new light duty vehicles for any executive
18 fleet, or for an agency’s fleet inventory, except in accord-
19 ance with Presidential Memorandum—Federal Fleet Per-
20 formance, dated May 24, 2011.

21 SEC. 510. None of the funds made available by this
22 Act may be used by the Department of Energy to finalize,
23 implement, or enforce the proposed rule entitled “Stand-
24 ards Ceiling Fans and Ceiling Fan Light Kits” and identi-
25 fied by regulation identification number 1904–AC87.

1 SEC. 511. None of the funds made available in this
2 Act may be used in contravention of section 2101 of the
3 Water Resources Reform and Development Act of 2014
4 (33 U.S.C. 2238b) or section 210 of the Water Resources
5 Development Act of 1986 (33 U.S.C. 2238).

6 SEC. 512. None of the funds made available by this
7 Act may be used for the Cape Wind Energy Project on
8 the Outer Continental Shelf off Massachusetts, Nantucket
9 Sound.

10 SEC. 513. None of the funds made available in this
11 Act may be used—

12 (1) to implement or enforce section 430.32(x)
13 of title 10, Code of Federal Regulations; or

14 (2) to implement or enforce the standards es-
15 tablished by the tables contained in section
16 325(i)(1)(B) of the Energy Policy and Conservation
17 Act (42 U.S.C. 6295(i)(1)(B)) with respect to
18 BPAR incandescent reflector lamps, BR incandes-
19 cent reflector lamps, and ER incandescent reflector
20 lamps.

21 SEC. 514. None of the funds made available by this
22 Act may be used to implement, administer, carry out,
23 modify, revise, or enforce Executive Order No. 13690 (en-
24 titled “Establishing a Federal Flood Risk Management

1 Standard and a Process for Further Soliciting and Consid-
2 ering Stakeholder Input”).

3 SEC. 515. None of the funds made available by this
4 Act for “Department of Energy—Energy Programs—
5 Science” may be used in contravention of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.).

7 SEC. 516. None of the funds in this Act may be avail-
8 able for the purchase by the Department of Defense (and
9 its departments and agencies) of welded shipboard anchor
10 and mooring chain 4 inches in diameter and under unless
11 the anchor and mooring chain are procured from a manu-
12 facturer that is part of the national technology and indus-
13 trial base.

14 SEC. 517. None of the funds made available by this
15 Act may be used for the removal of any federally owned
16 or operated dam.

17 SEC. 518. None of the funds made available by this
18 Act may be used to enter into a contract with any offeror
19 or any of its principals if the offeror certifies, as required
20 by Federal Acquisition Regulation, that the offeror or any
21 of its principals—

22 (1) within a 3-year period preceding this offer
23 has been convicted of or had a civil judgment ren-
24 dered against it for: commission of fraud or a crimi-
25 nal offense in connection with obtaining, attempting

1 to obtain, or performing a public (Federal, State, or
2 local) contract or subcontract; violation of Federal or
3 State antitrust statutes relating to the submission of
4 offers; or commission of embezzlement, theft, for-
5 gery, bribery, falsification or destruction of records,
6 making false statements, tax evasion, violating Fed-
7 eral criminal tax laws, or receiving stolen property;

8 (2) are presently indicted for, or otherwise
9 criminally or civilly charged by a governmental enti-
10 ty with, commission of any of the offenses enumer-
11 ated above in paragraph (1); or

12 (3) within a 3-year period preceding this offer,
13 has been notified of any delinquent Federal taxes in
14 an amount that exceeds \$3,000 for which the liabil-
15 ity remains unsatisfied.

16 SEC. 519. None of the funds made available by this
17 Act may be used to finalize, promulgate, or enforce the
18 Department of Energy's proposed rule entitled "Energy
19 Conservation Program for Consumer Products: Energy
20 Conservation Standards for Residential Furnaces" (80
21 Fed. Reg. 48: March 12, 2015).

22 SEC. 520. None of the funds made available by this
23 Act may be used to continue the study conducted by the
24 Army Corps of Engineers pursuant to section 5018(a)(1)

1 of the Water Resources Development Act of 2007 (Public
2 Law 110–114).

3 SEC. 521. For an additional amount for “Corps of
4 Engineers—Civil—Department of the Army—Investiga-
5 tions”, there is hereby appropriated, and the amount oth-
6 erwise provided by this Act for “Department of Energy—
7 Energy Programs—Departmental Administration” is
8 hereby reduced by \$2,500,000.

9 SEC. 522. None of the funds made available by this
10 Act may be used by the Department of Energy to apply
11 the report entitled “Life Cycle Greenhouse Gas Perspec-
12 tive on Exporting Liquefied Natural Gas from the United
13 States”, published in the Federal Register on June 4,
14 2014 (79 Fed. Reg. 32260), in any public interest deter-
15 mination under section 3 of the Natural Gas Act (15
16 U.S.C. 717b).

17 SEC. 523. None of the funds made available by this
18 Act may be used for the Department of Energy’s Climate
19 Model Development and Validation program.

20 SEC. 524. None of the funds made available by this
21 Act may be used to purchase water to supplement or en-
22 hance the instream flow requirements in the State of Cali-
23 fornia that are mandated under the Endangered Species
24 Act of 1973, the Central Valley Project Improvement Act,
25 or the National Environmental Policy Act of 1969.

1 SEC. 525. None of the funds made available by this
2 Act may be used to implement, administer, or enforce the
3 requirement in section 323.4(a)(1)(ii) of title 33, Code of
4 Federal Regulations, or section 232.3(c)(1)(ii)(A) of title
5 40, Code of Federal Regulations, that activities identified
6 in paragraph (1)(A) of subsection (f) of section 404 of
7 the Federal Water Pollution Control Act (33 U.S.C.
8 1344(f)(1)(A)) must be established or ongoing in order to
9 receive an exemption under such subsection.

10 SEC. 526. None of the funds made available by this
11 Act may be used to deliver water to the Trinity River
12 above the minimum requirements of the Trinity Record
13 of Decision or to supplement flows in the Klamath River.

14 This Act may be cited as the “Energy and Water De-
15 velopment and Related Agencies Appropriations Act,
16 2016”.

Passed the House of Representatives May 1, 2015.

Attest:

Clerk.

114TH CONGRESS
1ST SESSION

H. R. 2028

AN ACT

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes.