In the Senate of the United States,
May 12, 2016.

Resolved, That the bill from the House of Representa-
tives (H.R. 2028) entitled “An Act making appropriations for
energy and water development and related agencies for the
fiscal year ending September 30, 2016, and for other pur-
poses.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the
following:

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, 2017, and for other pur-
5 poses, namely:
TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, design work, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related efforts prior to construction; for restudy of authorized projects, and related efforts; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $126,522,000, to remain available until expended.
CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects, and related projects authorized by law; for conducting detailed studies, design work, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,813,649,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund, except as otherwise specifically provided for in law: Provided, That funds made available under this heading for shore protection may be prioritized for projects in areas that have suffered severe beach erosion requiring additional sand placement outside
of the normal beach renourishment cycle or in which the
normal beach renourishment cycle has been delayed.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction
projects and related efforts in the Mississippi River alluvial
valley below Cape Girardeau, Missouri, as authorized by
law, $368,000,000, to remain available until expended, of
which such sums as are necessary to cover the Federal share
of eligible operation and maintenance costs for inland har-
bors shall be derived from the Harbor Maintenance Trust
Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance,
and care of existing river and harbor, flood and storm dam-
age reduction, and aquatic ecosystem restoration projects,
and related projects authorized by law; providing security
for infrastructure owned or operated by the Corps, includ-
ing administrative buildings and laboratories; maintaining
harbor channels provided by a State, municipality, or other
public agency that serve essential navigation needs of gen-
eral commerce, where authorized by law; surveying and
charting northern and northwestern lakes and connecting
waters; clearing and straightening channels; and removing
obstructions to navigation, $3,173,829,000, to remain avail-
able until expended, of which such sums as are necessary

† HR 2028 EAS
to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Army Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas managed by the Army Corps of Engineers at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for
the programs, projects, or activities. Provided further, That of the funds provided herein, for any Corps of Engineers project located in a State in which a Bureau of Reclamation project is also located, any non-Federal project regulated for flood control by the Secretary of the Army located in a State in which a Bureau of Reclamation project is also located, or any Bureau of Reclamation facilities regulated for flood control by the Secretary of the Army, the Secretary of the Army shall fund all or a portion of the costs to review or revise operational documents, including water control plans, water control manuals, water control diagrams, release schedules, rule curves, operational agreements with non-Federal entities, and any associated environmental documentation.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2018.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation’s early atomic energy program, $103,000,000, to remain available until expended.
FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $30,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the Army Corps of Engineers headquarters and the division offices; and for costs allocable to the civil works program of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $180,000,000, to remain available until September 30, 2018, of which not more than $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in this title shall be available to fund such activities in the Army Corps of Engineers headquarters and division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other
activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2018.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2017, shall be available for obligation or expenditure through a reprogramming of funds that:

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

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;
(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects, or activities in excess of the amounts contained in paragraphs (6) through (10), unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled contractor claims,
changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study, or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account, respectively; and
(10) Formerly Utilized Sites Remedial Action Program.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) De Minimus Reprogrammings.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) Continuing Authorities Program.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; and

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.
(e) The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the report of the Committee on Appropriations accompanying this Act, including the determination and designation of new starts.

(f) None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 102. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $5,400,000 of funds provided in this title under the heading “Operation and Maintenance” to mitigate for fisheries lost due to Corps of Engineers civil works projects.

SEC. 103. None of the funds made available in this or any other Act making appropriations for Energy and Water Development for any fiscal year may be used by the Corps of Engineers during the fiscal year ending September 30, 2017, to develop, adopt, implement, administer, or enforce any change to the regulations in effect on October 1, 2012, pertaining to the definitions of the terms “fill material” or “discharge of fill material” for the purposes of the
Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

Sec. 104. None of the funds provided in this act may be used for open lake disposal of dredged sediment in Lake Erie unless such disposal meets water and environmental standards agreed to by the administrator of a State’s water permitting agency and is consistent with a State’s Coastal Zone Management Plan. If this standard is not met, the Corps of Engineers will maintain its long-standing funding obligations for upland placement of dredged material with cost sharing as specified in section 101 of the Water Resources Development Act of 1986, Public Law 99–662, as amended by section 201 of the Water Resources Development Act of 1196, Public Law 104–303 (33 U.S.C. 2211) and section 217(d) of the Water Resources Development Act of 1996, Public Law 104–303, as amended by section 2005 of the Water Resources Development Act of 2007, Public Law 110–300 (33 U.S.C. 2326a(d)).

