Union Calendar No. 411

114TH CONGRESS
2D SESSION

H. R. 5055
[Report No. 114-532]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2016

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, 2017, and for other purposes.
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Be it enacted by the Senate and House of Representa-
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tives of the United States of America in Congress assembled,
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That the following sums are appropriated, out of any
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money in the Treasury not otherwise appropriated, for en-
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ergy and water development and related agencies for the
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fiscal year ending September 30, 2017, and for other pur-
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poses, namely:

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TITLE I

8

CORPS OF ENGINEERS—CIVIL

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DEPARTMENT OF THE ARMY

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Corps of Engineers—Civil

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

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INVESTIGATIONS

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For expenses necessary where authorized by law for
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the collection and study of basic information pertaining
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to river and harbor, flood and storm damage reduction,
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shore protection, aquatic ecosystem restoration, and re-
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lated needs; for surveys and detailed studies, and plans
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and specifications of proposed river and harbor, flood and
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storm damage reduction, shore protection, and aquatic

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ecosystem restoration projects, and related efforts prior to
construction; for restudy of authorized projects; and for
miscellaneous investigations, and, when authorized by law,
surveys and detailed studies, and plans and specifications
of projects prior to construction, $120,000,000, to remain
available until expended: Provided, That the Secretary
may initiate up to, but not more than, six new study starts
during fiscal year 2017: Provided further, That the new
study starts will consist of five studies where the majority
of the benefits are derived from navigation transportation
savings or from flood and storm damage reduction and
one study where the majority of benefits are derived from
environmental restoration: Provided further, That the Sec-
retary shall not deviate from the new starts proposed in
the work plan, once the plan has been submitted to the
Committees on Appropriations of both Houses of Con-
gress.

CONSTRUCTION

For expenses necessary for the construction of river
and harbor, flood and storm damage reduction, shore pro-
tection, aquatic ecosystem restoration, and related
projects authorized by law; for conducting detailed studies,
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); $1,945,580,000, 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 the Secretary may initiate up to, but not more than, four new construction starts during fiscal year 2017: Provided further, That the new construction starts will consist of three projects where the majority of the benefits are derived from navigation transportation savings or from flood and storm damage reduction and one project where the majority of the benefits are derived from environmental restoration: Provided further, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than August 31, 2017: Provided further, That no allocation for a new start shall be considered final and no work allowance shall be made until the Sec-
retary provides to the Committees on Appropriations of both Houses of Congress an out-year funding scenario demonstrating the affordability of the selected new starts and the impacts on other projects: Provided further, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

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, $345,000,000, 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 harbors 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 damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or
other public agency that serve essential navigation needs
of general commerce, where authorized by law; surveying
and charting northern and northwestern lakes and con-
necting waters; clearing and straightening channels; and
removing obstructions to navigation, $3,157,000,000, to
remain available until expended, of which such sums as
are necessary to cover the Federal share of eligible oper-
ation and maintenance costs for coastal harbors and chan-
nels, and for inland harbors shall be derived from the Har-
bor Maintenance Trust Fund; of which such sums as be-
come available from the special account for the Corps of
Engineers established by the Land and Water Conserva-
tion 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 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 begin-
ning 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 En-
gineers shall allocate during the fourth quarter any re-
main ing funds which have not been used for emergency
activities proportionally in accordance with the amounts
provided for the programs, projects, or activities.

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 per-
formed as part of the Nation’s early atomic energy pro-
gram, $103,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

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

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs 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 allocable to the civil works program, $180,000,000, to remain available until September 30, 2018, of which not to exceed $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 the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the 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), $4,750,000, to remain available until September 30, 2018: Provided, That not more than 25 percent of such amount may be obligated or expended until the Assistant Secretary submits to the Committees on Appropriations of both Houses of Congress a work plan that allocates at least 95 percent of the additional funding provided under each heading in this title (as designated under such heading in the report of the Committee on Appropriations accompanying this Act) to specific programs, projects, or activities.

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

SEC. 101. (a) None of the funds provided in this title 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;

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

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

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


(c) The Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of
both Houses of Congress 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. 102. 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. 103. 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 projects.

SEC. 104. None of the funds in this Act shall be used for an open lake placement alternative for dredged material, after evaluating the least costly, environmentally acceptable manner for the disposal or management of dredged material originating from Lake Erie or tributaries thereto, unless it is approved under a State water quality certification pursuant to section 401 of the Federal Water
Pollution Control Act (33 U.S.C. 1341); Provided further, That until an open lake placement alternative for dredged material is approved under a State water quality certification, the Corps of Engineers shall continue upland placement of such dredged material consistent with the requirements of section 101 of the Water Resources Development Act of 1986 (33 U.S.C. 2211).

Sec. 105. None of the funds made available in this title may be used for any acquisition that is not consistent with 48 CFR 225.7007.

