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115TH CONGRESS
2^D SESSION

H. R. 5895

[Report No. 115-697]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2018

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, 2019, and for other purposes.

1 ecosystem restoration projects, and related efforts prior to
2 construction; for restudy of authorized projects; and for
3 miscellaneous investigations, and, when authorized by law,
4 surveys and detailed studies, and plans and specifications
5 of projects prior to construction, \$128,000,000, to remain
6 available until expended: *Provided*, That the Secretary
7 shall initiate six new study starts during fiscal year 2019:
8 *Provided further*, That the Secretary shall not deviate from
9 the new starts proposed in the work plan, once the plan
10 has been submitted to the Committees on Appropriations
11 of both Houses of Congress.

12 CONSTRUCTION

13 For expenses necessary for the construction of river
14 and harbor, flood and storm damage reduction, shore pro-
15 tection, aquatic ecosystem restoration, and related
16 projects authorized by law; for conducting detailed studies,
17 and plans and specifications, of such projects (including
18 those involving participation by States, local governments,
19 or private groups) authorized or made eligible for selection
20 by law (but such detailed studies, and plans and specifica-
21 tions, shall not constitute a commitment of the Govern-
22 ment to construction); \$2,323,000,000, to remain avail-
23 able until expended; of which such sums as are necessary
24 to cover the Federal share of construction costs for facili-
25 ties under the Dredged Material Disposal Facilities pro-

1 gram shall be derived from the Harbor Maintenance Trust
2 Fund as authorized by Public Law 104–303; and of which
3 such sums as are necessary to cover one-half of the costs
4 of construction, replacement, rehabilitation, and expansion
5 of inland waterways projects shall be derived from the In-
6 land Waterways Trust Fund, except as otherwise specifi-
7 cally provided for in law: *Provided*, That the Secretary
8 shall initiate five new construction starts during fiscal year
9 2019: *Provided further*, That for new construction
10 projects, project cost sharing agreements shall be executed
11 as soon as practicable but no later than August 31, 2019:
12 *Provided further*, That no allocation for a new start shall
13 be considered final and no work allowance shall be made
14 until the Secretary provides to the Committees on Appro-
15 priations of both Houses of Congress an out-year funding
16 scenario demonstrating the affordability of the selected
17 new starts and the impacts on other projects: *Provided*
18 *further*, That the Secretary may not deviate from the new
19 starts proposed in the work plan, once the plan has been
20 submitted to the Committees on Appropriations of both
21 Houses of Congress.

22 MISSISSIPPI RIVER AND TRIBUTARIES

23 For expenses necessary for flood damage reduction
24 projects and related efforts in the Mississippi River allu-
25 vial valley below Cape Girardeau, Missouri, as authorized

1 by law, \$430,000,000, to remain available until expended,
2 of which such sums as are necessary to cover the Federal
3 share of eligible operation and maintenance costs for in-
4 land harbors shall be derived from the Harbor Mainte-
5 nance Trust Fund.

6 OPERATION AND MAINTENANCE

7 For expenses necessary for the operation, mainte-
8 nance, and care of existing river and harbor, flood and
9 storm damage reduction, aquatic ecosystem restoration,
10 and related projects authorized by law; providing security
11 for infrastructure owned or operated by the Corps, includ-
12 ing administrative buildings and laboratories; maintaining
13 harbor channels provided by a State, municipality, or
14 other public agency that serve essential navigation needs
15 of general commerce, where authorized by law; surveying
16 and charting northern and northwestern lakes and con-
17 necting waters; clearing and straightening channels; and
18 removing obstructions to navigation, \$3,820,000,000, to
19 remain available until expended, of which such sums as
20 are necessary to cover the Federal share of eligible oper-
21 ation and maintenance costs for coastal harbors and chan-
22 nels, and for inland harbors shall be derived from the Har-
23 bor Maintenance Trust Fund; of which such sums as be-
24 come available from the special account for the Corps of
25 Engineers established by the Land and Water Conserva-

1 tion Fund Act of 1965 shall be derived from that account
2 for resource protection, research, interpretation, and
3 maintenance activities related to resource protection in the
4 areas at which outdoor recreation is available; and of
5 which such sums as become available from fees collected
6 under section 217 of Public Law 104–303 shall be used
7 to cover the cost of operation and maintenance of the
8 dredged material disposal facilities for which such fees
9 have been collected: *Provided*, That 1 percent of the total
10 amount of funds provided for each of the programs,
11 projects, or activities funded under this heading shall not
12 be allocated to a field operating activity prior to the begin-
13 ning of the fourth quarter of the fiscal year and shall be
14 available for use by the Chief of Engineers to fund such
15 emergency activities as the Chief of Engineers determines
16 to be necessary and appropriate, and that the Chief of En-
17 gineers shall allocate during the fourth quarter any re-
18 maining funds which have not been used for emergency
19 activities proportionally in accordance with the amounts
20 provided for the programs, projects, or activities.

21 REGULATORY PROGRAM

22 For expenses necessary for administration of laws
23 pertaining to regulation of navigable waters and wetlands,
24 \$200,000,000, to remain available until September 30,
25 2020.

1 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

2 For expenses necessary to clean up contamination
3 from sites in the United States resulting from work per-
4 formed as part of the Nation's early atomic energy pro-
5 gram, \$150,000,000, to remain available until expended.

6 FLOOD CONTROL AND COASTAL EMERGENCIES

7 For expenses necessary to prepare for flood, hurri-
8 cane, and other natural disasters and support emergency
9 operations, repairs, and other activities in response to
10 such disasters as authorized by law, \$35,000,000, to re-
11 main available until expended.

12 EXPENSES

13 For expenses necessary for the supervision and gen-
14 eral administration of the civil works program in the head-
15 quarters of the Corps of Engineers and the offices of the
16 Division Engineers; and for costs of management and op-
17 eration of the Humphreys Engineer Center Support Activ-
18 ity, the Institute for Water Resources, the United States
19 Army Engineer Research and Development Center, and
20 the United States Army Corps of Engineers Finance Cen-
21 ter allocable to the civil works program, \$187,000,000, to
22 remain available until September 30, 2020, of which not
23 to exceed \$5,000 may be used for official reception and
24 representation purposes and only during the current fiscal
25 year: *Provided*, That no part of any other appropriation

1 provided in this title shall be available to fund the civil
2 works activities of the Office of the Chief of Engineers
3 or the civil works executive direction and management ac-
4 tivities of the division offices: *Provided further*, That any
5 Flood Control and Coastal Emergencies appropriation
6 may be used to fund the supervision and general adminis-
7 tration of emergency operations, repairs, and other activi-
8 ties in response to any flood, hurricane, or other natural
9 disaster.

10 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY

11 FOR CIVIL WORKS

12 For the Office of the Assistant Secretary of the Army
13 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
14 \$5,000,000, to remain available until September 30, 2020:
15 *Provided*, That not more than 25 percent of such amount
16 may be obligated or expended until the Assistant Sec-
17 retary submits to the Committees on Appropriations of
18 both Houses of Congress a work plan that allocates at
19 least 95 percent of the additional funding provided under
20 each heading in this title (as designated under such head-
21 ing in the report of the Committee on Appropriations ac-
22 companying this Act) to specific programs, projects, or ac-
23 tivities.

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

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

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

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

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

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

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

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

22 (b) Subsection (a)(1) shall not apply to any project
23 or activity authorized under section 205 of the Flood Con-
24 trol Act of 1948, section 14 of the Flood Control Act of
25 1946, section 208 of the Flood Control Act of 1954, sec-

1 tion 107 of the River and Harbor Act of 1960, section
2 103 of the River and Harbor Act of 1962, section 111
3 of the River and Harbor Act of 1968, section 1135 of the
4 Water Resources Development Act of 1986, section 206
5 of the Water Resources Development Act of 1996, or sec-
6 tion 204 of the Water Resources Development Act of
7 1992.

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

15 SEC. 102. None of the funds made available in this
16 title may be used to award or modify any contract that
17 commits funds beyond the amounts appropriated for that
18 program, project, or activity that remain unobligated, ex-
19 cept that such amounts may include any funds that have
20 been made available through reprogramming pursuant to
21 section 101.

22 SEC. 103. The Secretary of the Army may transfer
23 to the Fish and Wildlife Service, and the Fish and Wildlife
24 Service may accept and expend, up to \$5,400,000 of funds
25 provided in this title under the heading “Operation and

1 Maintenance” to mitigate for fisheries lost due to Corps
2 of Engineers projects.

3 SEC. 104. None of the funds in this Act shall be used
4 for an open lake placement alternative for dredged mate-
5 rial, after evaluating the least costly, environmentally ac-
6 ceptable manner for the disposal or management of
7 dredged material originating from Lake Erie or tributaries
8 thereto, unless it is approved under a State water quality
9 certification pursuant to section 401 of the Federal Water
10 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
11 until an open lake placement alternative for dredged mate-
12 rial is approved under a State water quality certification,
13 the Corps of Engineers shall continue upland placement
14 of such dredged material consistent with the requirements
15 of section 101 of the Water Resources Development Act
16 of 1986 (33 U.S.C. 2211).

17 SEC. 105. None of the funds made available in this
18 title may be used for any acquisition of buoy chain that
19 is not consistent with 48 CFR 225.7007, subsections
20 (a)(1) and (a)(2).

21 SEC. 106. None of the funds made available by this
22 Act may be used to carry out any water supply reallocation
23 study under the Wolf Creek Dam, Lake Cumberland, Ken-
24 tucky, project authorized under the Act of July 24, 1946
25 (60 Stat. 636, ch. 595).

1 SEC. 107. Notwithstanding section 404(f)(2) of the
2 Federal Water Pollution Control Act (33 U.S.C.
3 1344(f)(2)), none of the funds made available by this Act
4 may be used to require a permit for the discharge of
5 dredged or fill material under the Federal Water Pollution
6 Control Act (33 U.S.C. 1251 et seq.) for the activities
7 identified in subparagraphs (A) and (C) of section
8 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

9 SEC. 108. The final rule issued by the Administrator
10 of the Environmental Protection Agency and the Secretary
11 of the Army entitled “Clean Water Rule: ‘Definition of
12 Waters of the United States’ ” (80 Fed. Reg. 37053 (June
13 29, 2015)) is repealed, and, until such time as the Admin-
14 istrator and the Secretary issue a final rule after the date
15 of enactment of this Act defining the scope of waters pro-
16 tected under the Federal Water Pollution Control Act and
17 such new final rule goes into effect, any regulation or pol-
18 icy revised under, or otherwise affected as a result of, the
19 rule repealed by this section shall be applied as if that
20 repealed rule had not been issued.

21 SEC. 109. As of the date of enactment of this Act
22 and each fiscal year thereafter, the Secretary of the Army
23 shall not promulgate or enforce any regulation that pro-
24 hibits an individual from possessing a firearm, including
25 an assembled or functional firearm, at a water resources

1 development project covered under section 327.0 of title
2 36, Code of Federal Regulations (as in effect on the date
3 of enactment of this Act), if—

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

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

9 SEC. 110. For fiscal year 2019, none of the funds
10 provided in this Act or available in the revolving fund es-
11 tablished by the Civil Functions Appropriations Act of
12 1954 (33 U.S.C. 576(a)) may be obligated or expended
13 on a new hopper dredge.

14 TITLE II

15 DEPARTMENT OF THE INTERIOR

16 CENTRAL UTAH PROJECT

17 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

18 For carrying out activities authorized by the Central
19 Utah Project Completion Act, \$15,000,000, to remain
20 available until expended, of which \$898,000 shall be de-
21 posited into the Utah Reclamation Mitigation and Con-
22 servation Account for use by the Utah Reclamation Miti-
23 gation and Conservation Commission: *Provided*, That of
24 the amount provided under this heading, \$1,398,675 shall
25 be available until September 30, 2020, for expenses nec-

1 essary in carrying out related responsibilities of the Sec-
2 retary of the Interior: *Provided further*, That for fiscal
3 year 2019, of the amount made available to the Commis-
4 sion under this Act or any other Act, the Commission may
5 use an amount not to exceed \$1,500,000 for administra-
6 tive expenses.

7 BUREAU OF RECLAMATION

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

11 WATER AND RELATED RESOURCES

12 (INCLUDING TRANSFERS OF FUNDS)

13 For management, development, and restoration of
14 water and related natural resources and for related activi-
15 ties, including the operation, maintenance, and rehabilita-
16 tion of reclamation and other facilities, participation in
17 fulfilling related Federal responsibilities to Native Ameri-
18 cans, and related grants to, and cooperative and other
19 agreements with, State and local governments, federally
20 recognized Indian tribes, and others, \$1,381,992,000, to
21 remain available until expended, of which \$67,393,000
22 shall be available for transfer to the Upper Colorado River
23 Basin Fund and \$5,551,000 shall be available for transfer
24 to the Lower Colorado River Basin Development Fund;
25 of which such amounts as may be necessary may be ad-

1 vanced to the Colorado River Dam Fund: *Provided*, That
2 such transfers may be increased or decreased within the
3 overall appropriation under this heading: *Provided further*,
4 That of the total appropriated, the amount for program
5 activities that can be financed by the Reclamation Fund
6 or the Bureau of Reclamation special fee account estab-
7 lished by 16 U.S.C. 6806 shall be derived from that Fund
8 or account: *Provided further*, That funds contributed
9 under 43 U.S.C. 395 are available until expended for the
10 purposes for which the funds were contributed: *Provided*
11 *further*, That funds advanced under 43 U.S.C. 397a shall
12 be credited to this account and are available until ex-
13 pended for the same purposes as the sums appropriated
14 under this heading: *Provided further*, That of the amounts
15 provided herein, funds may be used for high-priority
16 projects which shall be carried out by the Youth Conserva-
17 tion Corps, as authorized by 16 U.S.C. 1706.

18 CENTRAL VALLEY PROJECT RESTORATION FUND

19 For carrying out the programs, projects, plans, habi-
20 tat restoration, improvement, and acquisition provisions of
21 the Central Valley Project Improvement Act, \$62,008,000,
22 to be derived from such sums as may be collected in the
23 Central Valley Project Restoration Fund pursuant to sec-
24 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
25 102-575, to remain available until expended: *Provided*,

1 That the Bureau of Reclamation is directed to assess and
2 collect the full amount of the additional mitigation and
3 restoration payments authorized by section 3407(d) of
4 Public Law 102–575: *Provided further*, That none of the
5 funds made available under this heading may be used for
6 the acquisition or leasing of water for in-stream purposes
7 if the water is already committed to in-stream purposes
8 by a court adopted decree or order.