Sec. 105. None of the funds made available by this title may be used for any acquisition that is not consistent with section 225.7007 of title 48, Code of Federal Regulations.

Sec. 106. Of the amounts made available under this title for operation and maintenance, $2,000,000 shall be available for Upper Missouri River Basin flood and drought
monitoring under section 4003(a) of the Water Resources Reform and Development Act of 2014 (Public Law 113–121; 128 Stat. 1310).


(1) in subsection (a)(3), by inserting “in which the project is located or of a community that is located in the region that is served by the project and that will rely on the project” after “community”; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting “or of a community that is located in the region to be served by the project and that will rely on the project” after “community”;

(B) in paragraph (4), by striking “local population” and inserting “regional population to be served by the project”; and

(C) in paragraph (5), by striking “community” and inserting “local community or to a community that is located in the region to be served by the project and that will rely on the project”. 
TITLE II

DEPARTMENT OF THE INTERIOR

Central Utah Project

Central Utah Project Completion Account

For carrying out activities authorized by the Central Utah Project Completion Act, $10,000,000, to remain available until expended, of which $1,300,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: Provided, That of the amount provided under this heading, $1,350,000 shall be available until September 30, 2018, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: Provided further, That for fiscal year 2017, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

Bureau of Reclamation

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

Water and Related Resources

(Including Transfers of Funds)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilita-
tion of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $1,114,394,000, to remain available until expended, of which $158,841,000 shall be available for additional funding for work and are authorized to be used consistent with activities described in the Commissioner’s transmittal to Congress dated February 8, 2016; $22,000 shall be available for transfer to the Upper Colorado River Basin Fund and $5,551,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 6806 shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which the funds were contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended
for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for high-priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,606,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act,
consistent with plans to be approved by the Secretary of the Interior, $36,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until September 30, 2018, $59,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.
ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2017, shall be available for obligation or expenditure through a reprogramming of funds that—

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

(2) eliminates a program, project, or activity unless the program, project or activity has received no appropriated funding for at least five fiscal years;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $400,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled con-
tractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

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

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

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Envi-
ronmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.


SEC. 204. Section 9504(e) of the Secure Water Act of 2009 (42 U.S.C. 10364(e)) is amended by striking “$350,000,000” and inserting “$450,000,000, on the condition that of that amount, $50,000,000 is used to carry out

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SEC. 205. Section 205 of the Energy and Water Development and Related Agencies Appropriations Act, 2016 (Public Law 114–113; 129 Stat. 2242), is amended—

(1) in paragraph (2)—

(A) by striking “feasibility studies described in clauses (i)(II) and (ii)(I)” and inserting “feasibility study described in clause (i)(II)”;

(B) by striking “such studies” and inserting “such study”; 

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) not later than November 30, 2017, complete and submit to the appropriate committees of the House of Representatives and the Senate the feasibility study described in section 103(d)(1)(A)(ii)(I) of the Calfed Bay-Delta Authorization Act (Public Law 108–361; 118 Stat. 1684);”.

SEC. 206. (a) The Secretary of the Interior, in coordination with the Secretary of the Army and the Secretary of Agriculture, may enter into an agreement with the Na-
tional Academy of Sciences under which the National Academy of Sciences shall conduct a comprehensive study, to be completed not later than 1 year after the date of enactment of this Act, on the effectiveness and environmental impact of salt cedar control efforts (including biological control) in increasing water supplies, restoring riparian habitat, and improving flood management.