Sec. 106. None of the funds made available by this Act may be used to carry out any water supply reallocation study under the Wolf Creek Dam, Lake Cumberland, Kentucky, project authorized under the Act of July 24, 1946 (60 Stat. 636, ch. 595).

Sec. 107. The Secretary of the Army, acting through the Chief of Engineers, may accept from the Trinity River Authority of Texas, if received by September 30, 2016, $31,233,401 as payment in full for amounts owed to the United States, including any accrued interest, for the approximately 61,747.1 acre-feet of water supply storage space in Joe Pool Lake, Texas (previously known as Lakeview Lake) for which payment has not commenced under Article 5.a. (relating to project investment costs)
of contract number DACW63-76-C-0106 as of the date
of enactment of this section.

SEC. 108. 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 to develop, adopt, implement, ad-
minister, 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. 109. Notwithstanding section 404(f)(2) of the
Federal Water Pollution Control Act (33 U.S.C.
1344(f)(2)), none of the funds made available by this Act
may be used to require a permit for the discharge of
dredged or fill material under the Federal Water Pollution
Control Act (33 U.S.C. 1251 et seq.) for the activities
identified in subparagraphs (A) and (C) of section
404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

SEC. 110. 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 to develop, adopt, implement, ad-
minister, or enforce any change to the regulations and
guidance in effect on October 1, 2012, pertaining to the
definition of waters under the jurisdiction of the Federal
Water Pollution Control Act (33 U.S.C. 1251 et seq.), in-
cluding the provisions of the rules dated November 13,
1986, and August 25, 1993, relating to such jurisdiction,
and the guidance documents dated January 15, 2003, and
December 2, 2008, relating to such jurisdiction.

SEC. 111. As of the date of enactment of this Act
and each fiscal year thereafter, the Secretary of the Army
shall not promulgate or enforce any regulation that pro-
hibits an individual from possessing a firearm, including
an assembled or functional firearm, at a water resources
development project covered under section 327.0 of title
36, Code of Federal Regulations (as in effect on the date
of enactment of this Act), if—

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

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

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, $11,000,000, to remain
available until expended, of which $1,300,000 shall be de-
posited into the Utah Reclamation Mitigation and Con-
servation Account for use by the Utah Reclamation Mit-
gation and Conservation Commission: Provided, That of
the amount provided under this heading, $1,350,000 shall
be available until September 30, 2018, for expenses nec-
essary in carrying out related responsibilities of the Sec-
retary of the Interior: Provided further, That for fiscal
year 2017, of the amount made available to the Commis-
sion under this Act or any other Act, the Commission may
use an amount not to exceed $1,500,000 for administra-
tive expenses.

BUREAU OF RECLAMATION

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

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of
water and related natural resources and for related activi-
ties, including the operation, maintenance, and rehabilita-
tion of reclamation and other facilities, participation in
fulfilling related Federal responsibilities to Native Ameri-
cans, and related grants to, and cooperative and other
agreements with, State and local governments, federally
recognized Indian tribes, and others, $982,972,000, to re-
main available until expended, of which $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 trans-
fers may be increased or decreased within the overall ap-
propriation 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 Bu-
reau 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 head-
ing: Provided further, That of the amounts provided here-
in, funds may be used for high-priority projects which
shall be carried out by the Youth Conservation Corps, as
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 this title 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 for any program, project, or activity for which funds have been denied or restricted by this Act;

(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 both Houses of Congress;

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

(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) $300,000 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 Rehabili-
tation category or the Resources Management and
Development category to any program, project, or
activity in the other category; 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
contractor claims, increased contractor earnings due
to accelerated rates of operations, and real estate de-

cency judgments.

(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 both Houses of Congress detailing all the funds repro-
grammed between programs, projects, activities, or cat-
egories of funding. The first quarterly report shall be sub-
mitted not later than 60 days after the date of enactment
of this Act.

Sec. 202. (a) None of the funds appropriated or oth-
erwise made available by this Act may be used to deter-
mine 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 En-
vironmental Protection Agency, to minimize any detri-
mental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup
Program and the costs of the San Joaquin Valley Drain-
age 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—Alter-
native Repayment Plan” described in the report entitled
“Repayment Report, Kesterson Reservoir Cleanup Pro-
gram and San Joaquin Valley Drainage Program, Feb-
uary 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. 203. Section 205(2) of division D of Public Law
114–113 is amended by striking “2016” and inserting
“2017”.
Sec. 204. (a) To maximize water supplies for the Central Valley Project and the State Water Project, in implementing the provisions of the smelt biological opinion or salmonid biological opinion, or any successor biological opinions or court orders, pertaining to management of reverse flow in the Old and Middle Rivers, the Secretary of the Interior shall—

(1) consider the relevant provisions of the applicable biological opinions or any successor biological opinions;