9 CALIFORNIA BAY-DELTA RESTORATION
10 (INCLUDING TRANSFERS OF FUNDS)

11 For carrying out activities authorized by the Water
12 Supply, Reliability, and Environmental Improvement Act,
13 consistent with plans to be approved by the Secretary of
14 the Interior, \$35,000,000, to remain available until ex-
15 pended, of which such amounts as may be necessary to
16 carry out such activities may be transferred to appropriate
17 accounts of other participating Federal agencies to carry
18 out authorized purposes: *Provided*, That funds appro-
19 priated herein may be used for the Federal share of the
20 costs of CALFED Program management: *Provided fur-*
21 *ther*, That CALFED implementation shall be carried out
22 in a balanced manner with clear performance measures
23 demonstrating concurrent progress in achieving the goals
24 and objectives of the Program.

1 POLICY AND ADMINISTRATION

2 For expenses necessary for policy, administration,
3 and related functions in the Office of the Commissioner,
4 the Denver office, and offices in the five regions of the
5 Bureau of Reclamation, to remain available until Sep-
6 tember 30, 2020, \$61,000,000, to be derived from the
7 Reclamation Fund and be nonreimbursable as provided in
8 43 U.S.C. 377: *Provided*, That no part of any other appro-
9 priation in this Act shall be available for activities or func-
10 tions budgeted 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) \$400,000 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, where 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. Hereinafter, notwithstanding any other
15 provision of law, during the period from November 1
16 through April 30, water users may use their diversion
17 structures for the purpose of recharging the Eastern
18 Snake Plain Aquifer, when the Secretary, in consultation
19 with the Advisory Committee and Water District 1
20 watermaster, determines there is water available in excess
21 of that needed to satisfy existing Minidoka Project storage
22 and hydropower rights and ensure operational flexibility.

23 SEC. 204. Section 9001(d) of the Omnibus Public
24 Land Management Act of 2009 (Public Law 111–11; 123

1 Stat. 1295) is amended by striking “10” and inserting
2 “20”.

3 SEC. 205. None of the funds in this Act shall be avail-
4 able to implement the Stipulation of Settlement (Natural
5 Resources Defense Council, et al. v. Kirk Rodgers, et al.,
6 Eastern District of California, No. Civ. 9 S-88-1658
7 LKK/GGH) or subtitle A of title X of Public Law 111-
8 11.

9 SEC. 206. None of the funds in this Act shall be avail-
10 able for the purchase of water in the State of California
11 to supplement instream flow within a river basin that has
12 suffered a drought within the last two years.

13 SEC. 207. Section 9(c)(1) of the Reclamation Project
14 Act of 1939 (43 U.S.C. 485h(c)(1)) is amended by insert-
15 ing “and pumped storage hydropower development exclu-
16 sively using Bureau of Reclamation reservoirs” after “in-
17 cluding small conduit hydropower development”.

18 TITLE III

19 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 \$2,078,640,000, to remain available until expended: *Pro-*
6 *vided*, That of such amount, \$153,700,000 shall be avail-
7 able until September 30, 2020, for program direction.

8 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
9 RESPONSE

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 energy
13 sector cybersecurity, energy security, and emergency re-
14 sponse activities in carrying out the purposes of the De-
15 partment of Energy Organization Act (42 U.S.C. 7101 et
16 seq.), including the acquisition or condemnation of any
17 real property or any facility or for plant or facility acquisi-
18 tion, construction, or expansion, \$146,000,000, to remain
19 available until expended: *Provided*, That of such amount,
20 \$11,500,000 shall be available until September 30, 2020,
21 for program direction.

22 ELECTRICITY DELIVERY

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 elec-

1 tricity delivery activities in carrying out the purposes of
2 the Department of Energy Organization Act (42 U.S.C.
3 7101 et seq.), including the acquisition or condemnation
4 of any real property or any facility or for plant or facility
5 acquisition, construction, or expansion, \$175,000,000, to
6 remain available until expended: *Provided*, That of such
7 amount, \$17,000,000 shall be available until September
8 30, 2020, for program direction.

9 NUCLEAR ENERGY

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 nuclear
13 energy activities in carrying out the purposes of the De-
14 partment of Energy Organization Act (42 U.S.C. 7101 et
15 seq.), including the acquisition or condemnation of any
16 real property or any facility or for plant or facility acqui-
17 sition, construction, or expansion, \$1,346,090,000, to re-
18 main available until expended: *Provided*, That of such
19 amount, \$66,500,000 shall be available until September
20 30, 2020, for program direction.

21 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

22 For Department of Energy expenses necessary in car-
23 rying out fossil energy research and development activi-
24 ties, under the authority of the Department of Energy Or-
25 ganization Act (42 U.S.C. 7101 et seq.), including the ac-

1 quision of interest, including defeasible and equitable in-
2 terests in any real property or any facility or for plant
3 or facility acquisition or expansion, and for conducting in-
4 quires, technological investigations and research con-
5 cerning the extraction, processing, use, and disposal of
6 mineral substances without objectionable social and envi-
7 ronmental costs (30 U.S.C. 3, 1602, and 1603),
8 \$785,000,000, to remain available until expended: *Pro-*
9 *vided*, That of such amount \$61,070,000 shall be available
10 until September 30, 2020, for program direction.

11 NAVAL PETROLEUM AND OIL SHALE RESERVES

12 For Department of Energy expenses necessary to
13 carry out naval petroleum and oil shale reserve activities,
14 \$10,000,000, to remain available until expended: *Pro-*
15 *vided*, That notwithstanding any other provision of law,
16 unobligated funds remaining from prior years shall be
17 available for all naval petroleum and oil shale reserve ac-
18 tivities.

19 STRATEGIC PETROLEUM RESERVE

20 For Department of Energy expenses necessary for
21 Strategic Petroleum Reserve facility development and op-
22 erations and program management activities pursuant to
23 the Energy Policy and Conservation Act (42 U.S.C. 6201
24 et seq.), \$252,000,000, to remain available until expended:
25 *Provided*, That, as authorized by section 404 of the Bipar-

1 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
2 6239 note), the Secretary of Energy shall draw down and
3 sell not to exceed \$300,000,000 of crude oil from the Stra-
4 tegic Petroleum Reserve in fiscal year 2019: *Provided fur-*
5 *ther*, That the proceeds from such drawdown and sale shall
6 be deposited into the “Energy Security and Infrastructure
7 Modernization Fund” during fiscal year 2019: *Provided*
8 *further*, That such amounts shall be made available and
9 shall remain available until expended for necessary ex-
10 penses to carry out the Life Extension II project for the
11 Strategic Petroleum Reserve.

12 SPR PETROLEUM ACCOUNT

13 For the acquisition, transportation, and injection of
14 petroleum products, and for other necessary expenses pur-
15 suant to the Energy Policy and Conservation Act (42
16 U.S.C. 6201 et seq.), sections 403 and 404 of the Bipar-
17 tisan Budget Act of 2015 (42 U.S.C. 6241, 6239 note),
18 and section 5010 of the 21st Century Cures Act (Public
19 Law 114–255), \$10,000,000, to remain available until ex-
20 pended.

