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114TH CONGRESS
1ST SESSION

H. R. 2028

[Report No. 114–91]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2015

Mr. SIMPSON, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

8 TITLE I—CORPS OF ENGINEERS—CIVIL

9 DEPARTMENT OF THE ARMY

10 CORPS OF ENGINEERS—CIVIL

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

17 INVESTIGATIONS

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

1 construction; for restudy of authorized projects; and for
2 miscellaneous investigations, and, when authorized by law,
3 surveys and detailed studies, and plans and specifications
4 of projects prior to construction, \$110,000,000, to remain
5 available until expended.

6 CONSTRUCTION

7 For expenses necessary for the construction of river
8 and harbor, flood and storm damage reduction, shore pro-
9 tection, aquatic ecosystem restoration, and related
10 projects authorized by law; for conducting detailed studies,
11 and plans and specifications, of such projects (including
12 those involving participation by States, local governments,
13 or private groups) authorized or made eligible for selection
14 by law (but such detailed studies, and plans and specifica-
15 tions, shall not constitute a commitment of the Govern-
16 ment to construction); \$1,631,000,000, 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, to
25 remain available until expended, of which such sums as

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

1 activities proportionally in accordance with the amounts
2 provided for the programs, projects, or 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, to remain available until September 30,
7 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, to
4 remain available until September 30, 2017, of which not
5 to exceed \$5,000 may be used for official reception and
6 representation purposes and only during the current fiscal
7 year: *Provided*, That no part of any other appropriation
8 provided in this title shall be available to fund the civil
9 works activities of the Office of the Chief of Engineers
10 or the civil works executive direction and management ac-
11 tivities of the division offices: *Provided further*, That any
12 Flood Control and Coastal Emergencies appropriation
13 may be used to fund the supervision and general adminis-
14 tration of emergency operations, repairs, and other activi-
15 ties in response to any flood, hurricane, or other natural
16 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, to remain available until September 30, 2017:
22 *Provided*, That not more than 25 percent of such amount
23 may be obligated or expended until the Assistant Sec-
24 retary submits to the Committees on Appropriations of
25 both Houses of Congress a work plan that allocates at

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

6 GENERAL PROVISIONS—CORPS OF
7 ENGINEERS—CIVIL

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

21 (5) increases funds for any program, project, or
22 activity by more than \$2,000,000 or 10 percent,
23 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, to re-
15 main available until expended, of which \$22,000 shall be
16 available for transfer to the Upper Colorado River Basin
17 Fund and \$5,899,000 shall be available for transfer to the
18 Lower Colorado River Basin Development Fund; of which
19 such amounts as may be necessary may be advanced to
20 the Colorado River Dam Fund: *Provided*, That such trans-
21 fers may be increased or decreased within the overall ap-
22 propriation under this heading: *Provided further*, That of
23 the total appropriated, the amount for program activities
24 that can be financed by the Reclamation Fund or the Bu-
25 reau of Reclamation special fee account established by 16

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

12 CENTRAL VALLEY PROJECT RESTORATION FUND

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

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

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

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

19 POLICY AND ADMINISTRATION

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

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

10 ADMINISTRATIVE PROVISION

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

14 GENERAL PROVISIONS—DEPARTMENT OF THE
15 INTERIOR

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

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

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

22 (3) increases funds for any program, project, or
23 activity for which funds have been denied or re-
24 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, to remain available until expended: *Pro-*
6 *vided*, That of such amount, \$150,000,000 shall be avail-
7 able until September 30, 2017, for program direction.

8 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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

20 NUCLEAR ENERGY

21 For Department of Energy expenses including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment, and other expenses necessary for nuclear
24 energy activities in carrying out the purposes of the De-
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 seq.), including the acquisition or condemnation of any
2 real property or any facility or for plant or facility acquisi-
3 tion, construction, or expansion, \$936,161,000, to remain
4 available until expended: *Provided*, That of such amount,
5 \$80,000,000 shall be available until September 30, 2017,
6 for program direction including official reception and rep-
7 resentation expenses not to exceed \$10,000.

8 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

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

23 NAVAL PETROLEUM AND OIL SHALE RESERVES

24 For Department of Energy expenses necessary to
25 carry out naval petroleum and oil shale reserve activities,

1 \$17,500,000, to remain available until expended: *Pro-*
2 *vided*, That, notwithstanding any other provision of law,
3 unobligated funds remaining from prior years shall be
4 available for all naval petroleum and oil shale reserve ac-
5 tivities.

6 STRATEGIC PETROLEUM RESERVE

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

12 NORTHEAST HOME HEATING OIL RESERVE

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

18 ENERGY INFORMATION ADMINISTRATION

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

23 NON-DEFENSE ENVIRONMENTAL CLEANUP

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other expenses necessary for non-de-
2 fense environmental cleanup activities in carrying out the
3 purposes of the Department of Energy Organization Act
4 (42 U.S.C. 7101 et seq.), including the acquisition or con-
5 demnation of any real property or any facility or for plant
6 or facility acquisition, construction, or expansion,
7 \$229,193,000, to remain available until expended.

8 URANIUM ENRICHMENT DECONTAMINATION AND
9 DECOMMISSIONING FUND

10 For Department of Energy expenses necessary in car-
11 rying out uranium enrichment facility decontamination
12 and decommissioning, remedial actions, and other activi-
13 ties of title II of the Atomic Energy Act of 1954, and
14 title X, subtitle A, of the Energy Policy Act of 1992,
15 \$625,000,000, to be derived from the Uranium Enrich-
16 ment Decontamination and Decommissioning Fund, to re-
17 main available until expended, of which \$32,959,000 shall
18 be available in accordance with title X, subtitle A, of the
19 Energy Policy Act of 1992.

20 SCIENCE

21 For Department of Energy expenses including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment, and other expenses necessary for science
24 activities in carrying out the purposes of the Department
25 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-

1 cluding the acquisition or condemnation of any real prop-
2 erty or facility or for plant or facility acquisition, construc-
3 tion, or expansion, and purchase of not more than 17 pas-
4 senger motor vehicles for replacement only, including one
5 ambulance and one bus, \$5,100,000,000, to remain avail-
6 able until expended: *Provided*, That of such amount,
7 \$181,000,000 shall be available until September 30, 2017,
8 for program direction.

9 NUCLEAR WASTE DISPOSAL

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

21 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

22 For Department of Energy expenses necessary in car-
23 rying out the activities authorized by section 5012 of the
24 America COMPETES Act (Public Law 110–69),
25 \$280,000,000, to remain available until expended: *Pro-*

1 *vided*, That of such amount \$28,000,000 shall be available
2 until September 30, 2017, for program direction.

3 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
4 PROGRAM

5 Such sums as are derived from amounts received
6 from borrowers pursuant to section 1702(b) of the Energy
7 Policy Act of 2005 under this heading in prior Acts, shall
8 be collected in accordance with section 502(7) of the Con-
9 gressional Budget Act of 1974: *Provided*, That, for nec-
10 essary administrative expenses to carry out this Loan
11 Guarantee program, \$42,000,000 is appropriated, to re-
12 main available until September 30, 2017: *Provided further*,
13 That \$25,000,000 of the fees collected pursuant to section
14 1702(h) of the Energy Policy Act of 2005 shall be credited
15 as offsetting collections to this account to cover adminis-
16 trative expenses and shall remain available until expended,
17 so as to result in a final fiscal year 2016 appropriation
18 from the general fund estimated at not more than
19 \$17,000,000: *Provided further*, That fees collected under
20 section 1702(h) in excess of the amount appropriated for
21 administrative expenses shall not be available until appro-
22 priated: *Provided further*, That the Department of Energy
23 shall not subordinate any loan obligation to other financ-
24 ing in violation of section 1702 of the Energy Policy Act
25 of 2005 or subordinate any Guaranteed Obligation to any

1 loan or other debt obligations in violation of section
2 609.10 of title 10, Code of Federal Regulations.

3 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
4 LOAN PROGRAM

5 For Department of Energy administrative expenses
6 necessary in carrying out the Advanced Technology Vehi-
7 cles Manufacturing Loan Program, \$6,000,000, to remain
8 available until September 30, 2017.

9 DEPARTMENTAL ADMINISTRATION

10 For salaries and expenses of the Department of En-
11 ergy necessary for departmental administration in car-
12 rying out the purposes of the Department of Energy Orga-
13 nization Act (42 U.S.C. 7101 et seq.), \$247,420,000, to
14 remain available until September 30, 2017, including the
15 hire of passenger motor vehicles and official reception and
16 representation expenses not to exceed \$30,000, plus such
17 additional amounts as necessary to cover increases in the
18 estimated amount of cost of work for others notwith-
19 standing the provisions of the Anti-Deficiency Act (31
20 U.S.C. 1511 et seq.): *Provided*, That such increases in
21 cost of work are offset by revenue increases of the same
22 or greater amount: *Provided further*, That moneys received
23 by the Department for miscellaneous revenues estimated
24 to total \$117,171,000 in fiscal year 2016 may be retained
25 and used for operating expenses within this account, as

1 authorized by section 201 of Public Law 95–238, notwith-
2 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
3 *ther*, That the sum herein appropriated shall be reduced
4 as collections are received during the fiscal year so as to
5 result in a final fiscal year 2016 appropriation from the
6 general fund estimated at not more than \$130,249,000:
7 *Provided further*, That of the total amount made available
8 under this heading, \$31,297,000 is for Energy Policy and
9 Systems Analysis.

10 OFFICE OF THE INSPECTOR GENERAL

11 For expenses necessary for the Office of the Inspector
12 General in carrying out the provisions of the Inspector
13 General Act of 1978, \$46,000,000, to remain available
14 until September 30, 2017.

15 ATOMIC ENERGY DEFENSE ACTIVITIES

16 NATIONAL NUCLEAR SECURITY

17 ADMINISTRATION

18 WEAPONS ACTIVITIES

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

1 plant or facility acquisition, construction, or expansion,
2 \$8,713,000,000, to remain available until expended: *Pro-*
3 *vided*, That \$92,000,000 shall be available until Sep-
4 tember 30, 2017, for program direction.

5 DEFENSE NUCLEAR NONPROLIFERATION

6 (INCLUDING RESCISSION OF FUNDS)

7 For Department of Energy expenses, including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment and other incidental expenses necessary for
10 defense nuclear nonproliferation activities, in carrying out
11 the purposes of the Department of Energy Organization
12 Act (42 U.S.C. 7101 et seq.), including the acquisition or
13 condemnation of any real property or any facility or for
14 plant or facility acquisition, construction, or expansion,
15 \$1,918,000,000, to remain available until expended: *Pro-*
16 *vided*, That funds provided by this Act for Project 99-
17 D-143, Mixed Oxide Fuel Fabrication Facility, and by
18 prior Acts that remain unobligated for such Project, may
19 be made available only for construction and program sup-
20 port activities for such Project. *Provided further*, That of
21 the unobligated balances from prior year appropriations
22 available under this heading, \$10,394,000 is hereby re-
23 scinded: *Provided further*, That no amounts may be re-
24 scinded from amounts that were designated by the Con-
25 gress as an emergency requirement pursuant to a concur-

1 rent resolution on the budget or the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3
4 NAVAL REACTORS

4 For Department of Energy expenses necessary for
5 naval reactors activities to carry out the Department of
6 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
7 ing the acquisition (by purchase, condemnation, construc-
8 tion, or otherwise) of real property, plant, and capital
9 equipment, facilities, and facility expansion,
10 \$1,320,394,000, to remain available until expended: *Pro-*
11 *vided*, That \$43,500,000 shall be available until Sep-
12 tember 30, 2017, for program direction.

13 FEDERAL SALARIES AND EXPENSES

14 For expenses necessary for Federal Salaries and Ex-
15 penses in the National Nuclear Security Administration,
16 \$388,000,000, to remain available until September 30,
17 2017, including official reception and representation ex-
18 penses not to exceed \$12,000.

19 ENVIRONMENTAL AND OTHER DEFENSE
20 ACTIVITIES

21 DEFENSE ENVIRONMENTAL CLEANUP

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 atomic
25 energy defense environmental cleanup activities in car-

1 rying out the purposes of the Department of Energy Orga-
2 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
3 sition or condemnation of any real property or any facility
4 or for plant or facility acquisition, construction, or expan-
5 sion, and the purchase of not to exceed one fire apparatus
6 pumper truck and one armored vehicle for replacement
7 only, \$5,055,550,000, to remain available until expended:
8 *Provided*, That of such amount \$281,951,000 shall be
9 available until September 30, 2017, for program direction.

10 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
11 AND DECOMMISSIONING
12 (INCLUDING TRANSFER OF FUNDS)

13 For an additional amount for atomic energy defense
14 environmental cleanup activities for Department of En-
15 ergy contributions for uranium enrichment decontamina-
16 tion and decommissioning activities, \$471,797,000, to be
17 deposited into the Defense Environmental Cleanup ac-
18 count which shall be transferred to the “Uranium Enrich-
19 ment Decontamination and Decommissioning Fund”.

20 OTHER DEFENSE ACTIVITIES

21 For Department of Energy expenses, including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment and other expenses, necessary for atomic
24 energy defense, other defense activities, and classified ac-
25 tivities, in carrying out the purposes of the Department

1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
2 cluding the acquisition or condemnation of any real prop-
3 erty or any facility or for plant or facility acquisition, con-
4 struction, or expansion, \$767,570,000, to remain available
5 until expended: *Provided*, That of such amount,
6 \$253,729,000 shall be available until September 30, 2017,
7 for program direction.

8 POWER MARKETING ADMINISTRATIONS

9 BONNEVILLE POWER ADMINISTRATION FUND

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

18 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER

19 ADMINISTRATION

20 For expenses necessary for operation and mainte-
21 nance of power transmission facilities and for marketing
22 electric power and energy, including transmission wheeling
23 and ancillary services, pursuant to section 5 of the Flood
24 Control Act of 1944 (16 U.S.C. 825s), as applied to the
25 southeastern power area, \$6,900,000, including official re-

1 ception and representation expenses in an amount not to
2 exceed \$1,500, to remain available until expended: *Pro-*
3 *vided*, That notwithstanding 31 U.S.C. 3302 and section
4 5 of the Flood Control Act of 1944, up to \$6,900,000 col-
5 lected by the Southeastern Power Administration from the
6 sale of power and related services shall be credited to this
7 account as discretionary offsetting collections, to remain
8 available until expended for the sole purpose of funding
9 the annual expenses of the Southeastern Power Adminis-
10 tration: *Provided further*, That the sum herein appro-
11 priated for annual expenses shall be reduced as collections
12 are received during the fiscal year so as to result in a final
13 fiscal year 2016 appropriation estimated at not more than
14 \$0: *Provided further*, That, notwithstanding 31 U.S.C.
15 3302, up to \$66,500,000 collected by the Southeastern
16 Power Administration pursuant to the Flood Control Act
17 of 1944 to recover purchase power and wheeling expenses
18 shall be credited to this account as offsetting collections,
19 to remain available until expended for the sole purpose
20 of making purchase power and wheeling expenditures:
21 *Provided further*, That for purposes of this appropriation,
22 annual expenses means expenditures that are generally re-
23 covered in the same year that they are incurred (excluding
24 purchase power and wheeling expenses).

1 OPERATION AND MAINTENANCE, SOUTHWESTERN

2 POWER ADMINISTRATION

3 For expenses necessary for operation and mainte-
4 nance of power transmission facilities and for marketing
5 electric power and energy, for construction and acquisition
6 of transmission lines, substations and appurtenant facili-
7 ties, and for administrative expenses, including official re-
8 ception and representation expenses in an amount not to
9 exceed \$1,500 in carrying out section 5 of the Flood Con-
10 trol Act of 1944 (16 U.S.C. 825s), as applied to the
11 Southwestern Power Administration, \$47,361,000, to re-
12 main available until expended: *Provided*, That notwith-
13 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
14 trol Act of 1944 (16 U.S.C. 825s), up to \$35,961,000 col-
15 lected by the Southwestern Power Administration from
16 the sale of power and related services shall be credited to
17 this account as discretionary offsetting collections, to re-
18 main available until expended, for the sole purpose of
19 funding the annual expenses of the Southwestern Power
20 Administration: *Provided further*, That the sum herein ap-
21 propriated for annual expenses shall be reduced as collec-
22 tions are received during the fiscal year so as to result
23 in a final fiscal year 2016 appropriation estimated at not
24 more than \$11,400,000: *Provided further*, That, notwith-
25 standing 31 U.S.C. 3302, up to \$63,000,000 collected by

1 the Southwestern Power Administration pursuant to the
2 Flood Control Act of 1944 to recover purchase power and
3 wheeling expenses shall be credited to this account as off-
4 setting collections, to remain available until expended for
5 the sole purpose of making purchase power and wheeling
6 expenditures: *Provided further*, That, for purposes of this
7 appropriation, annual expenses means expenditures that
8 are generally recovered in the same year that they are in-
9 curred (excluding purchase power and wheeling expenses).

10 CONSTRUCTION, REHABILITATION, OPERATION AND
11 MAINTENANCE, WESTERN AREA POWER ADMINIS-
12 TRATION

13 For carrying out the functions authorized by title III,
14 section 302(a)(1)(E) of the Act of August 4, 1977 (42
15 U.S.C. 7152), and other related activities including con-
16 servation and renewable resources programs as author-
17 ized, \$307,714,000, including official reception and rep-
18 resentation expenses in an amount not to exceed \$1,500,
19 to remain available until expended, of which \$302,000,000
20 shall be derived from the Department of the Interior Rec-
21 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
22 3302, section 5 of the Flood Control Act of 1944 (16
23 U.S.C. 825s), and section 1 of the Interior Department
24 Appropriation Act, 1939 (43 U.S.C. 392a), up to
25 \$214,342,000 collected by the Western Area Power Ad-