(2) manage export pumping rates to achieve a reverse OMR flow rate of -5,000 cubic feet per second unless existing information or that developed by the Secretary of the Interior under paragraphs (3) and (4) leads the Secretary to reasonably conclude, using the best scientific and commercial data available, that a less negative OMR flow rate is necessary to avoid a significant negative impact on the long-term survival of the species covered by the smelt biological opinion or salmonid biological opinion. If the best scientific and commercial data available to the Secretary indicates that a reverse OMR flow rate more negative than -5,000 cubic feet per second can
be established without an imminent negative impact
on the long-term survival of the species covered by
the smelt biological opinion or salmonid biological
opinion, the Secretary shall manage export pumping
rates to achieve that more negative OMR flow rate;

(3) document, in writing, any significant facts
about real-time conditions relevant to the determina-
tions of OMR reverse flow rates, including—

(A) whether targeted real-time fish moni-
toring pursuant to this section, including moni-
toring in the vicinity of Station 902, indicates
that a significant negative impact on the long-
term survival of species covered by the smelt bi-
ological opinion or salmonid biological opinion is
imminent; and

(B) whether near-term forecasts with avail-
able models show under prevailing conditions
that OMR flow of -5,000 cubic feet per second
or higher will cause a significant negative im-
pact on the long-term survival of species cov-
ered by the smelt biological opinion or salmonid
biological opinion;

(4) show, in writing, that any determination to
manage OMR reverse flow at rates less negative
than -5,000 cubic feet per second is necessary to
avoid a significant negative impact on the long-term
survival of species covered by the smelt biological
opinion or salmonid biological opinion, and provide,
in writing, an explanation of the data examined and
the connection between those data and the choice
made, after considering—

(A) the distribution of Delta smelt
throughout the Delta;

(B) the potential effects of documented,
quantified entrainment on subsequent Delta
smelt abundance;

(C) the water temperature;

(D) other significant factors relevant to
the determination; and

(E) whether any alternative measures
could have a substantially lesser water supply
impact; and

(5) for any subsequent smelt biological opinion
or salmonid biological opinion, make the showing re-
quired in paragraph (4) for any determination to
manage OMR reverse flow at rates less negative
than the most negative limit in the biological opinion
if the most negative limit in the biological opinion is
more negative than -5,000 cubic feet per second.
(b) No Reinitiation of Consultation.—In implementing or at the conclusion of actions under subsection (a), the Secretary of the Interior or the Secretary of Commerce shall not reinitiate consultation on those adjusted operations unless there is a significant negative impact on the long-term survival of the species covered by the smelt biological opinion or salmonid biological opinion. Any action taken under subsection (a) that does not create a significant negative impact on the long-term survival to species covered by the smelt biological opinion or salmonid biological opinion will not alter application of the take permitted by the incidental take statement in the biological opinion under section 7(o)(2) of the Endangered Species Act of 1973.

(c) Calculation of Reverse Flow in OMR.—Within 90 days of the enactment of this title, the Secretary of the Interior is directed, in consultation with the California Department of Water Resources to revise the method used to calculate reverse flow in Old and Middle Rivers, for implementation of the reasonable and prudent alternatives in the smelt biological opinion and the salmonid biological opinion, and any succeeding biological opinions, for the purpose of increasing Central Valley Project and State Water Project water supplies. The method of calculating reverse flow in Old and Middle Riv-
ers shall be reevaluated not less than every five years thereafter to achieve maximum export pumping rates within limits established by the smelt biological opinion, the salmonid biological opinion, and any succeeding biological opinions.

TEMPORARY OPERATIONAL FLEXIBILITY FOR FIRST FEW STORMS OF THE WATER YEAR

Sec. 205. (a) In general.—Consistent with avoiding an immediate significant negative impact on the long-term survival upon listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973 and other environmental protections under subsection (d), the Secretary of the Interior and the Secretary of Commerce shall authorize the Central Valley Project and the California State Water Project, combined, to operate at levels that result in negative OMR flows at -7,500 cubic feet per second (based on United States Geological Survey gauges on Old and Middle Rivers) daily average as described in subsections (b) and (c) to capture peak flows during storm events.

(b) Days of temporary operational flexibility.—The temporary operational flexibility described in subsection (a) shall be authorized on days that the California Department of Water Resources determines the net Sacramento-San Joaquin River Delta outflow index is at, or above, 13,000 cubic feet per second.

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(c) Compliance With Endangered Species Act

Authorizations.—In carrying out this section, the Secretary of the Interior and the Secretary of Commerce may continue to impose any requirements under the smelt biological opinion and salmonid biological opinion during any period of temporary operational flexibility as they determine are reasonably necessary to avoid additional significant negative impacts on the long-term survival of a listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973, provided that the requirements imposed do not reduce water supplies available for the Central Valley Project and the California State Water Project.

(d) Other Environmental Protections.—

(1) State Law.—The actions of the Secretary of the Interior and the Secretary of Commerce under this section shall be consistent with applicable regulatory requirements under State law. The foregoing does not constitute a waiver of sovereign immunity.

