

[COMMITTEE PRINT]

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1ST SESSION

H. R. 2028

[Report No. 114-_____]]

IN THE SENATE OF THE UNITED STATES

MAY 5, 2015

Received; read twice and referred to the Committee on Appropriations

_____ (legislative day, _____), _____

Reported by _____, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

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

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

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

6 ~~TITLE I—CORPS OF ENGINEERS—CIVIL~~

7 ~~DEPARTMENT OF THE ARMY~~

8 ~~CORPS OF ENGINEERS—CIVIL~~

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

15 ~~INVESTIGATIONS~~

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

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

4 ~~CONSTRUCTION~~

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

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

3 MISSISSIPPI RIVER AND TRIBUTARIES

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

12 OPERATION AND MAINTENANCE

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

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

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

3 ~~REGULATORY PROGRAM~~

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

8 ~~FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM~~

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

13 ~~FLOOD CONTROL AND COASTAL EMERGENCIES~~

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

19 ~~EXPENSES~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~SEC. 108. No funds in this Act shall be used for an~~
2 ~~open lake placement alternative of dredged material, after~~
3 ~~evaluating the least costly, environmentally acceptable~~
4 ~~manner for the disposal or management of dredged mate-~~
5 ~~rial originating from Lake Erie or tributaries thereto, un-~~
6 ~~less it is approved under a State water quality certification~~
7 ~~pursuant to 33 U.S.C. 1341.~~

8 ~~TITLE II—DEPARTMENT OF THE INTERIOR~~

9 ~~CENTRAL UTAH PROJECT~~

10 ~~CENTRAL UTAH PROJECT COMPLETION ACCOUNT~~

11 ~~For carrying out activities authorized by the Central~~
12 ~~Utah Project Completion Act, \$9,874,000, to remain~~
13 ~~available until expended, of which \$1,000,000 shall be de-~~
14 ~~posited into the Utah Reclamation Mitigation and Con-~~
15 ~~servation Account for use by the Utah Reclamation Miti-~~
16 ~~gation and Conservation Commission: *Provided*, That of~~
17 ~~the amount provided under this heading, \$1,300,000 shall~~
18 ~~be available until September 30, 2017, for expenses nec-~~
19 ~~essary in carrying out related responsibilities of the Sec-~~
20 ~~retary of the Interior: *Provided further*, That for fiscal~~
21 ~~year 2016, of the amount made available to the Commis-~~
22 ~~sion under this Act or any other Act, the Commission may~~
23 ~~use an amount not to exceed \$1,500,000 for administra-~~
24 ~~tive expenses.~~

1 BUREAU OF RECLAMATION

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

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

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

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

13 CENTRAL VALLEY PROJECT RESTORATION FUND

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

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

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

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

20 ~~POLICY AND ADMINISTRATION~~

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

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

11 ~~ADMINISTRATIVE PROVISION~~

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

15 ~~GENERAL PROVISIONS—DEPARTMENT OF THE~~
16 ~~INTERIOR~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ~~TITLE III—DEPARTMENT OF ENERGY~~

20 ~~ENERGY PROGRAMS~~

21 ~~ENERGY EFFICIENCY AND RENEWABLE ENERGY~~

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

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

10 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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

22 NUCLEAR ENERGY

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

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

10 ~~FOSSIL ENERGY RESEARCH AND DEVELOPMENT~~

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

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

9 STRATEGIC PETROLEUM RESERVE

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

15 NORTHEAST HOME HEATING OIL RESERVE

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

21 ENERGY INFORMATION ADMINISTRATION

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

1 ~~NON-DEFENSE ENVIRONMENTAL CLEANUP~~

2 ~~For Department of Energy expenses, including the~~
3 ~~purchase, construction, and acquisition of plant and cap-~~
4 ~~ital equipment and other expenses necessary for non-de-~~
5 ~~fense environmental cleanup activities in carrying out the~~
6 ~~purposes of the Department of Energy Organization Act~~
7 ~~(42 U.S.C. 7101 et seq.), including the acquisition or con-~~
8 ~~demnation of any real property or any facility or for plant~~
9 ~~or facility acquisition, construction, or expansion,~~
10 ~~\$229,193,000, to remain available until expended.~~

11 ~~URANIUM ENRICHMENT DECONTAMINATION AND~~
12 ~~DECOMMISSIONING FUND~~

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

23 ~~SCIENCE~~

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

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

12 **NUCLEAR WASTE DISPOSAL**

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

1 ~~ADVANCED RESEARCH PROJECTS AGENCY—ENERGY~~

2 ~~For Department of Energy expenses necessary in ear-~~
3 ~~rying out the activities authorized by section 5012 of the~~
4 ~~America COMPETES Act (Public Law 110-69),~~
5 ~~\$280,000,000, to remain available until expended: *Pro-*~~
6 ~~vided, That of such amount \$28,000,000 shall be available~~
7 ~~until September 30, 2017, for program direction.~~