21 NORTHEAST HOME HEATING OIL RESERVE

22 For Department of Energy expenses necessary for
23 Northeast Home Heating Oil Reserve storage, operation,
24 and management activities pursuant to the Energy Policy

1 and Conservation Act (42 U.S.C. 6201 et seq.),
2 \$10,000,000, to remain available until expended.

3 ENERGY INFORMATION ADMINISTRATION

4 For Department of Energy expenses necessary in car-
5 rying out the activities of the Energy Information Admin-
6 istration, \$125,000,000, to remain available until ex-
7 pended.

8 NON-DEFENSE ENVIRONMENTAL CLEANUP

9 For Department of Energy expenses, including the
10 purchase, construction, and acquisition of plant and cap-
11 ital equipment and other expenses necessary for non-de-
12 fense environmental cleanup activities in carrying out the
13 purposes of the Department of Energy Organization Act
14 (42 U.S.C. 7101 et seq.), including the acquisition or con-
15 demnation of any real property or any facility or for plant
16 or facility acquisition, construction, or expansion,
17 \$240,000,000, to remain available until expended.

18 URANIUM ENRICHMENT DECONTAMINATION AND

19 DECOMMISSIONING FUND

20 For Department of Energy expenses necessary in car-
21 rying out uranium enrichment facility decontamination
22 and decommissioning, remedial actions, and other activi-
23 ties of title II of the Atomic Energy Act of 1954, and
24 title X, subtitle A, of the Energy Policy Act of 1992,
25 \$870,000,000, to be derived from the Uranium Enrich-

1 ment Decontamination and Decommissioning Fund, to re-
2 main available until expended, of which \$32,959,000 shall
3 be available in accordance with title X, subtitle A, of the
4 Energy Policy Act of 1992, including for the purchase of
5 not to exceed one ambulance for replacement only.

6 SCIENCE

7 For Department of Energy expenses including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment, and other expenses necessary for science
10 activities in carrying out the purposes of the Department
11 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
12 cluding the acquisition or condemnation of any real prop-
13 erty or any facility or for plant or facility acquisition, con-
14 struction, or expansion, and purchase of not more than
15 16 passenger motor vehicles and one airplane for replace-
16 ment only, including one bus, \$6,600,000,000, to remain
17 available until expended: *Provided*, That of such amount,
18 \$183,000,000 shall be available until September 30, 2020,
19 for program direction.

20 NUCLEAR WASTE DISPOSAL

21 For Department of Energy expenses necessary for
22 nuclear waste disposal activities to carry out the purposes
23 of the Nuclear Waste Policy Act of 1982 (Public Law 97-
24 425), as amended (hereinafter referred to as the
25 “NWPA”), including the acquisition of any real property

1 or facility construction, or expansion, \$190,000,000, to re-
2 main available until expended, and to be derived from the
3 Nuclear Waste Fund: *Provided*, That of the funds made
4 available in this Act for nuclear waste disposal and defense
5 nuclear waste disposal activities, 1.62 percent shall be pro-
6 vided to the Office of the Attorney General of the State
7 of Nevada solely for expenditures, other than salaries and
8 expenses of State employees, to conduct scientific over-
9 sight responsibilities and participate in licensing activities
10 pursuant to the NWPA: *Provided further*, That of the
11 funds made available in this Act for nuclear waste disposal
12 and defense nuclear waste disposal activities, 2.91 percent
13 shall be provided to affected units of local government, as
14 defined in the NWPA, to conduct appropriate activities
15 and participate in licensing activities under Section 116(c)
16 of the NWPA: *Provided further*, That of the amounts pro-
17 vided to affected units of local government, 7.5 percent
18 shall be made available to affected units of local govern-
19 ment in California with the balance made available to af-
20 fected units of local government in Nevada for distribution
21 as determined by the Nevada affected units of local gov-
22 ernment: *Provided further*, That of the funds made avail-
23 able in this Act for nuclear waste disposal and defense
24 nuclear waste disposal activities, 0.16 percent shall be pro-
25 vided to the affected Federally-recognized Indian tribes,

1 as defined in the NWPA, solely for expenditures, other
2 than salaries and expenses of tribal employees, to conduct
3 appropriate activities and participate in licensing activities
4 under section 118(b) of the NWPA: *Provided further*, That
5 of the funds made available in this Act for nuclear waste
6 disposal and defense nuclear waste disposal activities, 3.0
7 percent shall be provided to Nye County, Nevada, 0.05
8 percent shall be provided to Clark County, Nevada, and
9 0.46 percent shall be provided to the State of Nevada as
10 payment equal to taxes under section 116(c)(3) of the
11 NWPA: *Provided further*, That within 90 days of the com-
12 pletion of each Federal fiscal year, the Office of the Attor-
13 ney General of the State of Nevada, each affected Feder-
14 ally-recognized Indian tribe, and each of the affected units
15 of local government shall provide certification to the De-
16 partment of Energy that all funds expended from such
17 payments have been expended for activities authorized by
18 the NWPA and this Act: *Provided further*, That failure
19 to provide such certification shall cause such entity to be
20 prohibited from any further funding provided for similar
21 activities: *Provided further*, That none of the funds herein
22 appropriated may be: (1) used for litigation expenses; (2)
23 used for interim storage activities; or (3) used to support
24 multi-State efforts or other coalition building activities in-
25 consistent with the restrictions contained in this Act: *Pro-*

1 2020: *Provided further*, That if the amount in the previous
2 proviso is not available from such fees, an amount for such
3 purposes is also appropriated from the general fund so as
4 to result in a total amount appropriated for such purpose
5 of no more than \$32,000,000: *Provided further*, That fees
6 collected pursuant to such section 1702(h) for fiscal year
7 2019 shall be credited as offsetting collections under this
8 heading and shall not be available until appropriated: *Pro-*
9 *vided further*, That the Department of Energy shall not
10 subordinate any loan obligation to other financing in viola-
11 tion of section 1702 of the Energy Policy Act of 2005 or
12 subordinate any Guaranteed Obligation to any loan or
13 other debt obligations in violation of section 609.10 of title
14 10, Code of Federal Regulations.

15 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING

16 LOAN PROGRAM

17 For Department of Energy administrative expenses
18 necessary in carrying out the Advanced Technology Vehi-
19 cles Manufacturing Loan Program, \$5,000,000, to remain
20 available until September 30, 2020.

21 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

22 For Department of Energy administrative expenses
23 necessary in carrying out the Tribal Energy Loan Guar-
24 antee Program, \$1,000,000, to remain available until Sep-
25 tember 30, 2020.