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

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

3 For operation, maintenance, and emergency costs for
4 the hydroelectric facilities at the Falcon and Amistad
5 Dams, \$4,490,000, to remain available until expended,
6 and to be derived from the Falcon and Amistad Operating
7 and Maintenance Fund of the Western Area Power Ad-
8 ministration, as provided in section 2 of the Act of June
9 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
10 the provisions of that Act and of 31 U.S.C. 3302, up to
11 \$4,262,000 collected by the Western Area Power Adminis-
12 tration from the sale of power and related services from
13 the Falcon and Amistad Dams shall be credited to this
14 account as discretionary offsetting collections, to remain
15 available until expended for the sole purpose of funding
16 the annual expenses of the hydroelectric facilities of these
17 Dams and associated Western Area Power Administration
18 activities: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2016 appropriation estimated at not more than
22 \$228,000: *Provided further*, That for purposes of this ap-
23 propriation, annual expenses means expenditures that are
24 generally recovered in the same year that they are in-
25 curred: *Provided further*, That for fiscal year 2016, the

1 Administrator of the Western Area Power Administration
2 may accept up to \$460,000 in funds contributed by United
3 States power customers of the Falcon and Amistad Dams
4 for deposit into the Falcon and Amistad Operating and
5 Maintenance Fund, and such funds shall be available for
6 the purpose for which contributed in like manner as if said
7 sums had been specifically appropriated for such purpose:
8 *Provided further*, That any such funds shall be available
9 without further appropriation and without fiscal year limi-
10 tation for use by the Commissioner of the United States
11 Section of the International Boundary and Water Com-
12 mission for the sole purpose of operating, maintaining, re-
13 pairing, rehabilitating, replacing, or upgrading the hydro-
14 electric facilities at these Dams in accordance with agree-
15 ments reached between the Administrator, Commissioner,
16 and the power customers.

17 FEDERAL ENERGY REGULATORY COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Energy Regu-
20 latory Commission to carry out the provisions of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including services as authorized by 5 U.S.C. 3109,
23 official reception and representation expenses not to ex-
24 ceed \$3,000, and the hire of passenger motor vehicles,
25 \$319,800,000, to remain available until expended: *Pro-*

1 *vided*, That notwithstanding any other provision of law,
2 not to exceed \$319,800,000 of revenues from fees and an-
3 nual charges, and other services and collections in fiscal
4 year 2016 shall be retained and used for expenses nec-
5 essary in this account, and shall remain available until ex-
6 pended: *Provided further*, That the sum herein appro-
7 priated from the general fund shall be reduced as revenues
8 are received during fiscal year 2016 so as to result in a
9 final fiscal year 2016 appropriation from the general fund
10 estimated at not more than \$0.

11 GENERAL PROVISIONS—DEPARTMENT OF
12 ENERGY

13 (INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

14 SEC. 301. (a) No appropriation, funds, or authority
15 made available by this title for the Department of Energy
16 shall be used to initiate or resume any program, project,
17 or activity or to prepare or initiate Requests For Proposals
18 or similar arrangements (including Requests for
19 Quotations, Requests for Information, and Funding Op-
20 portunity Announcements) for a program, project, or ac-
21 tivity if the program, project, or activity has not been
22 funded by Congress.

23 (b)(1) Unless the Secretary of Energy notifies the
24 Committees on Appropriations of both Houses of Congress

1 at least 3 full business days in advance, none of the funds
2 made available in this title may be used to—

3 (A) make a grant allocation or discretionary
4 grant award totaling \$1,000,000 or more;

5 (B) make a discretionary contract award or
6 Other Transaction Agreement totaling \$1,000,000
7 or more, including a contract covered by the Federal
8 Acquisition Regulation;

9 (C) issue a letter of intent to make an alloca-
10 tion, award, or Agreement in excess of the limits in
11 subparagraph (A) or (B); or

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

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

21 (3) The notification required by paragraph (1) and
22 the report required by paragraph (2) shall include the re-
23 cipient of the award, the amount of the award, the fiscal
24 year for which the funds for the award were appropriated,
25 the account and program, project, or activity from which

1 the funds are being drawn, the title of the award, and
2 a brief description of the activity for which the award is
3 made.

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

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

13 (2) the contract, grant, or cooperative agree-
14 ment includes a clause conditioning the Federal Gov-
15 ernment’s obligation on the availability of future
16 year budget authority and the Secretary notifies the
17 Committees on Appropriations of both Houses of
18 Congress at least 3 days in advance.