8 ~~TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE~~
9 ~~PROGRAM~~

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

1 administrative expenses shall not be available until appro-
2 priated: *Provided further*, That the Department of Energy
3 shall not subordinate any loan obligation to other financ-
4 ing in violation of section 1702 of the Energy Policy Act
5 of 2005 or subordinate any Guaranteed Obligation to any
6 loan or other debt obligations in violation of section
7 609.10 of title 10, Code of Federal Regulations:

8 ~~ADVANCED TECHNOLOGY VEHICLES MANUFACTURING~~
9 ~~LOAN PROGRAM~~

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

14 ~~DEPARTMENTAL ADMINISTRATION~~

15 For salaries and expenses of the Department of En-
16 ergy necessary for departmental administration in ear-
17 rying out the purposes of the Department of Energy Orga-
18 nization Act (42 U.S.C. 7101 et seq.), \$247,420,000 (re-
19 duced by \$1,000,000) (reduced by \$3,000,000) (reduced
20 by \$36,720,000) (reduced by \$2,000,000) (reduced by
21 \$9,000,000) (reduced by \$2,000,000) (reduced by
22 \$1,000,000) (increased by \$1,000,000), to remain avail-
23 able until September 30, 2017, including the hire of pas-
24 senger motor vehicles and official reception and represen-
25 tation expenses not to exceed \$30,000, plus such addi-

1 tional amounts as necessary to cover increases in the esti-
2 mated amount of cost of work for others notwithstanding
3 the provisions of the Anti-Deficiency Act (31 U.S.C. 1511
4 et seq.): *Provided*, That such increases in cost of work are
5 offset by revenue increases of the same or greater amount:
6 *Provided further*, That moneys received by the Department
7 for miscellaneous revenues estimated to total
8 \$117,171,000 in fiscal year 2016 may be retained and
9 used for operating expenses within this account, as au-
10 thorized by section 201 of Public Law 95-238, notwith-
11 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
12 *ther*, That the sum herein appropriated shall be reduced
13 as collections are received during the fiscal year so as to
14 result in a final fiscal year 2016 appropriation from the
15 general fund estimated at not more than \$130,249,000:
16 *Provided further*, That of the total amount made available
17 under this heading, \$21,297,000 is for Energy Policy and
18 Systems Analysis.

19 OFFICE OF THE INSPECTOR GENERAL

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

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

16 **DEFENSE NUCLEAR NONPROLIFERATION**
17 **(INCLUDING RESCISSION OF FUNDS)**

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

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

15 **NAVAL REACTORS**

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

1 ~~FEDERAL SALARIES AND EXPENSES~~

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

7 ~~ENVIRONMENTAL AND OTHER DEFENSE~~
8 ~~ACTIVITIES~~

9 ~~DEFENSE ENVIRONMENTAL CLEANUP~~

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

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

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

11 OTHER DEFENSE ACTIVITIES

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

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

18 OPERATION AND MAINTENANCE, SOUTHWESTERN

19 POWER ADMINISTRATION

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

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

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

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

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

1 as to result in a final fiscal year 2016 appropriation esti-
2 mated at not more than \$92,372,000, of which
3 \$87,658,000 is derived from the Reclamation Fund: *Pro-*
4 *vided further,* That, notwithstanding 31 U.S.C. 3302, up
5 to \$352,813,000 collected by the Western Area Power Ad-
6 ministration pursuant to the Flood Control Act of 1944
7 and the Reclamation Project Act of 1939 to recover pur-
8 chase power and wheeling expenses shall be credited to
9 this account as offsetting collections; to remain available
10 until expended for the sole purpose of making purchase
11 power and wheeling expenditures: *Provided further,* That,
12 for purposes of this appropriation, annual expenses means
13 expenditures that are generally recovered in the same year
14 that they are incurred (excluding purchase power and
15 wheeling expenses).

16 FALCON AND AMISTAD OPERATING AND MAINTENANCE
17 FUND

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

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

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

7 FEDERAL ENERGY REGULATORY COMMISSION

8 SALARIES AND EXPENSES

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

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

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

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

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

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

4 (2) the contract, grant, or cooperative agree-
5 ment includes a clause conditioning the Federal Gov-
6 ernment's obligation on the availability of future
7 year budget authority and the Secretary notifies the
8 Committees on Appropriations of both Houses of
9 Congress at least 30 days in advance.

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

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

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

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

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

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

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

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

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

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

15 ~~SEC. 304.~~ None of the funds made available in this
 16 title shall be used for the construction of facilities classi-
 17 fied as high-hazard nuclear facilities under 10 CFR Part
 18 820 unless independent oversight is conducted by the Of-
 19 fice of Independent Enterprise Assessments to ensure the
 20 project is in compliance with nuclear safety requirements.

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

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

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

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

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

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