(b) Not later than 1 year after the date of completion of the study under subsection (a), the Secretary of the Interior, in coordination with the Secretary of Agriculture, may prepare a plan for the removal of salt cedar from all Federal land in the Lower Colorado River basin based on the findings and recommendations of the study conducted by the National Academy of Sciences that includes—

(1) provisions for revegetating Federal land with native vegetation;

(2) provisions for adapting to the increasing presence of biological control in the Lower Colorado River basin;

(3) provisions for removing salt cedar from Federal land during post-wildfire recovery activities;

(4) strategies for developing partnerships with State, tribal, and local governmental entities in the eradication of salt cedar; and
(5) budget estimates and completion timelines for the implementation of plan elements.

TITLE III
DEPARTMENT OF ENERGY
ENERGY PROGRAMS
ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,073,000,000, to remain available until expended: Provided, That of such amount, $153,500,000 shall be available until September 30, 2018, for program direction: Provided further, That of such amount $220,600,000 shall be available for the Weatherization Assistance Program, of which $6,000,000 shall be derived by transfer from the amount otherwise available for Building Technologies: Provided further, That of such amount, $95,400,000 shall be available for wind energy.
For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $206,000,000, to remain available until expended: Provided, That of such amount, $28,500,000 shall be available until September 30, 2018, for program direction.

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of no more than three emergency service vehicles for replacement only, $1,057,903,000, to remain available until expended: Provided, That of such amount, the Secretary of Energy may obligate up to $10,000,000 under existing authorities, for
contracting for the management of used nuclear fuel to
which the Secretary holds the title or has a contract to ac-
cept title: Provided further, That of such amount,
$80,000,000 shall be available until September 30, 2018,
for program direction.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For Department of Energy expenses necessary in car-
rying out fossil energy research and development activities,
under the authority of the Department of Energy Organiza-
tion Act (42 U.S.C. 7101 et seq.), including the acquisition
of interest, including defeasible and equitable interests in
any real property or any facility or for plant or facility
acquisition or expansion, and for conducting inquiries,
technological investigations and research concerning the ex-
traction, processing, use, and disposal of mineral substances
without objectionable social and environmental costs (30
U.S.C. 3, 1602, and 1603), $632,000,000, to remain avail-
able until expended: Provided, That of the amount made
available under this heading in this Act, $60,000,000 shall
be available until September 30, 2018, for program direc-
tion.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For Department of Energy expenses necessary to carry
out naval petroleum and oil shale reserve activities,
$14,950,000, to remain available until expended: Provided,
That notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

**Strategic Petroleum Reserve**

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $200,000,000, to remain available until expended.

Provided, That as authorized by section 404 of the Bipartisan Budget Act of 2015 (Public Law 114–74), the Secretary of the Department of Energy shall drawdown and sell not to exceed $375,400,000 of crude oil from the Strategic Petroleum Reserve in fiscal year 2017: Provided further, That the proceeds from such drawdown and sale shall be deposited into the Energy Security and Infrastructure Modernization Fund during fiscal year 2017 and shall remain available until expended for necessary expenses in carrying out construction, operations, maintenance, repair, and replacement activities of the Strategic Petroleum Reserve.

**Northeast Home Heating Oil Reserve**

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy
and Conservation Act (42 U.S.C. 6201 et seq.), $6,500,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $122,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $255,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $717,741,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until
expended, of which $30,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including one ambulance and one bus, $5,400,000,000, to remain available until expended: Provided, That of such amount, $191,500,000 shall be available until September 30, 2018, for program direction.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $325,000,000, to remain available until expended: Provided, That of such amount, $29,250,000 shall be available until September 30, 2018, for program direction.
OFFICE OF INDIAN ENERGY