19 (d) Except as provided in subsections (e), (f), and (g),
20 the amounts made available by this title shall be expended
21 as authorized by law for the programs, projects, and ac-
22 tivities specified in the “Bill” column in the “Department
23 of Energy” table included under the heading “Title III—
24 Department of Energy” in the report of the Committee
25 on Appropriations accompanying this Act.

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

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

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

15 (2) increases funds or personnel for any pro-
16 gram, project, or activity for which funds are denied
17 or restricted by this Act; or

18 (3) reduces funds that are directed to be used
19 for a specific program, project, or activity by this
20 Act.

21 (g)(1) The Secretary of Energy may waive any re-
22 quirement or restriction in this section that applies to the
23 use of funds made available for the Department of Energy
24 if compliance with such requirement or restriction would

1 pose a substantial risk to human health, the environment,
2 welfare, or national security.

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

10 SEC. 302. The unexpended balances of prior appro-
11 priations provided for activities in this Act may be avail-
12 able to the same appropriation accounts for such activities
13 established pursuant to this title. Available balances may
14 be merged with funds in the applicable established ac-
15 counts and thereafter may be accounted for as one fund
16 for the same time period as originally enacted.

17 SEC. 303. Funds appropriated by this or any other
18 Act, or made available by the transfer of funds in this
19 Act, for intelligence activities are deemed to be specifically
20 authorized by the Congress for purposes of section 504
21 of the National Security Act of 1947 (50 U.S.C. 414) dur-
22 ing fiscal year 2016 until the enactment of the Intelligence
23 Authorization Act for fiscal year 2016.

24 SEC. 304. None of the funds made available in this
25 title shall be used for the construction of facilities classi-

1 fied as high-hazard nuclear facilities under 10 CFR Part
2 830 unless independent oversight is conducted by the Of-
3 fice of Independent Enterprise Assessments to ensure the
4 project is in compliance with nuclear safety requirements.

5 SEC. 305. None of the funds made available in this
6 title may be used to approve critical decision-2 or critical
7 decision-3 under Department of Energy Order 413.3B, or
8 any successive departmental guidance, for construction
9 projects where the total project cost exceeds
10 \$100,000,000, until a separate independent cost estimate
11 has been developed for the project for that critical deci-
12 sion.

13 SEC. 306. Notwithstanding section 301(c) of this Act,
14 none of the funds made available under the heading “De-
15 partment of Energy—Energy Programs—Science” may
16 be used for a multiyear contract, grant, cooperative agree-
17 ment, or Other Transaction Agreement of \$1,000,000 or
18 less unless the contract, grant, cooperative agreement, or
19 Other Transaction Agreement is funded for the full period
20 of performance as anticipated at the time of award.

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

1 (b) The Secretary of Energy may waive the prohibi-
2 tion in subsection (a) if the Secretary determines that
3 such activity is in the national security interests of the
4 United States. This waiver authority may not be dele-
5 gated.

6 (c) A waiver under subsection (b) shall not be effec-
7 tive until 15 days after the date on which the Secretary
8 submits to the Committees on Appropriations of both
9 Houses of Congress, in classified form if necessary, a re-
10 port on the justification for the waiver.

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

22 (b)(1) CONTENT OF NOTIFICATION.—The notifica-
23 tion required under subsection (a) shall include at a min-
24 imum—

1 (A) the justification for the drawdown or ex-
2 change, including—

3 (i) a specific description of any obligation
4 under international energy agreements; and

5 (ii) in the case of a test drawdown, the
6 specific aspects of the Strategic Petroleum Re-
7 serve to be tested;

8 (B) the provisions of law (including regulations)
9 authorizing the drawdown or exchange;

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

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

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

17 (F) an estimate of the total inventories of pe-
18 troleum products in the Strategic Petroleum Reserve
19 after the anticipated drawdown;

20 (G) a detailed plan for disposition of the pro-
21 ceeds after deposit into the SPR Petroleum Account;
22 and

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

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

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

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

9 (c) POST-SALE NOTIFICATION.—In addition to re-
10 porting requirements under other provisions of law, the
11 Secretary shall, upon the execution of all contract awards
12 associated with a competitive sale of petroleum products,
13 notify the Committees on Appropriations of both Houses
14 of Congress of the actual value of the proceeds from the
15 sale.

16 (d)(1) NEW REGIONAL RESERVES.—The Secretary
17 may not establish any new regional petroleum product re-
18 serve unless funding for the proposed regional petroleum
19 product reserve is explicitly requested in advance in an an-
20 nual budget submission and approved by the Congress in
21 an appropriations Act.