1 DEPARTMENTAL ADMINISTRATION

2 For salaries and expenses of the Department of En-
3 ergy necessary for departmental administration in car-
4 rying out the purposes of the Department of Energy Orga-
5 nization Act (42 U.S.C. 7101 et seq.), \$280,524,000, to
6 remain available until September 30, 2020, including the
7 hire of passenger motor vehicles and official reception and
8 representation expenses not to exceed \$30,000, plus such
9 additional amounts as necessary to cover increases in the
10 estimated amount of cost of work for others notwith-
11 standing the provisions of the Anti-Deficiency Act (31
12 U.S.C. 1511 et seq.): *Provided*, That such increases in
13 cost of work are offset by revenue increases of the same
14 or greater amount: *Provided further*, That moneys received
15 by the Department for miscellaneous revenues estimated
16 to total \$96,000,000 in fiscal year 2019 may be retained
17 and used for operating expenses within this account, as
18 authorized by section 201 of Public Law 95–238, notwith-
19 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
20 *ther*, That the sum herein appropriated shall be reduced
21 as collections are received during the fiscal year so as to
22 result in a final fiscal year 2019 appropriation from the
23 general fund estimated at not more than \$184,524,000.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses necessary for the Office of the Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$51,330,000, to remain available
5 until September 30, 2020.

6 ATOMIC ENERGY DEFENSE ACTIVITIES

7 NATIONAL NUCLEAR SECURITY

8 ADMINISTRATION

9 WEAPONS ACTIVITIES

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other incidental expenses necessary for
13 atomic energy defense weapons activities in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion,
18 and the purchase of not to exceed one ambulance for re-
19 placement only, \$11,200,000,000, to remain available
20 until expended: *Provided*, That of such amount,
21 \$102,022,000 shall be available until September 30, 2020,
22 for program direction.

23 DEFENSE NUCLEAR NONPROLIFERATION

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

1 ital equipment and other incidental expenses necessary for
2 defense nuclear nonproliferation activities, in carrying out
3 the purposes of the Department of Energy Organization
4 Act (42 U.S.C. 7101 et seq.), including the acquisition or
5 condemnation of any real property or any facility or for
6 plant or facility acquisition, construction, or expansion,
7 and the purchase of not to exceed three aircraft,
8 \$1,902,000,000, to remain available until expended.

9 NAVAL REACTORS

10 (INCLUDING TRANSFER OF FUNDS)

11 For Department of Energy expenses necessary for
12 naval reactors activities to carry out the Department of
13 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
14 ing the acquisition (by purchase, condemnation, construc-
15 tion, or otherwise) of real property, plant, and capital
16 equipment, facilities, and facility expansion,
17 \$1,788,618,000, to remain available until expended, of
18 which, \$85,500,000 shall be transferred to “Department
19 of Energy—Energy Programs—Nuclear Energy”, for the
20 Advanced Test Reactor: *Provided*, That of such amount,
21 \$48,709,000 shall be available until September 30, 2020,
22 for program direction.

23 FEDERAL SALARIES AND EXPENSES

24 For expenses necessary for Federal Salaries and Ex-
25 penses in the National Nuclear Security Administration,

1 \$422,529,000, to remain available until September 30,
2 2020, including official reception and representation ex-
3 penses not to exceed \$12,000.

4 ENVIRONMENTAL AND OTHER DEFENSE
5 ACTIVITIES

6 DEFENSE ENVIRONMENTAL CLEANUP

7 For Department of Energy expenses, including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment and other expenses necessary for atomic
10 energy defense environmental cleanup activities in car-
11 rying out the purposes of the Department of Energy Orga-
12 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
13 sition or condemnation of any real property or any facility
14 or for plant or facility acquisition, construction, or expan-
15 sion, and the purchase of not to exceed one passenger
16 minivan for replacement only, \$5,759,220,000, to remain
17 available until expended: *Provided*, That of such amount,
18 \$295,000,000 shall be available until September 30, 2020,
19 for program direction.

20 OTHER DEFENSE ACTIVITIES

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

1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
2 cluding the acquisition or condemnation of any real prop-
3 erty or any facility or for plant or facility acquisition, con-
4 struction, or expansion, \$870,300,000, to remain available
5 until expended: *Provided*, That of such amount,
6 \$301,085,000 shall be available until September 30, 2020,
7 for program direction.

8 DEFENSE NUCLEAR WASTE DISPOSAL

9 For Department of Energy expenses necessary for
10 nuclear waste disposal activities to carry out the purposes
11 of the Nuclear Waste Policy Act of 1982, as amended,
12 including the acquisition of real property or facility con-
13 struction or expansion, \$30,000,000, to remain available
14 until expended.

15 POWER MARKETING ADMINISTRATIONS

16 BONNEVILLE POWER ADMINISTRATION FUND

17 Expenditures from the Bonneville Power Administra-
18 tion Fund, established pursuant to Public Law 93-454,
19 are approved for official reception and representation ex-
20 penses in an amount not to exceed \$5,000: *Provided*, That
21 during fiscal year 2019, no new direct loan obligations
22 may be made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For expenses necessary for operation and mainte-
4 nance of power transmission facilities and for marketing
5 electric power and energy, including transmission wheeling
6 and ancillary services, pursuant to section 5 of the Flood
7 Control Act of 1944 (16 U.S.C. 825s), as applied to the
8 southeastern power area, \$6,500,000, including official re-
9 ception and representation expenses in an amount not to
10 exceed \$1,500, to remain available until expended: *Pro-*
11 *vided*, That notwithstanding 31 U.S.C. 3302 and section
12 5 of the Flood Control Act of 1944, up to \$6,500,000 col-
13 lected by the Southeastern Power Administration from the
14 sale of power and related services shall be credited to this
15 account as discretionary offsetting collections, to remain
16 available until expended for the sole purpose of funding
17 the annual expenses of the Southeastern Power Adminis-
18 tration: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2019 appropriation estimated at not more than
22 \$0: *Provided further*, That notwithstanding 31 U.S.C.
23 3302, up to \$55,360,000 collected by the Southeastern
24 Power Administration pursuant to the Flood Control Act
25 of 1944 to recover purchase power and wheeling expenses

1 shall be credited to this account as offsetting collections,
2 to remain available until expended for the sole purpose
3 of making purchase power and wheeling expenditures:
4 *Provided further*, That for purposes of this appropriation,
5 annual expenses means expenditures that are generally re-
6 covered in the same year that they are incurred (excluding
7 purchase power and wheeling expenses).

8 OPERATION AND MAINTENANCE, SOUTHWESTERN
9 POWER ADMINISTRATION

10 For expenses necessary for operation and mainte-
11 nance of power transmission facilities and for marketing
12 electric power and energy, for construction and acquisition
13 of transmission lines, substations and appurtenant facili-
14 ties, and for administrative expenses, including official re-
15 ception and representation expenses in an amount not to
16 exceed \$1,500 in carrying out section 5 of the Flood Con-
17 trol Act of 1944 (16 U.S.C. 825s), as applied to the
18 Southwestern Power Administration, \$45,802,000, to re-
19 main available until expended: *Provided*, That notwith-
20 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
21 trol Act of 1944 (16 U.S.C. 825s), up to \$35,402,000 col-
22 lected by the Southwestern Power Administration from
23 the sale of power and related services shall be credited to
24 this account as discretionary offsetting collections, to re-
25 main available until expended, for the sole purpose of

1 funding the annual expenses of the Southwestern Power
2 Administration: *Provided further*, That the sum herein ap-
3 propriated for annual expenses shall be reduced as collec-
4 tions are received during the fiscal year so as to result
5 in a final fiscal year 2019 appropriation estimated at not
6 more than \$10,400,000: *Provided further*, That notwith-
7 standing 31 U.S.C. 3302, up to \$10,000,000 collected by
8 the Southwestern Power Administration pursuant to the
9 Flood Control Act of 1944 to recover purchase power and
10 wheeling expenses shall be credited to this account as off-
11 setting collections, to remain available until expended for
12 the sole purpose of making purchase power and wheeling
13 expenditures: *Provided further*, That for purposes of this
14 appropriation, annual expenses means expenditures that
15 are generally recovered in the same year that they are in-
16 curred (excluding purchase power and wheeling expenses).

17 CONSTRUCTION, REHABILITATION, OPERATION AND
18 MAINTENANCE, WESTERN AREA POWER ADMINIS-
19 TRATION

20 For carrying out the functions authorized by title III,
21 section 302(a)(1)(E) of the Act of August 4, 1977 (42
22 U.S.C. 7152), and other related activities including con-
23 servation and renewable resources programs as author-
24 ized, \$265,142,000, including official reception and rep-
25 resentation expenses in an amount not to exceed \$1,500,

1 to remain available until expended, of which \$265,142,000
2 shall be derived from the Department of the Interior Rec-
3 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
4 3302, section 5 of the Flood Control Act of 1944 (16
5 U.S.C. 825s), and section 1 of the Interior Department
6 Appropriation Act, 1939 (43 U.S.C. 392a), up to
7 \$175,770,000 collected by the Western Area Power Ad-
8 ministration from the sale of power and related services
9 shall be credited to this account as discretionary offsetting
10 collections, to remain available until expended, for the sole
11 purpose of funding the annual expenses of the Western
12 Area Power Administration: *Provided further*, That the
13 sum herein appropriated for annual expenses shall be re-
14 duced as collections are received during the fiscal year so
15 as to result in a final fiscal year 2019 appropriation esti-
16 mated at not more than \$89,372,000, of which
17 \$89,372,000 is derived from the Reclamation Fund: *Pro-*
18 *vided further*, That notwithstanding 31 U.S.C. 3302, up
19 to \$180,408,000 collected by the Western Area Power Ad-
20 ministration pursuant to the Flood Control Act of 1944
21 and the Reclamation Project Act of 1939 to recover pur-
22 chase power and wheeling expenses shall be credited to
23 this account as offsetting collections, to remain available
24 until expended for the sole purpose of making purchase
25 power and wheeling expenditures: *Provided further*, That

1 for purposes of this appropriation, annual expenses means
2 expenditures that are generally recovered in the same year
3 that they are incurred (excluding purchase power and
4 wheeling expenses).

5 FALCON AND AMISTAD OPERATING AND MAINTENANCE
6 FUND

7 For operation, maintenance, and emergency costs for
8 the hydroelectric facilities at the Falcon and Amistad
9 Dams, \$5,207,000, to remain available until expended,
10 and to be derived from the Falcon and Amistad Operating
11 and Maintenance Fund of the Western Area Power Ad-
12 ministration, as provided in section 2 of the Act of June
13 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
14 the provisions of that Act and of 31 U.S.C. 3302, up to
15 \$4,979,000 collected by the Western Area Power Adminis-
16 tration from the sale of power and related services from
17 the Falcon and Amistad Dams shall be credited to this
18 account as discretionary offsetting collections, to remain
19 available until expended for the sole purpose of funding
20 the annual expenses of the hydroelectric facilities of these
21 Dams and associated Western Area Power Administration
22 activities: *Provided further*, That the sum herein appro-
23 priated for annual expenses shall be reduced as collections
24 are received during the fiscal year so as to result in a final
25 fiscal year 2019 appropriation estimated at not more than

1 \$228,000: *Provided further*, That for purposes of this ap-
2 propriation, annual expenses means expenditures that are
3 generally recovered in the same year that they are in-
4 curred: *Provided further*, That for fiscal year 2019, the
5 Administrator of the Western Area Power Administration
6 may accept up to \$122,000 in funds contributed by United
7 States power customers of the Falcon and Amistad Dams
8 for deposit into the Falcon and Amistad Operating and
9 Maintenance Fund, and such funds shall be available for
10 the purpose for which contributed in like manner as if said
11 sums had been specifically appropriated for such purpose:
12 *Provided further*, That any such funds shall be available
13 without further appropriation and without fiscal year limi-
14 tation for use by the Commissioner of the United States
15 Section of the International Boundary and Water Com-
16 mission for the sole purpose of operating, maintaining, re-
17 pairing, rehabilitating, replacing, or upgrading the hydro-
18 electric facilities at these Dams in accordance with agree-
19 ments reached between the Administrator, Commissioner,
20 and the power customers.

21 FEDERAL ENERGY REGULATORY COMMISSION

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Energy Regu-
24 latory Commission to carry out the provisions of the De-
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 tivity if the program, project, or activity has not been
2 funded by Congress.

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

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

9 (B) make a discretionary contract award or
10 Other Transaction Agreement totaling \$1,000,000
11 or more, including a contract covered by the Federal
12 Acquisition Regulation;

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

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

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

1 (3) The notification required by paragraph (1) and
2 the report required by paragraph (2) shall include the re-
3 cipient of the award, the amount of the award, the fiscal
4 year for which the funds for the award were appropriated,
5 the account and program, project, or activity from which
6 the funds are being drawn, the title of the award, and
7 a brief description of the activity for which the award is
8 made.

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

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

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

24 (d) Except as provided in subsections (e), (f), and (g),
25 the amounts made available by this title shall be expended

1 as authorized by law for the programs, projects, and ac-
2 tivities specified in the “Bill” column in the “Department
3 of Energy” table included under the heading “Title III—
4 Department of Energy” in the report of the Committee
5 on Appropriations accompanying this Act.

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

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

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

20 (2) increases funds or personnel for any pro-
21 gram, project, or activity for which funds are denied
22 or restricted by this Act; or

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

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

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

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

21 SEC. 302. Funds appropriated by this or any other
22 Act, or made available by the transfer of funds in this
23 Act, for intelligence activities are deemed to be specifically
24 authorized by the Congress for purposes of section 504
25 of the National Security Act of 1947 (50 U.S.C. 3094)

1 during fiscal year 2019 until the enactment of the Intel-
2 ligence Authorization Act for fiscal year 2019.

3 SEC. 303. None of the funds made available in this
4 title shall be used for the construction of facilities classi-
5 fied as high-hazard nuclear facilities under 10 CFR Part
6 830 unless independent oversight is conducted by the Of-
7 fice of Enterprise Assessments to ensure the project is in
8 compliance with nuclear safety requirements.

9 SEC. 304. None of the funds made available in this
10 title may be used to approve critical decision-2 or critical
11 decision-3 under Department of Energy Order 413.3B, or
12 any successive departmental guidance, for construction
13 projects where the total project cost exceeds
14 \$100,000,000, until a separate independent cost estimate
15 has been developed for the project for that critical deci-
16 sion.

17 SEC. 305. The Secretary of Energy may not transfer
18 more than \$274,833,000 from the amounts made available
19 under this title to the working capital fund established
20 under section 653 of the Department of Energy Organiza-
21 tion Act (42 U.S.C. 7263): *Provided*, That the Secretary
22 may transfer additional amounts to the working capital
23 fund after the Secretary provides notification in advance
24 of any such transfer to the Committees on Appropriations
25 of both Houses of Congress: *Provided further*, That any

1 such notification shall identify the sources of funds by pro-
2 gram, project, or activity: *Provided further*, That the Sec-
3 retary shall notify the Committees on Appropriations of
4 both Houses of Congress before adding or removing any
5 activities from the fund.

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

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

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

21 SEC. 307. (a) NEW REGIONAL RESERVES.—The Sec-
22 retary of Energy may not establish any new regional pe-
23 troleum product reserve unless funding for the proposed
24 regional petroleum product reserve is explicitly requested

1 in advance in an annual budget submission and approved
2 by the Congress in an appropriations Act.

3 (b) The budget request or notification shall include—

4 (1) the justification for the new reserve;

5 (2) a cost estimate for the establishment, oper-
6 ation, and maintenance of the reserve, including
7 funding sources;

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

11 (4) the location of the reserve; and

12 (5) the estimate of the total inventory of the re-
13 serve.

14 SEC. 308. (a) Funds provided by this Act for Project
15 99–D–143, Mixed Oxide Fuel Fabrication Facility, and
16 any funds provided by prior Acts for such Project that
17 remain unobligated, may be made available only for con-
18 struction and project support activities for such Project.

19 (b) The Secretary of Energy may waive the require-
20 ment under subsection (a) if the Secretary concurrently
21 submits to the Committees on Appropriations of both
22 Houses of Congress—

23 (1) the commitment, certification, and details
24 described in section 3121(b) of the National Defense

1 Authorization Act for Fiscal Year 2018 (Public Law
2 115–91; 131 Stat. 1892); and

3 (2) the lifecycle cost estimate used to make
4 such certification.

5 (c) If the Secretary waives the requirements under
6 subsection (a), the Secretary may not use funds provided
7 for the Project described in such subsection to eliminate
8 such Project until the date that is 30 days after the sub-
9 mission of the lifecycle cost estimate required under sub-
10 section (b)(2).

11 SEC. 309. Notwithstanding section 161 of the Energy
12 Policy and Conservation Act (42 U.S.C. 6241), upon a
13 determination by the President in this fiscal year that a
14 regional supply shortage of refined petroleum product of
15 significant scope and duration exists, that a severe in-
16 crease in the price of refined petroleum product will likely
17 result from such shortage, and that a draw down and sale
18 of refined petroleum product would assist directly and sig-
19 nificantly in reducing the adverse impact of such shortage,
20 the Secretary of Energy may draw down and sell refined
21 petroleum product from the Strategic Petroleum Reserve.
22 Proceeds from a sale under this section shall be deposited
23 into the SPR Petroleum Account established in section
24 167 of the Energy Policy and Conservation Act (42 U.S.C.

1 6247), and such amounts shall be available for obligation,
2 without fiscal year limitation, consistent with that section.

3 SEC. 310. (a) REPORT.—The Secretary of Energy
4 shall submit to Congress and the State of Nevada a report
5 on the potential of locating a reprocessing or recycling fa-
6 cility for spent nuclear fuel near the Yucca Mountain site.

7 (b) CONTENTS.—The Secretary shall include in the
8 report required under subsection (a) a description of—

9 (1) the energy technology benefits associated
10 with a reprocessing or recycling facility for spent nu-
11 clear fuel;

12 (2) the potential economic benefits for the host
13 community associated with such a facility, including
14 employment, infrastructure development, and work-
15 force development benefits;

16 (3) the energy and national security implica-
17 tions for the supply and availability of nuclear fuel
18 associated with such a facility; and

19 (4) the potential for locating other nuclear fuel
20 cycle facilities near the Yucca Mountain site, such as
21 an enrichment facility for national defense purposes.

22 (c) CONSULTATION.—In preparing the report re-
23 quired under subsection (a), the Secretary shall consult
24 with institutions in the Nevada System of Higher Edu-

1 cation, as defined by the State of Nevada, with prior re-
2 processing research experience.

3 (d) YUCCA MOUNTAIN SITE DEFINED.—In this sec-
4 tion, the term “Yucca Mountain site” has the meaning
5 given that term in section 2(30) of the Nuclear Waste Pol-
6 icy Act of 1982 (42 U.S.C. 10101(30)).

7 TITLE IV

8 INDEPENDENT AGENCIES

9 APPALACHIAN REGIONAL COMMISSION

10 For expenses necessary to carry out the programs au-
11 thorized by the Appalachian Regional Development Act of
12 1965, and for expenses necessary for the Federal Co-
13 Chairman and the Alternate on the Appalachian Regional
14 Commission, for payment of the Federal share of the ad-
15 ministrative expenses of the Commission, including serv-
16 ices as authorized by 5 U.S.C. 3109, and hire of passenger
17 motor vehicles, \$155,000,000, to remain available until ex-
18 pended.

19 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

20 SALARIES AND EXPENSES

21 For expenses necessary for the Defense Nuclear Fa-
22 cilities Safety Board in carrying out activities authorized
23 by the Atomic Energy Act of 1954, as amended by Public
24 Law 100–456, section 1441, \$31,243,000, to remain
25 available until September 30, 2020.

1 DELTA REGIONAL AUTHORITY

2 SALARIES AND EXPENSES

3 For expenses necessary for the Delta Regional Au-
4 thority and to carry out its activities, as authorized by
5 the Delta Regional Authority Act of 2000, notwith-
6 standing sections 382F(d), 382M, and 382N of said Act,
7 \$15,000,000, to remain available until expended.

8 DENALI COMMISSION

9 For expenses necessary for the Denali Commission
10 including the purchase, construction, and acquisition of
11 plant and capital equipment as necessary and other ex-
12 penses, \$15,000,000, to remain available until expended,
13 notwithstanding the limitations contained in section
14 306(g) of the Denali Commission Act of 1998: *Provided*,
15 That funds shall be available for construction projects in
16 an amount not to exceed 80 percent of total project cost
17 for distressed communities, as defined by section 307 of
18 the Denali Commission Act of 1998 (division C, title III,
19 Public Law 105–277), as amended by section 701 of ap-
20 pendix D, title VII, Public Law 106–113 (113 Stat.
21 1501A–280), and an amount not to exceed 50 percent for
22 non-distressed communities: *Provided further*, That not-
23 withstanding any other provision of law regarding pay-
24 ment of a non-Federal share in connection with a grant-
25 in-aid program, amounts under this heading shall be avail-

1 able for the payment of such a non-Federal share for pro-
2 grams undertaken to carry out the purposes of the Com-
3 mission.