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $20,000,000, to remain available until expended: Provided, That, of the amount appropriated under this heading, $4,800,000 shall be available until September 30, 2018, for program direction.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For the cost of loan guarantees provided under section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)), $8,500,000, to remain available until expended: Provided, That the cost of those loan guarantees (including the costs of modifying loans, as applicable) shall be determined in accordance with section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): Provided further, That, for necessary administrative expenses to carry out that program, $500,000 is appropriated, to remain available until expended: Provided further, That, of the subsidy amounts provided by section 1425 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10; 125 Stat. 126), for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), $9,000,000 is permanently canceled.
TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE

Program

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That for necessary administrative expenses to carry out this Loan Guarantee program, $37,000,000 is appropriated from fees collected in prior years pursuant to section 1702(h) of the Energy Policy Act of 2005 which are not otherwise appropriated, to remain available until September 30, 2018: Provided further, That if the amount in the previous proviso is not available from such fees, an amount for such purposes is also appropriated from the general fund so as to result in a total amount appropriated for such purpose of no more than $37,000,000: Provided further, That fees collected pursuant to such section 1702(h) for fiscal year 2017 shall be credited as offsetting collections under this heading and shall not be available until appropriated: Provided further, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $5,000,000, to remain available until September 30, 2018.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $232,142,000, to remain available until September 30, 2018, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $103,000,000 in fiscal year 2017 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–
238, notwithstanding the provisions of 31 U.S.C. 3302: Pro-
vided further, That the sum herein appropriated shall be
reduced as collections are received during the fiscal year
so as to result in a final fiscal year 2017 appropriation
from the general fund estimated at not more than
$129,142,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector
General in carrying out the provisions of the Inspector Gen-
eral Act of 1978, $44,424,000, to remain available until
September 30, 2018.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Weapons Activities

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
tal equipment and other incidental expenses necessary for
atomic energy defense weapons activities in carrying out
the purposes of the Department of Energy Organization Act
(42 U.S.C. 7101 et seq.), including the acquisition or con-
demnation of any real property or any facility or for plant
or facility acquisition, construction, or expansion,
$9,285,147,000, to remain available until expended: Pro-
vided, That of such amount, $106,600,000 shall be available
until September 30, 2018, for program direction.
DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,821,916,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,351,520,000, to remain available until expended: Provided, That of such amount, $47,100,000 shall be available until September 30, 2018, for program direction.

FEDERAL SALARIES AND EXPENSES

For expenses necessary for Federal Salaries and Expenses in the National Nuclear Security Administration, $408,603,000, to remain available until September 30,
2018, including official reception and representation ex-

penses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE

ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
ital equipment and other expenses necessary for atomic en-
ergy defense environmental cleanup activities in carrying
out the purposes of the Department of Energy Organization
Act (42 U.S.C. 7101 et seq.), including the acquisition or
condemnation of any real property or any facility or for
plant or facility acquisition, construction, or expansion,
and the purchase of not to exceed one fire apparatus pump-
er truck, one aerial lift truck, one refuse truck, and one
semi-truck for replacement only, $5,379,018,000, to remain
available until expended: Provided, That of such amount
$290,050,000 shall be available until September 30, 2018,
for program direction.

DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND

DECOMMISSIONING

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for atomic energy defense
environmental cleanup activities for Department of Energy
contributions for uranium enrichment decontamination
and decommissioning activities, $717,741,000, to be deposited into the Defense Environmental Cleanup account which shall be transferred to the “Uranium Enrichment Decontamination and Decommissioning Fund”.

**OTHER DEFENSE ACTIVITIES**

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $791,552,000, to remain available until expended: Provided, That of such amount, $258,061,000 shall be available until September 30, 2018, for program direction.

**POWER MARKETING ADMINISTRATIONS**

**BONNEVILLE POWER ADMINISTRATION FUND**

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $5,000: Provided, That during fiscal year 2017, no new direct loan obligations may be made.
For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,000,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $1,000,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $0: Provided further, That notwithstanding 31 U.S.C. 3302, up to $60,760,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to
this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

**Operation and Maintenance, Southwestern Power Administration**

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,643,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $34,586,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual ex-
expenses of the Southwestern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $11,057,000: Provided further, That notwithstanding 31 U.S.C. 3302, up to $73,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $307,144,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $299,742,000 shall be de-
rived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $211,563,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $95,581,000, of which $88,179,000 is derived from the Reclamation Fund: Provided further, That notwithstanding 31 U.S.C. 3302, up to $367,009,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year.
that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,070,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,838,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2017 appropriation estimated at not more than $232,000: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recov-
ered in the same year that they are incurred: Provided fur-
ther, That for fiscal year 2017, the Administrator of the
Western Area Power Administration may accept up to
$323,000 in funds contributed by United States power cus-
tomers of the Falcon and Amistad Dams for deposit into
the Falcon and Amistad Operating and Maintenance Fund,
and such funds shall be available for the purpose for which
contributed in like manner as if said sums had been specifi-
cally appropriated for such purpose: Provided further, That
any such funds shall be available without further appro-
priation and without fiscal year limitation for use by the
Commissioner of the United States Section of the Inter-
national Boundary and Water Commission for the sole pur-
pose of operating, maintaining, repairing, rehabilitating,
replacing, or upgrading the hydroelectric facilities at these
Dams in accordance with agreements reached between the
Administrator, Commissioner, and the power customers.

**Federal Energy Regulatory Commission**

**Salaries and Expenses**

For expenses necessary for the Federal Energy Regu-
laratory Commission to carry out the provisions of the De-
partment of Energy Organization Act (42 U.S.C. 7101 et
seq.), including services as authorized by 5 U.S.C. 3109,
official reception and representation expenses not to exceed
$3,000, and the hire of passenger motor vehicles,
$346,800,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $346,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2017 shall be retained and used for expenses necessary in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of both Houses of Congress at
least 3 full business days in advance, none of the funds
made available in this title may be used to—

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

(B) make a discretionary contract award or
Other Transaction Agreement totaling $1,000,000 or
more, including a contract covered by the Federal Ac-
quisition Regulation;

(C) issue a letter of intent to make an allocation,
award, or Agreement in excess of the limits in sub-
paragraph (A) or (B); or

(D) announce publicly the intention to make an
allocation, award, or Agreement in excess of the limits
in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Com-
mittees on Appropriations of both Houses of Congress with-
in 15 days of the conclusion of each quarter a report detail-
ing each grant allocation or discretionary grant award to-
taling less than $1,000,000 provided during the previous
quarter.

(3) The notification required by paragraph (1) and the
report required by paragraph (2) shall include the recipient
of the award, the amount of the award, the fiscal year for
which the funds for the award were appropriated, the ac-
count and program, project, or activity from which the
funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading “Department of Energy—Energy Programs”, enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government’s obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the “Final Bill” column in the “Department of Energy” table included under the heading “Title III—Department of Energy” in the report of the Committee on Appropriations accompanying this Act.
(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or activity funding level to increase or decrease by more than $5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

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

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

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

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.
(2) The Secretary of Energy shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

(h) The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 302. (a) Unobligated balances available from appropriations are hereby permanently rescinded from the following accounts of the Department of Energy in the specified amounts:


(3) “Energy Program—Fossil Energy Research and Development”, $240,000,000.

(4) “Energy Program—Title 17 Innovative Technology Loan Guarantee Program”, $9,500,000.


(7) “Energy Program—Strategic Petroleum Reserve”, $150,000.

(8) “Energy Program—Naval Petroleum and Oil Shale Reserves”, $150,000.

(9) “Energy Program—Science”, $1,700,000.

(b) No amounts may be rescinded by this section from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Sec. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2017 until the enactment of the Intelligence Authorization Act for fiscal year 2017.
SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

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

SEC. 306. (a) DEFINITIONS.—In this section:

(1) AFFECTED INDIAN TRIBE.—The term “affected Indian tribe” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term “high-level radioactive waste” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) NUCLEAR WASTE FUND.—The term “Nuclear Waste Fund” means the Nuclear Waste Fund estab-
lished under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(5) **SPENT NUCLEAR FUEL.**—The term “spent nuclear fuel” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) **PILOT PROGRAM.**—Notwithstanding any provision of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the Secretary is authorized, in the current fiscal year and subsequent fiscal years, to conduct a pilot program, through 1 or more private sector partners, to license, construct, and operate 1 or more government or privately owned consolidated storage facilities to provide interim storage as needed for spent nuclear fuel and high-level radioactive waste, with priority for storage given to spent nuclear fuel located on sites without an operating nuclear reactor.

(c) **REQUESTS FOR PROPOSALS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for cooperative agreements—
(1) to obtain any license necessary from the Nuclear Regulatory Commission for the construction of 1 or more consolidated storage facilities;

(2) to demonstrate the safe transportation of spent nuclear fuel and high-level radioactive waste, as applicable; and

(3) to demonstrate the safe storage of spent nuclear fuel and high-level radioactive waste, as applicable, at the 1 or more consolidated storage facilities pending the construction and operation of deep geologic disposal capacity for the permanent disposal of the spent nuclear fuel.

(d) CONSENT-BASED APPROVAL.—Prior to siting a consolidated storage facility pursuant to this section, the Secretary shall enter into an agreement to host the facility with—

(1) the Governor of the State;

(2) each unit of local government within the jurisdiction of which the facility is proposed to be located; and

(3) each affected Indian tribe.

(e) APPLICABILITY.—In executing this section, the Secretary shall comply with—

(1) all licensing requirements and regulations of the Nuclear Regulatory Commission; and
(2) all other applicable laws (including regulations).

(f) **PILOT PROGRAM PLAN.**—Not later than 120 days after the date on which the Secretary issues the request for proposals under subsection (c), the Secretary shall submit to Congress a plan to carry out this section that includes—

(1) an estimate of the cost of licensing, constructing, and operating a consolidated storage facility, including the transportation costs, on an annual basis, over the expected lifetime of the facility;

(2) a schedule for—

(A) obtaining any license necessary to construct and operate a consolidated storage facility from the Nuclear Regulatory Commission;

(B) constructing the facility;

(C) transporting spent fuel to the facility;

and

(D) removing the spent fuel and decommissioning the facility; and

(3) an estimate of the cost of any financial assistance, compensation, or incentives proposed to be paid to the host State, Indian tribe, or local government;

(4) an estimate of any future reductions in the damages expected to be paid by the United States for
the delay of the Department of Energy in accepting
spent fuel expected to result from the pilot program;

(5) recommendations for any additional legisla-
tion needed to authorize and implement the pilot pro-
gram; and

(6) recommendations for a mechanism to ensure
that any spent nuclear fuel or high-level radioactive
waste stored at a consolidated storage facility pursu-
ant to this section shall move to deep geologic disposal
capacity, following a consent-based approval process
for that deep geologic disposal capacity consistent
with subsection (d), within a reasonable time after the
issuance of a license to construct and operate the con-
solidated storage facility.

(g) PUBLIC PARTICIPATION.—Prior to choosing a site
for the construction of a consolidated storage facility under
this section, the Secretary shall conduct 1 or more public
hearings in the vicinity of each potential site and in at
least 1 other location within the State in which the site
is located to solicit public comments and recommendations.

(h) USE OF NUCLEAR WASTE FUND.—The Secretary
may make expenditures from the Nuclear Waste Fund to
carry out this section, subject to appropriations.

SEC. 307. (a) Not later than 30 days after the date
of enactment of this Act, the Administrator of the Western
Area Power Administration shall submit to the appropriate committees of Congress a report that—

(1) examines the use of a provision described in subsection (b) in any power contracts of the Western Area Power Administration that were executed before or on the date of enactment of this Act; and

(2) explains the circumstances for not including a provision described in subsection (b) in power contracts of the Western Area Power Administration executed before or on the date of enactment of this Act.

(b) A provision referred to in subsection (a) is a termination clause described in section 11 of the general power contract provisions of the Western Power Administration, effective September 1, 2007.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $151,000,000, to remain available until expended.
DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $31,000,000, to remain available until September 30, 2018.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $25,000,000, to remain available until expended.

DENALI COMMISSION

For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $15,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277),
as amended by section 701 of appendix D, title VII, Public
Law 106–113 (113 Stat. 1501A–280), and an amount not
to exceed 50 percent for non-distressed communities: Pro-
vided further, That, notwithstanding any other provision
of law regarding payment of a non-Federal share in connec-
tion with a grant-in-aid program, amounts under this
heading shall be available for the payment of such a non-
Federal share for programs undertaken to carry out the
purposes of the Commission.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Re-
gional Commission in carrying out activities authorized by
subtitle V of title 40, United States Code, $10,000,000, to
remain available until expended: Provided, That such
amounts shall be available for administrative expenses, not-
withstanding section 15751(b) of title 40, United States
Code.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Commission in carrying
out the purposes of the Energy Reorganization Act of 1974
and the Atomic Energy Act of 1954, $939,000,000, includ-
ing official representation expenses not to exceed $25,000,
to remain available until expended: Provided, That of the
amount appropriated herein, not more than $7,500,000
may be made available for salaries, travel, and other sup-
port costs for the Office of the Commission, to remain avail-
able until September 30, 2018, of which, notwithstanding
section 201(a)(2)(c) of the Energy Reorganization Act of
1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure
shall only be approved by a majority vote of the Commis-
ion: Provided further, That revenues from licensing fees,
inspection services, and other services and collections esti-
mated at $822,240,000 in fiscal year 2017 shall be retained
and used for necessary salaries and expenses in this ac-
count, notwithstanding 31 U.S.C. 3302, and shall remain
available until expended: Provided further, That of the
amounts appropriated under this heading, not less than
$5,000,000 shall be for activities related to the development
of regulatory infrastructure for advanced nuclear reactor
technologies, and $5,000,000 of that amount shall not be
available from fee revenues, notwithstanding 42 U.S.C.
2214: Provided further, That the sum herein appropriated
shall be reduced by the amount of revenues received during
fiscal year 2017 so as to result in a final fiscal year 2017
appropriation estimated at not more than $116,760,000:
Provided further, That of the amounts appropriated under
this heading, not less than $543,000 shall be used to imple-
ment the requirements of the Digital Accountability and
TRANSPARENCY ACT OF 2014 (PUBLIC LAW 113–101; 128 STAT. 1146).

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,129,000, to remain available until September 30, 2018: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $10,044,000 in fiscal year 2017 shall be retained and be available until September 30, 2018, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2017 so as to result in a final fiscal year 2017 appropriation estimated at not more than $2,085,000: Provided further, That of the amounts appropriated under this heading, $969,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203,
section 5051, $3,600,000, to be derived from the Nuclear
Waste Fund, to remain available until September 30, 2018.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

SEC. 401. (a) The amounts made available by this title for the Nuclear Regulatory Commission may be reprogrammed for any program, project, or activity, and the Commission shall notify the Committees on Appropriations of both Houses of Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program funding level to increase or decrease by more than $500,000 or 10 percent, whichever is less, during the time period covered by this Act.

(b)(1) The Nuclear Regulatory Commission may waive the notification requirement in (a) if compliance with such requirement would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Nuclear Regulatory Commission shall notify the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver and shall provide a detailed report to the Com-
mittees of such waiver and changes to funding levels to programs, projects, or activities.

(c) Except as provided in subsections (a), (b), and (d), the amounts made available by this title for “Nuclear Regulatory Commission—Salaries and Expenses” shall be expended as directed in the report accompanying this Act.

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act.

(e) The Commission shall provide a monthly report to the Committees on Appropriations of both Houses of Congress, which includes the following for each program, project, or activity, including any prior year appropriations—

(1) total budget authority;
(2) total unobligated balances; and
(3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to commu-
nicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.
(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2017”.

Attest:

Secretary.