22 (2) The budget request or notification shall in-
23 clude—

24 (A) the justification for the new reserve;

1 (B) a cost estimate for the establishment,
2 operation, and maintenance of the reserve, in-
3 cluding funding sources;

4 (C) a detailed plan for operation of the re-
5 serve, including the conditions upon which the
6 products may be released;

7 (D) the location of the reserve; and

8 (E) the estimate of the total inventory of
9 the reserve.

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

15 SEC. 310. (a) Unobligated balances available from
16 appropriations for fiscal years 2005 through 2010 are
17 hereby permanently rescinded from the following accounts
18 of the Department of Energy in the specified amounts:

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

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

23 (3) “Energy Programs—Nuclear Energy”,
24 \$1,665,000.

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

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

4 (6) “Power Marketing Administrations—Con-
5 struction, Rehabilitation, Operation and Mainte-
6 nance, Western Area Power Administration”,
7 \$4,832,000.

8 (b) No amounts may be rescinded by this section
9 from amounts that were designated by the Congress as
10 an emergency requirement pursuant to a concurrent reso-
11 lution on the budget or the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 TITLE IV—INDEPENDENT AGENCIES

14 APPALACHIAN REGIONAL COMMISSION

15 For expenses necessary to carry out the programs au-
16 thorized by the Appalachian Regional Development Act of
17 1965, notwithstanding 40 U.S.C. 14704, and for expenses
18 necessary for the Federal Co-Chairman and the Alternate
19 on the Appalachian Regional Commission, for payment of
20 the Federal share of the administrative expenses of the
21 Commission, including services as authorized by 5 U.S.C.
22 3109, and hire of passenger motor vehicles, \$95,000,000,
23 to remain available until expended.

1 the Denali Commission Act of 1998 (division C, title III,
2 Public Law 105–277), as amended by section 701 of ap-
3 pendix D, title VII, Public Law 106–113 (113 Stat.
4 1501A–280), and an amount not to exceed 50 percent for
5 non-distressed communities.

6 NORTHERN BORDER REGIONAL COMMISSION

7 For expenses necessary for the Northern Border Re-
8 gional Commission in carrying out activities authorized by
9 subtitle V of title 40, United States Code, \$3,000,000, to
10 remain available until expended: *Provided*, That such
11 amounts shall be available for administrative expenses,
12 notwithstanding section 15751(b) of title 40, United
13 States Code.

14 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

19 NUCLEAR REGULATORY COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Commission in car-
22 rying out the purposes of the Energy Reorganization Act
23 of 1974 and the Atomic Energy Act of 1954,
24 \$1,003,233,000, including official representation expenses
25 not to exceed \$25,000, to remain available until expended,

1 of which \$25,000,000 shall be derived from the Nuclear
2 Waste Fund: *Provided*, That of the amount appropriated
3 herein, not more than \$9,500,000 may be made available
4 for salaries, travel, and other support costs for the Office
5 of the Commission, to remain available until September
6 30, 2017, of which, notwithstanding section 201(a)(2)(c)
7 of the Energy Reorganization Act of 1974 (42 U.S.C.
8 5841(a)(2)(c)), the use and expenditure shall only be ap-
9 proved by a majority vote of the Commission: *Provided*
10 *further*, That revenues from licensing fees, inspection serv-
11 ices, and other services and collections estimated at
12 \$862,274,000 in fiscal year 2016 shall be retained and
13 used for necessary salaries and expenses in this account,
14 notwithstanding 31 U.S.C. 3302, and shall remain avail-
15 able until expended: *Provided further*, That the sum herein
16 appropriated shall be reduced by the amount of revenues
17 received during fiscal year 2016 so as to result in a final
18 fiscal year 2016 appropriation estimated at not more than
19 \$140,959,000: *Provided further*, That of the amounts ap-
20 propriated under this heading, \$10,000,000 shall be for
21 university research and development in areas relevant to
22 their respective organization's mission, and \$5,000,000
23 shall be for a Nuclear Science and Engineering Grant Pro-
24 gram that will support multiyear projects that do not align

1 with programmatic missions but are critical to maintain-
2 ing the discipline of nuclear science and engineering.