4 NORTHERN BORDER REGIONAL COMMISSION

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

12 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

17 NUCLEAR REGULATORY COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary for the Commission in car-
20 rying out the purposes of the Energy Reorganization Act
21 of 1974 and the Atomic Energy Act of 1954,
22 \$953,050,000, including official representation expenses
23 not to exceed \$25,000, to remain available until expended,
24 of which \$47,700,000 shall be derived from the Nuclear
25 Waste Fund: *Provided*, That of the amount appropriated

1 herein, not more than \$9,500,000 may be made available
2 for salaries, travel, and other support costs for the Office
3 of the Commission, to remain available until September
4 30, 2020, of which, notwithstanding section 201(a)(2)(c)
5 of the Energy Reorganization Act of 1974 (42 U.S.C.
6 5841(a)(2)(c)), the use and expenditure shall only be ap-
7 proved by a majority vote of the Commission: *Provided*
8 *further*, That revenues from licensing fees, inspection serv-
9 ices, and other services and collections estimated at
10 \$763,640,000 in fiscal year 2019 shall be retained and
11 used for necessary salaries and expenses in this account,
12 notwithstanding 31 U.S.C. 3302, and shall remain avail-
13 able until expended: *Provided further*, That of the amounts
14 appropriated under this heading, not less than \$9,896,000
15 shall be for activities related to the development of regu-
16 latory infrastructure for advanced nuclear technologies,
17 and \$16,080,000 shall be for international activities, ex-
18 cept that the amounts provided under this proviso shall
19 not be derived from fee revenues, notwithstanding 42
20 U.S.C. 2214: *Provided further*, That the sum herein ap-
21 propriated shall be reduced by the amount of revenues re-
22 ceived during fiscal year 2019 so as to result in a final
23 fiscal year 2019 appropriation estimated at not more than
24 \$189,410,000: *Provided further*, That of the amounts ap-
25 propriated under this heading, \$10,000,000 shall be for

1 university research and development in areas relevant to
2 the Commission's mission, and \$5,000,000 shall be for a
3 Nuclear Science and Engineering Grant Program that will
4 support multiyear projects that do not align with pro-
5 grammatic missions but are critical to maintaining the
6 discipline of nuclear science and engineering, except that
7 the amounts provided under this proviso shall not be de-
8 rived from fee revenues, notwithstanding 42 U.S.C. 2214.

9 OFFICE OF INSPECTOR GENERAL

10 For expenses necessary for the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, \$12,609,000, to remain available
13 until September 30, 2020: *Provided*, That revenues from
14 licensing fees, inspection services, and other services and
15 collections estimated at \$10,355,000 in fiscal year 2019
16 shall be retained and be available until September 30,
17 2020, for necessary salaries and expenses in this account,
18 notwithstanding section 3302 of title 31, United States
19 Code: *Provided further*, That the sum herein appropriated
20 shall be reduced by the amount of revenues received dur-
21 ing fiscal year 2019 so as to result in a final fiscal year
22 2019 appropriation estimated at not more than
23 \$2,254,000: *Provided further*, That of the amounts appro-
24 priated under this heading, \$1,103,000 shall be for In-
25 spector General services for the Defense Nuclear Facilities

1 Safety Board, which shall not be available from fee reve-
2 nues.

3 NUCLEAR WASTE TECHNICAL REVIEW BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary for the Nuclear Waste Tech-
6 nical Review Board, as authorized by Public Law 100-
7 203, section 5051, \$3,600,000, to be derived from the Nu-
8 clear Waste Fund, to remain available until September 30,
9 2020.

10 GENERAL PROVISIONS—INDEPENDENT

11 AGENCIES

12 SEC. 401. The Nuclear Regulatory Commission shall
13 comply with the July 5, 2011, version of Chapter VI of
14 its Internal Commission Procedures when responding to
15 Congressional requests for information, consistent with
16 Department of Justice guidance for all federal agencies.

17 SEC. 402. (a) The amounts made available by this
18 title for the Nuclear Regulatory Commission may be re-
19 programmed for any program, project, or activity, and the
20 Commission shall notify the Committees on Appropria-
21 tions of both Houses of Congress at least 30 days prior
22 to the use of any proposed reprogramming that would
23 cause any program funding level to increase or decrease
24 by more than \$500,000 or 10 percent, whichever is less,
25 during the time period covered by this Act.

1 (b)(1) The Nuclear Regulatory Commission may
2 waive the notification requirement in subsection (a) if
3 compliance with such requirement would pose a substan-
4 tial risk to human health, the environment, welfare, or na-
5 tional security.

6 (2) The Nuclear Regulatory Commission shall notify
7 the Committees on Appropriations of both Houses of Con-
8 gress of any waiver under paragraph (1) as soon as prac-
9 ticable, but not later than 3 days after the date of the
10 activity to which a requirement or restriction would other-
11 wise have applied. Such notice shall include an explanation
12 of the substantial risk under paragraph (1) that permitted
13 such waiver and shall provide a detailed report to the
14 Committees of such waiver and changes to funding levels
15 to programs, projects, or activities.

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

21 (d) None of the funds provided for the Nuclear Regu-
22 latory Commission shall be available for obligation or ex-
23 penditure through a reprogramming of funds that in-
24 creases funds or personnel for any program, project, or

1 activity for which funds are denied or restricted by this
2 Act.

3 (e) The Commission shall provide a monthly report
4 to the Committees on Appropriations of both Houses of
5 Congress, which includes the following for each program,
6 project, or activity, including any prior year appropria-
7 tions—

- 8 (1) total budget authority;
- 9 (2) total unobligated balances; and
- 10 (3) total unliquidated obligations.

11 TITLE V

12 GENERAL PROVISIONS

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

19 SEC. 502. (a) None of the funds made available in
20 title III of this Act may be transferred to any department,
21 agency, or instrumentality of the United States Govern-
22 ment, except pursuant to a transfer made by or transfer
23 authority provided in this Act or any other appropriations
24 Act for any fiscal year, transfer authority referenced in
25 the report of the Committee on Appropriations accom-

1 panying this Act, or any authority whereby a department,
2 agency, or instrumentality of the United States Govern-
3 ment may provide goods or services to another depart-
4 ment, agency, or instrumentality.

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

16 (c) The head of any relevant department or agency
17 funded in this Act utilizing any transfer authority shall
18 submit to the Committees on Appropriations of both
19 Houses of Congress a semiannual report detailing the
20 transfer authorities, except for any authority whereby a
21 department, agency, or instrumentality of the United
22 States Government may provide goods or services to an-
23 other department, agency, or instrumentality, used in the
24 previous 6 months and in the year-to-date. This report
25 shall include the amounts transferred and the purposes

1 for which they were transferred, and shall not replace or
2 modify existing notification requirements for each author-
3 ity.

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

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

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

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

22 SEC. 506. None of the funds made available in this
23 Act, or federal funds provided from any other source, may
24 be used to operate the Federal Columbia River Power Sys-
25 tem hydroelectric dams in a manner that is inconsistent

1 with the Army Corps of Engineers' 2017 Fish Operations
2 Plan.

3 SEC. 507. None of the funds made available by this
4 Act may be used for the removal of any federally owned
5 or operated dam unless the removal was previously author-
6 ized by Congress.

7 SEC. 508. None of the funds made available by this
8 Act may be used to conduct closure of adjudicatory func-
9 tions, technical review, or support activities associated
10 with the Yucca Mountain geologic repository license appli-
11 cation, or for actions that irrevocably remove the possi-
12 bility that Yucca Mountain may be a repository option in
13 the future.

14 SPENDING REDUCTION ACCOUNT

15 SEC. 509. \$0.

16 This Act may be cited as the “Energy and Water De-
17 velopment and Related Agencies Appropriations Act,
18 2019”.

Union Calendar No. 540

115TH CONGRESS
2^D SESSION

H. R. 5895

[Report No. 115-697]

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

MAY 21, 2018

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