(2) First Sediment Flush.—During the first flush of sediment out of the Sacramento-San Joaquin River Delta in each water year, and provided that such determination is based upon objective evidence, OMR flow may be managed at rates less negative than -5,000 cubic feet per second for a min-
imum duration to avoid movement of adult Delta smelt (*Hypomesus transpacificus*) to areas in the southern Sacramento-San Joaquin River Delta that would be likely to increase entrainment at Central Valley Project and California State Water Project pumping plants.

(3) **Applicability of Opinion.**—This section shall not affect the application of the salmonid biological opinion from April 1 to May 31, unless the Secretary of Commerce finds, based on the best scientific and commercial data available, that some or all of such applicable requirements may be adjusted during this time period to provide emergency water supply relief without resulting in additional adverse effects over and above the range of impacts authorized under the Endangered Species Act of 1973. In addition to any other actions to benefit water supply, the Secretary of the Interior and the Secretary of Commerce shall consider allowing through-Delta water transfers to occur during this period if they can be accomplished consistent with section 3405(a)(1)(H) of the Central Valley Project Improvement Act. Water transfers solely or exclusively through the California State Water Project that do not require any use of Reclamation facilities or ap-
proval by Reclamation are not required to be con-
sistent with section 3405(a)(1)(H) of the Central
Valley Project Improvement Act.

(4) MONITORING.—During operations under
this section, the Commissioner of Reclamation, in
coordination with the United States Fish and Wild-
life Service, National Marine Fisheries Service, and
California Department of Fish and Wildlife, shall
undertake expanded monitoring programs and other
data gathering to improve Central Valley Project
and California State Water Project water supplies,
to ensure incidental take levels are not exceeded, and
to identify potential negative impacts, if any, and ac-
tions necessary to mitigate impacts of the temporary
operational flexibility to species listed under the En-
dangered Species Act of 1973 (16 U.S.C. 1531 et
seq.).

(e) EFFECT OF HIGH OUTFLOWS.—In recognition of
the high outflow levels from the Sacramento-San Joaquin
River Delta during the days this section is in effect under
subsection (b), the Secretary of the Interior and the Sec-
cretary of Commerce shall not count such days toward the
5-day and 14-day running averages of tidally filtered daily
Old and Middle River flow requirements under the smelt
biological opinion and salmonid biological opinion, as long
as the Secretaries avoid significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973.

(f) **Level of Detail Required for Analysis.**—In articulating the determinations required under this section, the Secretary of the Interior and the Secretary of Commerce shall fully satisfy the requirements herein but shall not be expected to provide a greater level of supporting detail for the analysis than feasible to provide within the short timeframe permitted for timely decision making in response to changing conditions in the Sacramento-San Joaquin River Delta.

(g) **OMR Flows.**—The Secretary of the Interior and the Secretary of Commerce shall, through the adaptive management provisions in the salmonid biological opinion, limit OMR reverse flow to -5,000 cubic feet per second based on date-certain triggers in the salmonid biological opinions only if using real-time migration information on salmonids demonstrates that such action is necessary to avoid a significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973.
(h) No Reinitiation of Consultation.—In implementing or at the conclusion of actions under this section, the Secretary of the Interior shall not reinitiate consultation on those adjusted operations if there is no immediate significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973. Any action taken under this section that does not create an immediate significant negative impact on the long-term survival of listed fish species over and above the range of impacts authorized under the Endangered Species Act of 1973 will not alter application of the take permitted by the incidental take statement in those biological opinions under section 7(o)(2) of the Endangered Species Act of 1973.

STATE WATER PROJECT OFFSET AND WATER RIGHTS PROTECTIONS

Sec. 206. (a) Offset for State Water Project.—

(1) Implementation Impacts.—The Secretary of the Interior shall confer with the California Department of Fish and Wildlife in connection with the implementation of this section on potential impacts to any consistency determination for operations of the State Water Project issued pursuant to California Fish and Game Code section 2080.1.
(2) ADDITIONAL YIELD.—If, as a result of the application of this section, the California Department of Fish and Wildlife—

(A) determines that operations of the State Water Project are inconsistent with the consistency determinations issued pursuant to California Fish and Game Code section 2080.1 for operations of the State Water Project; or

(B) requires take authorization under California Fish and Game Code section 2081 for operation of the State Water Project in a manner that directly or indirectly results in reduced water supply to the State Water Project as compared with the water supply available under the smelt biological opinion and the salmonid biological opinion; and as a result, Central Valley Project yield is greater than it otherwise would have been, then that additional yield shall be made available to the State Water Project for delivery to State Water Project contractors to offset that reduced water supply.

(3) NOTIFICATION RELATED TO ENVIRONMENTAL PROTECTIONS.—The Secretary of the Interior and Secretary of Commerce shall—
(A) notify the Director of the California Department of Fish and Wildlife regarding any changes in the manner in which the smelt biological opinion or the salmonid biological opinion is implemented; and

(B) confirm that those changes are consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) Area of Origin and Water Rights Protections.—

(1) In General.—The Secretary of the Interior and the Secretary of Commerce, in carrying out the mandates of this section, shall take no action that—

(A) diminishes, impairs, or otherwise affects in any manner any area of origin, watershed of origin, county of origin, or any other water rights protection, including rights to water appropriated before December 19, 1914, provided under State law;

(B) limits, expands or otherwise affects the application of section 10505, 10505.5, 11128, 11460, 11461, 11462, 11463 or 12200 through 12220 of the California Water Code or any other provision of State water rights law, with-
out respect to whether such a provision is specifically referred to in this section; or

(C) diminishes, impairs, or otherwise affects in any manner any water rights or water rights priorities under applicable law.

(2) Section 7 of the Endangered Species Act.—Any action proposed to be undertaken by the Secretary of the Interior and the Secretary of Commerce pursuant to both this section and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be undertaken in a manner that does not alter water rights or water rights priorities established by California law or it shall not be undertaken at all. Nothing in this subsection affects the obligations of the Secretary of the Interior and the Secretary of Commerce under section 7 of the Endangered Species Act of 1973.

(3) Effect of Act.—

(A) Nothing in this section affects or modifies any obligation of the Secretary of the Interior under section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093).

(B) Nothing in this section diminishes, impairs, or otherwise affects in any manner any Project purposes or priorities for the allocation,
delivery or use of water under applicable law,
including the Project purposes and priorities es-
tablished under section 3402 and section 3406
of the Central Valley Project Improvement Act
(Public Law 102–575; 106 Stat. 4706).

(c) No Redirected Adverse Impacts.—

(1) In General.—The Secretary of the Inter-
rior and Secretary of Commerce shall not carry out
any specific action authorized under this section that
will directly or through State agency action indi-
rectly result in the involuntary reduction of water
supply to an individual, district, or agency that has
in effect a contract for water with the State Water
Project or the Central Valley Project, including Set-
tlement and Exchange contracts, refuge contracts,
and Friant Division contracts, as compared to the
water supply that would be provided in the absence
of action under this section, and nothing in this sec-
tion is intended to modify, amend or affect any of
the rights and obligations of the parties to such con-
tracts.

(2) Action on Determination.—If, after ex-
ploring all options, the Secretary of the Interior or
the Secretary of Commerce makes a final determina-
tion that a proposed action under this section cannot
be carried out in accordance with paragraph (1), that Secretary—

(A) shall document that determination in writing for that action, including a statement of the facts relied on, and an explanation of the basis, for the decision;

(B) may exercise the Secretary’s existing authority, including authority to undertake the drought-related actions otherwise addressed in this title, or to otherwise comply with other applicable law, including the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) shall comply with subsection (a).

(d) ALLOCATIONS FOR SACRAMENTO VALLEY WATER SERVICE CONTRACTORS.—

(1) DEFINITIONS.—In this subsection:

(A) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTOR WITHIN THE SACRAMENTO RIVER WATERSHED.—The term “existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed” means any water service contractor within the Shasta, Trinity, or Sacramento River division of the Central Valley Project that has in effect a
water service contract on the date of enactment of this section that provides water for irrigation.

(B) YEAR TERMS.—The terms “Above Normal”, “Below Normal”, “Dry”, and “Wet”, with respect to a year, have the meanings given those terms in the Sacramento Valley Water Year Type (40–30–30) Index.

(2) ALLOCATIONS OF WATER.—

(A) ALLOCATIONS.—Subject to subsection (c), the Secretary of the Interior shall make every reasonable effort in the operation of the Central Valley Project to allocate water provided for irrigation purposes to each existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in accordance with the following:

(i) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a “Wet” year.

(ii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service
Contractor within the Sacramento River Watershed in an “Above Normal” year.

(iii) Not less than 100 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a “Below Normal” year that is preceded by an “Above Normal” or “Wet” year.

(iv) Not less than 50 percent of the contract quantity of the existing Central Valley Project agricultural water service contractor within the Sacramento River Watershed in a “Dry” year that is preceded by a “Below Normal”, “Above Normal”, or “Wet” year.

(v) Subject to clause (ii), in any other year not identified in any of clauses (i) through (iv), not less than twice the allocation percentage to south-of-Delta Central Valley Project agricultural water service contractors, up to 100 percent.

(B) EFFECT OF CLAUSE.—Nothing in clause (A)(v) precludes an allocation to an existing Central Valley Project agricultural water
service contractor within the Sacramento River Watershed that is greater than twice the allocation percentage to a south-of-Delta Central Valley Project agricultural water service contractor.

(3) PROTECTION OF ENVIRONMENT, MUNICIPAL AND INDUSTRIAL SUPPLIES, AND OTHER CONTRACTORS.—

(A) ENVIRONMENT.—Nothing in paragraph (2) shall adversely affect—

(i) the cold water pool behind Shasta Dam;

(ii) the obligation of the Secretary of the Interior to make water available to managed wetlands pursuant to section 3406(d) of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4722); or

(iii) any obligation—

(I) of the Secretary of the Interior and the Secretary of Commerce under the smelt biological opinion, the salmonid biological opinion, or any other applicable biological opinion; or
(II) under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other applicable law (including regulations).

(B) MUNICIPAL AND INDUSTRIAL SUPPLIES.—Nothing in paragraph (2)—

(i) modifies any provision of a water Service contract that addresses municipal or industrial water shortage policies of the Secretary of the Interior and the Secretary of Commerce;

(ii) affects or limits the authority of the Secretary of the Interior and the Secretary of Commerce to adopt or modify municipal and industrial water shortage policies;

(iii) affects or limits the authority of the Secretary of the Interior and the Secretary of Commerce to implement a municipal or industrial water shortage policy;

(iv) constrains, governs, or affects, directly or indirectly, the operations of the American River division of the Central Valley Project or any deliveries from that divi-
sion or a unit or facility of that division;
or
(v) affects any allocation to a Central Valley Project municipal or industrial water service contractor by increasing or decreasing allocations to the contractor, as compared to the allocation the contractor would have received absent paragraph (2).
(C) OTHER CONTRACTORS.—Nothing in subsection (b)—
(i) affects the priority of any individual or entity with Sacramento River water rights, including an individual or entity with a Sacramento River settlement contract, that has priority to the diversion and use of Sacramento River water over water rights held by the United States for operations of the Central Valley Project;
(ii) affects the obligation of the United States to make a substitute supply of water available to the San Joaquin River exchange contractors;
(iii) affects the allocation of water to Friant division contractors of the Central Valley Project;
(iv) results in the involuntary reduc-

tion in contract water allocations to indi-

viduals or entities with contracts to receive

water from the Friant division; or

(v) authorizes any actions inconsistent

with State water rights law.

Sec. 207. None of the funds in this Act shall be avail-
able to implement the Stipulation of Settlement (Natural
Eastern District of California, No. Civ. 98–88–1658
LKK/GGH) or subtitle A of title X of Public Law 111–
11.

Sec. 208. None of the funds in this Act shall be avail-
able for the purchase of water in the State of California
to supplement instream flow within a river basin that has
suffered a drought within the last two years.

Sec. 209. The Commissioner of Reclamation is di-
rected to work with local water and irrigation districts in
the Stanislaus River Basin to ascertain the water storage
made available by the Draft Plan of Operations in New
Melones Reservoir (DRPO) for water conservation pro-
grams, conjunctive use projects, water transfers, resched-
uled project water and other projects to maximize water
storage and ensure the beneficial use of the water re-
sources in the Stanislaus River Basin. All such programs
and projects shall be implemented according to all applicable laws and regulations. The source of water for any such storage program at New Melones Reservoir shall be made available under a valid water right, consistent with the State water transfer guidelines and any other applicable State water law. The Commissioner shall inform the Congress within 18 months setting forth the amount of storage made available by the DRPO that has been put to use under this program, including proposals received by the Commissioner from interested parties for the purpose of this section.

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, $1,825,000,000, to remain available until expended: Pro-
vided, That of such amount, $149,500,000 shall be available until September 30, 2018, for program direction.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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, $225,000,000, to remain available until expended: Provided, That of such amount, $28,000,000 shall be available until September 30, 2018, for program direction.

NUCLEAR ENERGY

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, $1,011,616,000, to remain available until ex-
45

1 pended: Provided, That of such amount, $80,000,000 shall
2 be available until September 30, 2018, for program direc-
3 tion.
4
4 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

5 For Department of Energy expenses necessary in car-
6 rying out fossil energy research and development activi-
7 ties, under the authority of the Department of Energy Or-
8 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
9 quisition of interest, including defeasible and equitable in-
10 terests in any real property or any facility or for plant
11 or facility acquisition or expansion, and for conducting in-
12 quiries, technological investigations and research con-
13 cerning the extraction, processing, use, and disposal of
14 mineral substances without objectionable social and envi-
15 ronmental costs (30 U.S.C. 3, 1602, and 1603),
16 $645,000,000, to remain available until expended: Pro-
17 vided, That of such amount $59,475,000 shall be available
18 until September 30, 2018, for program direction.
19
19 OFFICE OF TECHNOLOGY TRANSITIONS

20 For Department of Energy expenses necessary for
21 technology transitions and commercialization activities in
22 carrying out the purposes of the Department of Energy
23 Organization Act (42 U.S.C. 7101 et seq.), section 1001
24 of the Energy Policy Act of 2005 (42 U.S.C. 16391), and
25 the Stevenson-Wydler Technology Innovation Act of 1980
(15 U.S.C. 3701 et seq.), $7,000,000, to remain available until September 30, 2018.

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.), $257,000,000, to remain available until expended.

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 Admin-
istration, $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, $226,745,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

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, $184,697,000 shall be available until September 30, 2018, for program direction.

Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97–425), including the acquisition of real property or facility construction or expansion, $150,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: Provided, That of the amount provided under this heading, $5,000,000 shall be made available to affected units of local government, as defined in section 2(31) of the Nuclear Waste Policy Act of 1982
(42 U.S.C. 10101(31)), to support the Yucca Mountain geologic repository, as authorized by such Act.

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 (42 U.S.C. 16538), $305,889,000, to remain available until expended: Provided, That of such amount, $29,250,000 shall be available until September 30, 2018, for program direction.

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 (42 U.S.C. 16512(b)) 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, to remain available until September 30, 2018: Provided further, That $30,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2017 appropriation from the general fund estimated
at not more than $7,000,000: Provided further, That fees
collected under section 1702(h) in excess of the amount
appropriated for administrative expenses shall not be
available until appropriated: Provided further, That the
Department of Energy shall not subordinate any loan obli-
gation to other financing in violation of section 1702 of
the Energy Policy Act of 2005 or subordinate any Guaran-
teed Obligation to any loan or other debt obligations in
violation of section 609.10 of title 10, Code of Federal
Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING

LOAN PROGRAM

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

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of En-
ergy necessary for departmental administration in car-
rying out the purposes of the Department of Energy Orga-
nization Act (42 U.S.C. 7101 et seq.), $233,971,000, 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: Provided 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 $130,971,000: Provided further, That of the total amount made available under this heading, $31,000,000 is for Energy Policy and Systems Analysis.

Office of the Inspector General

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Weapons Activities

(including rescission of funds)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital 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 condemnation 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: Provided, That of such amount, $97,118,000 shall be available until September 30, 2018, for program direction: Provided further, That of the unobligated balances from prior year appropriations available under this heading, $42,000,000 is hereby rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.
DEFENSE NUCLEAR NONPROLIFERATION

(including rescission of funds)

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: Provided, That funds provided by this Act for Project 99–D–143, Mixed Oxide Fuel Fabrication Facility, and by prior Acts that remain unobligated for such Project, may be made available only for construction and program support activities for such Project: Provided further, That of the unobligated balances from prior year appropriations available under this heading, $14,000,000 is hereby rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.
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, $1,420,120,000, to remain available until expended: Provided, That of such amount, $44,100,000 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, $382,387,000, to remain available until September 30, 2018, including official reception and representation expenses 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 capital equipment and other expenses necessary for atomic energy 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 acqui-
sition or condemnation of any real property or any facility
or for plant or facility acquisition, construction, or expan-
sion, and the purchase of not to exceed one fire apparatus
pumper truck, one aerial lift truck, one refuse truck, and
one semi-truck for replacement only, $5,226,950,000, to
remain available until expended: Provided, That of such
amount, $290,050,000 shall be available until September
30, 2018, for program direction: Provided further, That
of such amount, $26,800,000 shall be available for the
purpose of a payment by the Secretary of Energy to the
State of New Mexico for road improvements in accordance
with section 15(b) of the Waste Isolation Pilot Plant Land
Withdrawal Act (Public Law 102–579): Provided further,
That the amount made available by the previous proviso
shall be separate from any appropriations of funds for the
Waste Isolation Pilot Plant.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
ital equipment and other expenses, necessary for atomic
energy defense, other defense activities, and classified ac-
tivities, in carrying out the purposes of the Department
of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
cluding the acquisition or condemnation of any real prop-
erty or any facility or for plant or facility acquisition, con-
struction, or expansion, $776,425,000, to remain available until expended: Provided, That of such amount, $254,230,000 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.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

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 facili-
ties, and for administrative expenses, including official recep-
tion and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Con-
trol Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,643,000, to re-
main available until expended: Provided, That notwith-
standing 31 U.S.C. 3302 and section 5 of the Flood Con-
trol Act of 1944 (16 U.S.C. 825s), up to $34,586,000 col-
lected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to re-
main available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: Provided further, That the sum herein ap-
propriated for annual expenses shall be reduced as collec-
tions 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 notwith-
standing 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 derived 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 re-
duced 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 Adminis-
tration 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 appro-
priated 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 ap-
propriation, annual expenses means expenditures that are
generally recovered in the same year that they are in-
curred: Provided further, 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 customers 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 specifically appropriated for such purpose:
Provided further, That any such funds shall be available
without further appropriation and without fiscal year limi-
1 tation for use by the Commissioner of the United States
2 Section of the International Boundary and Water Com-
3 mission for the sole purpose of operating, maintaining, re-
4 pairing, rehabilitating, replacing, or upgrading the hydro-
5 electric facilities at these Dams in accordance with agree-
6 ments reached between the Administrator, Commissioner,
7 and the power customers.
8
9 Federal Energy Regulatory Commission
10
11 SALARIES AND EXPENSES
12
13 For expenses necessary for the Federal Energy Regu-
14 latory Commission to carry out the provisions of the De-
15 partment of Energy Organization Act (42 U.S.C. 7101 et
16 seq.), including services as authorized by 5 U.S.C. 3109,
17 official reception and representation expenses not to ex-
18 ceed $3,000, and the hire of passenger motor vehicles,
19 $346,800,000, to remain available until expended: Pro-
20 vided, That notwithstanding any other provision of law,
21 not to exceed $346,800,000 of revenues from fees and an-
22 nual charges, and other services and collections in fiscal
23 year 2017 shall be retained and used for expenses nec-
24 essary in this account, and shall remain available until ex-
25 pended: Provided further, That the sum herein appro-
26 priated from the general fund shall be reduced as revenues
27 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 AND RESCISSION 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 Acquisition Regulation;
(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (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 Committees on Appropriations of both Houses of Congress within 15 days of the conclusion of each quarter a report detailing each grant allocation or discretionary grant award totaling 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 account 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 agree-
ment is funded for the full period of performance as
anticipated at the time of award; or

(2) the contract, grant, or cooperative agree-
ment includes a clause conditioning the Federal Gov-
ernment’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 ac-
tivities specified in the “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 Appropria-
tions 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 per-
cent, 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 re-
programming of funds that—

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

(2) increases funds or personnel for any pro-
gram, 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 re-
quirement 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 Commit-
tees 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.

SEC. 302. 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. 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 deci-
sion.

SEC. 306. (a) None of the funds made available in
this or any prior Act under the heading “Defense Nuclear
Nonproliferation” may be made available to enter into new
contracts with, or new agreements for Federal assistance
to, the Russian Federation.

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

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

SEC. 307. (a) NEW REGIONAL RESERVES.—The Sec-
retary of Energy may not establish any new regional pe-
troleum product reserve unless funding for the proposed
regional petroleum product reserve is explicitly requested
in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

(1) the justification for the new reserve;

(2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

(3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(4) the location of the reserve; and

(5) the estimate of the total inventory of the reserve.

SEC. 308. (a) Any unobligated balances available from amounts appropriated in prior fiscal years for the following accounts that were apportioned in Category C (as defined in section 120 of Office of Management and Budget Circular No A–11), are hereby rescinded in the specified amounts:


(b) No amounts may be rescinded under subsection (a) from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 309. Not to exceed $2,000,000, in aggregate, of the amounts made available by this title may be made available for project engineering and design of the Consolidated Emergency Operations Center.

TITLE IV
INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, notwithstanding 40 U.S.C. 14704, 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, $146,000,000, 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, $15,000,000, 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, $11,000,000, 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

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary for the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $5,000,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

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

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, $936,121,000, including official representation expenses not to exceed $25,000, to remain available until expended,
of which $20,000,000 shall be derived from the Nuclear Waste Fund. \textit{Provided,} That of the amount appropriated herein, not more than $7,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, to remain available 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 Commission. \textit{Provided further,} That revenues from licensing fees, inspection services, and other services and collections estimated at $786,853,000 in fiscal year 2017 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended. \textit{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 technologies, and $18,000,000 shall be for international activities, except that the amounts provided under this proviso shall not be derived from fee revenues, notwithstanding 42 U.S.C. 2214. \textit{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
$149,268,000: Provided further, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to the Commission’s mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

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.** The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

**SEC. 402.** (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 subsection (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 Committees of such waiver and changes to funding levels to programs, projects, or activities.

(e) 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 of the Committee on Appropriations 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.

(c) 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 communicate 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 accom-
panying 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.

(e) 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 semianual 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 author-
ity.

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

Sec. 504. (a) None of the funds made available in
this Act may be used to maintain or establish a computer
network unless such network blocks the viewing,
downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of
funds necessary for any Federal, State, tribal, or local law
enforcement agency or any other entity carrying out crimi-
nal investigations, prosecution, or adjudication activities.

Sec. 505. None of the funds made available by this
Act may be used to conduct closure of adjudicatory func-
tions, technical review, or support activities associated
with Yucca Mountain geologic repository license applica-
tion, or for actions that irrevocably remove the possibility
that Yucca Mountain may be a repository option in the
future.

Sec. 506. None of the funds made available by this
Act may be used to further implementation of the coastal
and marine spatial planning and ecosystem-based management components of the National Ocean Policy developed under Executive Order No. 13547 of July 19, 2010.

SEC. 507. None of the funds made available by this Act may be used for the removal of any federally owned or operated dam.

SPENDING REDUCTION ACCOUNT

SEC. 508. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

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

•HR 5055 RH
A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

APRIL 26, 2016

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

VerDate Sep 11 2014 23:45 Apr 26, 2016 Jkt 059200 PO 00000 Frm 00082 Fmt 6651 Sfmt 6651 E:\BILLS\H5055.RH H5055SSpencer on DSK4SPTVN1PROD with BILLS