3 OFFICE OF INSPECTOR GENERAL

4 For expenses necessary for the Office of Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$12,136,000, to remain available
7 until September 30, 2017: *Provided*, That revenues from
8 licensing fees, inspection services, and other services and
9 collections estimated at \$10,060,000 in fiscal year 2016
10 shall be retained and be available until September 30,
11 2017, for necessary salaries and expenses in this account,
12 notwithstanding section 3302 of title 31, United States
13 Code: *Provided further*, That the sum herein appropriated
14 shall be reduced by the amount of revenues received dur-
15 ing fiscal year 2016 so as to result in a final fiscal year
16 2016 appropriation estimated at not more than
17 \$2,076,000: *Provided further*, That of the amounts appro-
18 priated under this heading, \$958,000 shall be for Inspec-
19 tor General services for the Defense Nuclear Facilities
20 Safety Board, which shall not be available from fee reve-
21 nues.

22 NUCLEAR WASTE TECHNICAL REVIEW BOARD

23 SALARIES AND EXPENSES

24 For expenses necessary for the Nuclear Waste Tech-
25 nical Review Board, as authorized by Public Law 100-

1 203, section 5051, \$3,600,000, to be derived from the Nu-
2 clear Waste Fund, to remain available until September 30,
3 2017.

4 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA
5 NATURAL GAS TRANSPORTATION PROJECTS

6 For expenses necessary for the Office of the Federal
7 Coordinator for Alaska Natural Gas Transportation
8 Projects pursuant to the Alaska Natural Gas Pipeline Act,
9 \$1,000,000, to remain available until September 30, 2017:
10 *Provided*, That any fees, charges, or commissions received
11 pursuant to section 106(h) of the Alaska Natural Gas
12 Pipeline Act (15 U.S.C. 720d(h)) in fiscal year 2016 in
13 excess of \$2,402,000 shall not be available for obligation
14 until appropriated in a subsequent Act of Congress.

15 GENERAL PROVISIONS—INDEPENDENT
16 AGENCIES

17 SEC. 401. The Nuclear Regulatory Commission shall
18 comply with the July 5, 2011, version of Chapter VI of
19 its Internal Commission Procedures when responding to
20 Congressional requests for information.

21 TITLE V—GENERAL PROVISIONS

22 SEC. 501. None of the funds appropriated by this Act
23 may be used in any way, directly or indirectly, to influence
24 congressional action on any legislation or appropriation
25 matters pending before Congress, other than to commu-

1 nicate to Members of Congress as described in 18 U.S.C.
2 1913.

3 SEC. 502. (a) None of the funds made available in
4 title III of this Act may be transferred to any department,
5 agency, or instrumentality of the United States Govern-
6 ment, except pursuant to a transfer made by or transfer
7 authority provided in this Act or any other appropriations
8 Act for any fiscal year, transfer authority referenced in
9 the report of the Committee on Appropriations accom-
10 panying this Act, or any authority whereby a department,
11 agency, or instrumentality of the United States Govern-
12 ment may provide goods or services to another depart-
13 ment, agency, or instrumentality.

14 (b) None of the funds made available for any depart-
15 ment, agency, or instrumentality of the United States
16 Government may be transferred to accounts funded in title
17 III of this Act, except pursuant to a transfer made by or
18 transfer authority provided in this Act or any other appro-
19 priations Act for any fiscal year, transfer authority ref-
20 erenced in the report of the Committee on Appropriations
21 accompanying this Act, or any authority whereby a de-
22 partment, agency, or instrumentality of the United States
23 Government may provide goods or services to another de-
24 partment, agency, or instrumentality.

1 (c) The head of any relevant department or agency
2 funded in this Act utilizing any transfer authority shall
3 submit to the Committees on Appropriations of both
4 Houses of Congress a semiannual report detailing the
5 transfer authorities, except for any authority whereby a
6 department, agency, or instrumentality of the United
7 States Government may provide goods or services to an-
8 other department, agency, or instrumentality, used in the
9 previous 6 months and in the year-to-date. This report
10 shall include the amounts transferred and the purposes
11 for which they were transferred, and shall not replace or
12 modify existing notification requirements for each author-
13 ity.

14 SEC. 503. None of the funds made available by this
15 Act may be used in contravention of Executive Order No.
16 12898 of February 11, 1994 (Federal Actions to Address
17 Environmental Justice in Minority Populations and Low-
18 Income Populations).

19 SEC. 504. None of the funds made available by this
20 Act may be used to conduct closure of adjudicatory func-
21 tions, technical review, or support activities associated
22 with the Yucca Mountain geologic repository license appli-
23 cation, or for actions that irrevocably remove the possi-
24 bility that Yucca Mountain may be a repository option in
25 the future.

Union Calendar No. 64

114TH CONGRESS
1ST Session

H. R. 2028

[Report No. 114-91]

A BILL

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

APRIL 24, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed