

Calendar No. 437115TH CONGRESS
2^D SESSION**S. 2975****[Report No. 115–258]**

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

IN THE SENATE OF THE UNITED STATES

MAY 24, 2018

Mr. ALEXANDER, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for en-
5 ergy and water development and related agencies for the
6 fiscal year ending September 30, 2019, and for other pur-
7 poses, namely:

1 TITLE I
2 CORPS OF ENGINEERS—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL

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

11 INVESTIGATIONS

12 For expenses necessary where authorized by law for
13 the collection and study of basic information pertaining
14 to river and harbor, flood and storm damage reduction,
15 shore protection, aquatic ecosystem restoration, and re-
16 lated needs; for surveys and detailed studies, and plans
17 and specifications of proposed river and harbor, flood and
18 storm damage reduction, shore protection, and aquatic
19 ecosystem restoration projects, and related efforts prior to
20 construction; for restudy of authorized projects; and for
21 miscellaneous investigations, and, when authorized by law,
22 surveys and detailed studies, and plans and specifications
23 of projects prior to construction, \$123,000,000, to remain
24 available until expended.

1 CONSTRUCTION

2 For expenses necessary for the construction of river
3 and harbor, flood and storm damage reduction, shore pro-
4 tection, aquatic ecosystem restoration, and related
5 projects authorized by law; for conducting detailed studies,
6 and plans and specifications, of such projects (including
7 those involving participation by States, local governments,
8 or private groups) authorized or made eligible for selection
9 by law (but such detailed studies, and plans and specifica-
10 tions, shall not constitute a commitment of the Govern-
11 ment to construction); \$2,161,000,000, to remain avail-
12 able until expended; of which such sums as are necessary
13 to cover the Federal share of construction costs for facili-
14 ties under the Dredged Material Disposal Facilities pro-
15 gram shall be derived from the Harbor Maintenance Trust
16 Fund as authorized by Public Law 104–303; and of which
17 such sums as are necessary to cover one-half of the costs
18 of construction, replacement, rehabilitation, and expansion
19 of inland waterways projects shall be derived from the In-
20 land Waterways Trust Fund, except as otherwise specifi-
21 cally provided for in law.

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, \$350,000,000, 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, \$3,740,000,000, 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, \$120,000,000, 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, \$193,000,000, 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 75 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 title I
5 of this Act, or provided by previous appropriations Acts
6 to the agencies or entities funded in title I of this Act
7 that remain available for obligation or expenditure in fiscal
8 year 2019, shall be available for obligation or expenditure
9 through a reprogramming of funds that:

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

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

13 (3) increases funds or personnel for any pro-
14 gram, project, or activity for which funds have been
15 denied or restricted by this Act, unless prior ap-
16 proval is received from the House and Senate Com-
17 mittees on Appropriations;

18 (4) proposes to use funds directed for a specific
19 activity for a different purpose, unless prior approval
20 is received from the House and Senate Committees
21 on Appropriations;

22 (5) augments or reduces existing programs,
23 projects, or activities in excess of the amounts con-
24 tained in paragraphs (6) through (10), unless prior

1 approval is received from the House and Senate
2 Committees on Appropriations;

3 (6) INVESTIGATIONS.—For a base level over
4 \$100,000, reprogramming of 25 percent of the base
5 amount up to a limit of \$150,000 per project, study
6 or activity is allowed: *Provided*, That for a base level
7 less than \$100,000, the reprogramming limit is
8 \$25,000: *Provided further*, That up to \$25,000 may
9 be reprogrammed into any continuing study or activ-
10 ity that did not receive an appropriation for existing
11 obligations and concomitant administrative expenses;

12 (7) CONSTRUCTION.—For a base level over
13 \$2,000,000, reprogramming of 15 percent of the
14 base amount up to a limit of \$3,000,000 per project,
15 study or activity is allowed: *Provided*, That for a
16 base level less than \$2,000,000, the reprogramming
17 limit is \$300,000: *Provided further*, That up to
18 \$3,000,000 may be reprogrammed for settled con-
19 tractor claims, changed conditions, or real estate de-
20 ficiency judgments: *Provided further*, That up to
21 \$300,000 may be reprogrammed into any continuing
22 study or activity that did not receive an appropria-
23 tion for existing obligations and concomitant admin-
24 istrative expenses;

1 (8) OPERATION AND MAINTENANCE.—Unlim-
2 ited reprogramming authority is granted for the
3 Corps to be able to respond to emergencies: *Pro-*
4 *vided*, That the Chief of Engineers shall notify the
5 House and Senate Committees on Appropriations of
6 these emergency actions as soon thereafter as prac-
7 ticable: *Provided further*, That for a base level over
8 \$1,000,000, reprogramming of 15 percent of the
9 base amount up to a limit of \$5,000,000 per project,
10 study, or activity is allowed: *Provided further*, That
11 for a base level less than \$1,000,000, the re-
12 programming limit is \$150,000: *Provided further*,
13 That \$150,000 may be reprogrammed into any con-
14 tinuing study or activity that did not receive an ap-
15 propriation;

16 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
17 The reprogramming guidelines in paragraphs (6),
18 (7), and (8) shall apply to the Investigations, Con-
19 struction, and Operation and Maintenance portions
20 of the Mississippi River and Tributaries Account, re-
21 spectively; and

22 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
23 TION PROGRAM.—Reprogramming of up to 15 per-
24 cent of the base of the receiving project is permitted.

1 (b) DE MINIMUS REPROGRAMMINGS.—In no case
2 should a reprogramming for less than \$50,000 be sub-
3 mitted to the House and Senate Committees on Appro-
4 priations.

5 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-
6 section (a)(1) shall not apply to any project or activity
7 funded under the continuing authorities program.

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

14 (1) A table for each appropriation with a sepa-
15 rate column to display the President's budget re-
16 quest, adjustments made by Congress, adjustments
17 due to enacted rescissions, if applicable, and the fis-
18 cal year enacted level; and

19 (2) A delineation in the table for each appro-
20 priation both by object class and program, project
21 and activity as detailed in the budget appendix for
22 the respective appropriations; and

23 (3) An identification of items of special congres-
24 sional interest.

1 (e) The Secretary shall allocate funds made available
2 in this Act solely in accordance with the provisions of this
3 Act and the report of the Committee on Appropriations
4 accompanying this Act, including the determination and
5 designation of new starts.

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

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

18 SEC. 103. None of the funds in this Act shall be used
19 for an open lake placement alternative for dredged mate-
20 rial, after evaluating the least costly, environmentally ac-
21 ceptable manner for the disposal or management of
22 dredged material originating from Lake Erie or tributaries
23 thereto, unless it is approved under a State water quality
24 certification pursuant to section 401 of the Federal Water
25 Pollution Control Act (33 U.S.C. 1341): *Provided*, That

1 until an open lake placement alternative for dredged mate-
2 rial is approved under a State water quality certification,
3 the Corps of Engineers shall continue upland placement
4 of such dredged material consistent with the requirements
5 of section 101 of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2211).

7 SEC. 104. None of the funds made available in this
8 title may be used for any acquisition of buoy chain that
9 is not consistent with 48 CFR 225.7007, subsections
10 (a)(1) and (a)(2).

11 SEC. 105. None of the funds made available by this
12 Act may be used to require a permit for the discharge
13 of dredged or fill material under the Federal Water Pollu-
14 tion Control Act (33 U.S.C. 1251 et seq.) for the activities
15 identified in subparagraphs (A) and (C) of section
16 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

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TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$15,000,000, to remain available until expended, of which \$898,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, \$1,398,675 shall be available until September 30, 2020, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2019, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

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

1 WATER AND RELATED RESOURCES
2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian tribes, and others, \$1,382,000,000, to
11 remain available until expended, of which \$67,693,000
12 shall be available for transfer to the Upper Colorado River
13 Basin Fund and \$5,551,000 shall be available for transfer
14 to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund: *Provided*, That
17 such transfers may be increased or decreased within the
18 overall appropriation under this heading: *Provided further*,
19 That within available funds, \$250,000 shall be for grants
20 and financial assistance for educational activities: *Pro-*
21 *vided further*, That of the total appropriated, the amount
22 for program activities that can be financed by the Rec-
23 lamation Fund or the Bureau of Reclamation special fee
24 account established by 16 U.S.C. 6806 shall be derived
25 from that Fund or account: *Provided further*, That funds

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

11 CENTRAL VALLEY PROJECT RESTORATION FUND

12 For carrying out the programs, projects, plans, habi-
13 tat restoration, improvement, and acquisition provisions of
14 the Central Valley Project Improvement Act, \$62,008,000,
15 to be derived from such sums as may be collected in the
16 Central Valley Project Restoration Fund pursuant to sec-
17 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
18 102-575, to remain available until expended: *Provided*,
19 That the Bureau of Reclamation is directed to assess and
20 collect the full amount of the additional mitigation and
21 restoration payments authorized by section 3407(d) of
22 Public Law 102-575: *Provided further*, That none of the
23 funds made available under this heading may be used for
24 the acquisition or leasing of water for in-stream purposes

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

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

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

19 POLICY AND ADMINISTRATION

20 For expenses necessary for policy, administration,
21 and related functions in the Office of the Commissioner,
22 the Denver office, and offices in the five regions of the
23 Bureau of Reclamation, to remain available until Sep-
24 tember 30, 2020, \$61,000,000, to be derived from the
25 Reclamation Fund and be nonreimbursable as provided in

1 43 U.S.C. 377: *Provided*, That no part of any other appro-
2 priation in this Act shall be available for activities or func-
3 tions budgeted as policy and administration expenses.

4 ADMINISTRATIVE PROVISION

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

8 GENERAL PROVISIONS—DEPARTMENT OF THE
9 INTERIOR

10 SEC. 201. (a) None of the funds provided in title II
11 of this Act for Water and Related Resources, or provided
12 by previous or subsequent appropriations Acts to the agen-
13 cies or entities funded in title II of this Act for Water
14 and Related Resources that remain available for obligation
15 or expenditure in fiscal year 2019, shall be available for
16 obligation or expenditure through a reprogramming of
17 funds that—

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

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

21 (3) increases funds for any program, project, or
22 activity for which funds have been denied or re-
23 stricted by this Act, unless prior approval is received
24 from the Committees on Appropriations of the
25 House of Representatives and the Senate;

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 the House of Representa-
5 tives and the Senate;

6 (5) transfers funds in excess of the following
7 limits, unless prior approval is received from the
8 Committees on Appropriations of the House of Rep-
9 resentatives and the Senate:

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

13 (B) \$400,000 for any program, project or
14 activity for which less than \$2,000,000 is avail-
15 able at the beginning of the fiscal year;

16 (6) transfers more than \$500,000 from either
17 the Facilities Operation, Maintenance, and Rehabili-
18 tation category or the Resources Management and
19 Development category to any program, project, or
20 activity in the other category, unless prior approval
21 is received from the Committees on Appropriations
22 of the House of Representatives and the Senate; or

23 (7) transfers, where necessary to discharge legal
24 obligations of the Bureau of Reclamation, more than
25 \$5,000,000 to provide adequate funds for settled

1 contractor claims, increased contractor earnings due
2 to accelerated rates of operations, and real estate de-
3 ficiency judgments, unless prior approval is received
4 from the Committees on Appropriations of the
5 House of Representatives and the Senate.

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

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

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

19 SEC. 202. (a) None of the funds appropriated or oth-
20 erwise made available by this Act may be used to deter-
21 mine the final point of discharge for the interceptor drain
22 for the San Luis Unit until development by the Secretary
23 of the Interior and the State of California of a plan, which
24 shall conform to the water quality standards of the State
25 of California as approved by the Administrator of the En-

1 vironmental Protection Agency, to minimize any detri-
2 mental effect of the San Luis drainage waters.

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

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 ENERGY EFFICIENCY AND RENEWABLE ENERGY
5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for energy
8 efficiency and renewable energy 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 \$2,322,000,000, to remain available until expended: *Pro-*
14 *vided*, That of such amount, \$162,500,000 shall be avail-
15 able until September 30, 2020, for program direction.
16 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
17 RESPONSE
18 For Department of Energy expenses including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment, and other expenses necessary for energy
21 sector cybersecurity, energy security, emergency response,
22 and electricity delivery activities in carrying out the pur-
23 poses of the Department of Energy Organization Act (42
24 U.S.C. 7101 et seq.), including the acquisition or con-
25 demnation of any real property or any facility or for plant

1 or facility acquisition, construction, or expansion,
2 \$260,000,000, to remain available until expended: *Pro-*
3 *vided*, That of such amount, \$28,500,000 shall be avail-
4 able until September 30, 2020, for program direction.

5 NUCLEAR ENERGY

6 For Department of Energy expenses including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment, and other expenses necessary for nuclear
9 energy activities in carrying out the purposes of the De-
10 partment of Energy Organization Act (42 U.S.C. 7101 et
11 seq.), including the acquisition or condemnation of any
12 real property or any facility or for plant or facility acquisi-
13 tion, construction, or expansion, \$1,206,000,000, to re-
14 main available until expended: *Provided*, That of such
15 amount, \$80,000,000 shall be available until September
16 30, 2020, for program direction.

17 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

18 For Department of Energy expenses necessary in car-
19 rying out fossil energy research and development activi-
20 ties, under the authority of the Department of Energy Or-
21 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
22 quisition of interest, including defeasible and equitable in-
23 terests in any real property or any facility or for plant
24 or facility acquisition or expansion, and for conducting in-
25 quires, technological investigations and research con-

1 cerning the extraction, processing, use, and disposal of
2 mineral substances without objectionable social and envi-
3 ronmental costs (30 U.S.C. 3, 1602, and 1603),
4 \$727,000,000, to remain available until expended: *Pro-*
5 *vided*, That of such amount \$61,070,000 shall be available
6 until September 30, 2020, for program direction.

7 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

15 STRATEGIC PETROLEUM RESERVE

16 For Department of Energy expenses necessary for
17 Strategic Petroleum Reserve facility development and op-
18 erations and program management activities pursuant to
19 the Energy Policy and Conservation Act (42 U.S.C. 6201
20 et seq.), \$175,105,000, to remain available until expended:
21 *Provided*, That, as authorized by section 404 of the Bipar-
22 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
23 6239 note), the Secretary of Energy shall draw down and
24 sell not to exceed \$350,000,000 of crude oil from the Stra-
25 tegic Petroleum Reserve in fiscal year 2019: *Provided fur-*

1 *ther*, That the proceeds from such drawdown and sale shall
2 be deposited into the “Energy Security and Infrastructure
3 Modernization Fund” during fiscal year 2019: *Provided*
4 *further*, That such amounts shall be made available and
5 remain available until expended for necessary expenses to
6 carry out the Life Extension II project for the Strategic
7 Petroleum Reserve.

8 SPR PETROLEUM ACCOUNT

9 For the acquisition, transportation, and injection of
10 petroleum products, and for other necessary expenses pur-
11 suant to the Energy Policy and Conservation Act of 1975,
12 as amended (42 U.S.C. 6201 et seq.), sections 403 and
13 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
14 6241, 6239 note), and section 5010 of the 21st Century
15 Cures Act (Public Law 114–255), \$8,400,000, to remain
16 available until expended.

17 NORTHEAST HOME HEATING OIL RESERVE

18 For Department of Energy expenses necessary for
19 Northeast Home Heating Oil Reserve storage, operation,
20 and management activities pursuant to the Energy Policy
21 and Conservation Act (42 U.S.C. 6201 et seq.),
22 \$10,000,000, to remain available until expended.

23 ENERGY INFORMATION ADMINISTRATION

24 For Department of Energy expenses necessary in car-
25 rying out the activities of the Energy Information Admin-

1 istration, \$125,000,000, to remain available until ex-
2 pended.

3 NON-DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for non-de-
7 fense environmental cleanup activities in carrying out the
8 purposes of the Department of Energy Organization Act
9 (42 U.S.C. 7101 et seq.), including the acquisition or con-
10 demnation of any real property or any facility or for plant
11 or facility acquisition, construction, or expansion,
12 \$353,240,000, to remain available until expended.

13 URANIUM ENRICHMENT DECONTAMINATION AND
14 DECOMMISSIONING FUND

15 For Department of Energy expenses necessary in car-
16 rying out uranium enrichment facility decontamination
17 and decommissioning, remedial actions, and other activi-
18 ties of title II of the Atomic Energy Act of 1954, and
19 title X, subtitle A, of the Energy Policy Act of 1992,
20 \$840,818,000, to be derived from the Uranium Enrich-
21 ment Decontamination and Decommissioning Fund, to re-
22 main available until expended, of which \$10,689,000 shall
23 be available in accordance with title X, subtitle A, of the
24 Energy Policy Act of 1992.

1 SCIENCE

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 science
5 activities in carrying out the purposes of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
7 cluding the acquisition or condemnation of any real prop-
8 erty or facility or for plant or facility acquisition, construc-
9 tion, or expansion, and purchase of not more than 16 pas-
10 senger motor vehicles including one ambulance and one
11 bus, and one airplane for replacement only,
12 \$6,650,000,000, to remain available until expended: *Pro-*
13 *vided*, That of such amount, \$184,000,000 shall be avail-
14 able until September 30, 2020, for program direction.

15 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

16 For Department of Energy expenses necessary in car-
17 rying out the activities authorized by section 5012 of the
18 America COMPETES Act (Public Law 110–69),
19 \$375,000,000, to remain available until expended: *Pro-*
20 *vided*, That of such amount, \$33,250,000 shall be avail-
21 able until September 30, 2020, for program direction.

22 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
23 PROGRAM

24 Such sums as are derived from amounts received
25 from borrowers pursuant to section 1702(b) of the Energy

1 Policy Act of 2005 under this heading in prior Acts, shall
2 be collected in accordance with section 502(7) of the Con-
3 gressional Budget Act of 1974: *Provided*, That for nec-
4 essary administrative expenses of the Title 17 Innovative
5 Technology Loan Guarantee Program, as authorized,
6 \$33,000,000 is appropriated, to remain available until
7 September 30, 2020: *Provided further*, That up to
8 \$33,000,000 of fees collected in fiscal year 2019 pursuant
9 to section 1702(h) of the Energy Policy Act of 2005 shall
10 be credited as offsetting collections under this heading and
11 used for necessary administrative expenses in this appro-
12 priation and shall remain available until September 30,
13 2020: *Provided further*, That to the extent that fees col-
14 lected in fiscal year 2019 exceed \$33,000,000, those ex-
15 cess amounts shall be credited as offsetting collections
16 under this heading and available in future fiscal years only
17 to the extent provided in advance in appropriations Acts:
18 *Provided further*, That the sum herein appropriated from
19 the general fund shall be reduced (1) as such fees are re-
20 ceived during fiscal year 2019 (estimated at \$15,000,000)
21 and (2) to the extent that any remaining general fund ap-
22 propriations can be derived from fees collected in previous
23 fiscal years that are not otherwise appropriated, so as to
24 result in a final fiscal year 2019 appropriation from the
25 general fund estimated at \$0: *Provided further*, That the

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.), \$266,000,000, 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 \$170,000,000.

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 \$10,850,000,000, to remain available until expended: *Pro-*
19 *vided*, That of such amount, \$102,022,000 shall be avail-
20 able until September 30, 2020, for program direction.

21 DEFENSE NUCLEAR NONPROLIFERATION

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

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for atomic
7 energy defense environmental cleanup activities in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
10 sition or condemnation of any real property or any facility
11 or for plant or facility acquisition, construction, or expan-
12 sion, \$5,988,000,000, to remain available until expended:
13 *Provided*, That of such amount, \$300,000,000 shall be
14 available until September 30, 2020, for program direction.

15 OTHER DEFENSE ACTIVITIES

16 For Department of Energy expenses, including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment and other expenses, necessary for atomic
19 energy defense, other defense activities, and classified ac-
20 tivities, in carrying out the purposes of the Department
21 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
22 cluding the acquisition or condemnation of any real prop-
23 erty or any facility or for plant or facility acquisition, con-
24 struction, or expansion, \$840,000,000, to remain available
25 until expended: *Provided*, That of such amount,

1 \$288,396,000 shall be available until September 30, 2020,
2 for program direction.

3 POWER MARKETING ADMINISTRATIONS

4 BONNEVILLE POWER ADMINISTRATION FUND

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

11 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
12 ADMINISTRATION

13 For expenses necessary for operation and mainte-
14 nance of power transmission facilities and for marketing
15 electric power and energy, including transmission wheeling
16 and ancillary services, pursuant to section 5 of the Flood
17 Control Act of 1944 (16 U.S.C. 825s), as applied to the
18 southeastern power area, \$6,500,000, including official re-
19 ception and representation expenses in an amount not to
20 exceed \$1,500, to remain available until expended: *Pro-*
21 *vided*, That notwithstanding 31 U.S.C. 3302 and section
22 5 of the Flood Control Act of 1944, up to \$6,500,000 col-
23 lected by the Southeastern Power Administration from the
24 sale of power and related services shall be credited to this
25 account as discretionary offsetting collections, to remain

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 2019 appropriation estimated at not more than
7 \$0: *Provided further*, That notwithstanding 31 U.S.C.
8 3302, up to \$55,000,000 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, \$29,802,000, 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 \$19,402,000 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 2019 appropriation estimated at not
16 more than \$10,400,000: *Provided further*, That notwith-
17 standing 31 U.S.C. 3302, up to \$10,000,000 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, \$222,142,000, including official reception and rep-
11 resentation expenses in an amount not to exceed \$1,500,
12 to remain available until expended, of which \$220,000,000
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 1 of the Interior Department
17 Appropriation Act, 1939 (43 U.S.C. 392a), up to
18 \$132,770,000 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 2019 appropriation esti-
2 mated at not more than \$89,372,000, of which
3 \$89,000,000 is derived from the Reclamation Fund: *Pro-*
4 *vided further*, That notwithstanding 31 U.S.C. 3302, up
5 to \$180,000,000 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, \$5,207,000, 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 \$4,979,000 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 2019 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 2019, the
16 Administrator of the Western Area Power Administration
17 may accept up to \$122,000 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 \$369,900,000, to remain available until expended: *Pro-*
16 *vided*, That notwithstanding any other provision of law,
17 not to exceed \$369,900,000 of revenues from fees and an-
18 nual charges, and other services and collections in fiscal
19 year 2019 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 2019 so as to result in a
24 final fiscal year 2019 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 cipient 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 3 days in advance.

10 (d) Except as provided in subsections (e), (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 “FY 2019 Senate” column in the
14 “Department of Energy” table included under the heading
15 “Title III—Department of Energy” in the report of the
16 Committee 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, and obtain the prior approval
20 of, the Committees on Appropriations of both Houses of
21 Congress at least 30 days prior to the use of any proposed
22 reprogramming that would cause any program, project, or
23 activity funding level to increase or decrease by more than
24 \$5,000,000 or 10 percent, whichever is less, during the
25 time period covered by 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 (h) The unexpended balances of prior appropriations
2 provided for activities in this Act may be available to the
3 same appropriation accounts for such activities established
4 pursuant to this title. Available balances may be merged
5 with funds in the applicable established accounts and
6 thereafter may be accounted for as one fund for the same
7 time period as originally enacted.

8 SEC. 302. 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. 3094)
13 during fiscal year 2019 until the enactment of the Intel-
14 ligence Authorization Act for fiscal year 2019.

15 SEC. 303. None of the funds made available in this
16 title may be used to approve critical decision-2 or critical
17 decision-3 under Department of Energy Order 413.3B, or
18 any successive departmental guidance, for construction
19 projects where the total project cost exceeds
20 \$100,000,000, until a separate independent cost estimate
21 has been developed for the project for that critical deci-
22 sion.

23 SEC. 304. (a) DEFINITIONS.—In this section:

24 (1) AFFECTED INDIAN TRIBE.—The term “af-
25 fected Indian tribe” has the meaning given the term

1 in section 2 of the Nuclear Waste Policy Act of 1982
2 (42 U.S.C. 10101).

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

7 (3) NUCLEAR WASTE FUND.—The term “Nu-
8 clear Waste Fund” means the Nuclear Waste Fund
9 established under section 302(c) of the Nuclear
10 Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

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

13 (5) SPENT NUCLEAR FUEL.—The term “spent
14 nuclear fuel” has the meaning given the term in sec-
15 tion 2 of the Nuclear Waste Policy Act of 1982 (42
16 U.S.C. 10101).

17 (b) PILOT PROGRAM.—Notwithstanding any provi-
18 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
19 10101 et seq.), the Secretary is authorized, in the current
20 fiscal year and subsequent fiscal years, to conduct a pilot
21 program to license, construct, and operate 1 or more Fed-
22 eral consolidated storage facilities to provide interim stor-
23 age as needed for spent nuclear fuel and high-level radio-
24 active waste, with priority for storage given to spent nu-

1 clear fuel located on sites without an operating nuclear
2 reactor.

3 (c) REQUESTS FOR PROPOSALS.—Not later than 120
4 days after the date of enactment of this Act, the Secretary
5 shall issue a request for proposals for cooperative agree-
6 ments—

7 (1) to obtain any license necessary from the
8 Nuclear Regulatory Commission for the construction
9 of 1 or more consolidated storage facilities;

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

13 (3) to demonstrate the safe storage of spent nu-
14 clear fuel and high-level radioactive waste, as appli-
15 cable, at the 1 or more consolidated storage facilities
16 pending the construction and operation of deep geo-
17 logic disposal capacity for the permanent disposal of
18 the spent nuclear fuel.

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

23 (1) the Governor of the State;

1 (2) each unit of local government within the ju-
2 risdiction of which the facility is proposed to be lo-
3 cated; and

4 (3) each affected Indian tribe.

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

7 (1) all licensing requirements and regulations of
8 the Nuclear Regulatory Commission; and

9 (2) all other applicable laws (including regula-
10 tions).

11 (f) PILOT PROGRAM PLAN.—Not later than 120 days
12 after the date on which the Secretary issues the request
13 for proposals under subsection (c), the Secretary shall sub-
14 mit to Congress a plan to carry out this section that in-
15 cludes—

16 (1) an estimate of the cost of licensing, con-
17 structing, and operating a consolidated storage facil-
18 ity, including the transportation costs, on an annual
19 basis, over the expected lifetime of the facility;

20 (2) a schedule for—

21 (A) obtaining any license necessary to con-
22 struct and operate a consolidated storage facil-
23 ity from the Nuclear Regulatory Commission;

24 (B) constructing the facility;

1 (C) transporting spent fuel to the facility;

2 and

3 (D) removing the spent fuel and decom-
4 missioning the facility;

5 (3) an estimate of the cost of any financial as-
6 sistance, compensation, or incentives proposed to be
7 paid to the host State, Indian tribe, or local govern-
8 ment;

9 (4) an estimate of any future reductions in the
10 damages expected to be paid by the United States
11 for the delay of the Department of Energy in accept-
12 ing spent fuel expected to result from the pilot pro-
13 gram;

14 (5) recommendations for any additional legisla-
15 tion needed to authorize and implement the pilot
16 program; and

17 (6) recommendations for a mechanism to en-
18 sure that any spent nuclear fuel or high-level radio-
19 active waste stored at a consolidated storage facility
20 pursuant to this section shall move to deep geologic
21 disposal capacity, following a consent-based approval
22 process for that deep geologic disposal capacity con-
23 sistent with subsection (d), within a reasonable time
24 after the issuance of a license to construct and oper-
25 ate the consolidated storage facility.

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

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

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TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$155,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

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

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwith-

1 standing sections 382F(d), 382M, and 382N of said Act,
2 \$25,000,000, to remain available until expended.

3 DENALI COMMISSION

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

1 NORTHERN BORDER REGIONAL COMMISSION

2 For expenses necessary for the Northern Border Re-
3 gional Commission in carrying out activities authorized by
4 subtitle V of title 40, United States Code, \$20,000,000,
5 to remain available until expended: *Provided*, That such
6 amounts shall be available for administrative expenses,
7 notwithstanding section 15751(b) of title 40, United
8 States Code: *Provided further*, That during fiscal year
9 2019, the duties and authority of the Federal Cochair-
10 person shall be assumed by the Northern Border Regional
11 Commission Program Director if the position of the Fed-
12 eral Cochairperson and Alternate Federal Cochairperson
13 is vacant.

14 NUCLEAR REGULATORY COMMISSION

15 SALARIES AND EXPENSES

16 For expenses necessary for the Commission in car-
17 rying out the purposes of the Energy Reorganization Act
18 of 1974 and the Atomic Energy Act of 1954,
19 \$898,350,000, including official representation expenses
20 not to exceed \$25,000, to remain available until expended:
21 *Provided*, That of the amount appropriated herein, not
22 more than \$9,500,000 may be made available for salaries,
23 travel, and other support costs for the Office of the Com-
24 mission, to remain available until September 30, 2020, of
25 which, notwithstanding section 201(a)(2)(c) of the Energy

1 Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)),
2 the use and expenditure shall only be approved by a major-
3 ity vote of the Commission: *Provided further*, That reve-
4 nues from licensing fees, inspection services, and other
5 services and collections estimated at \$794,218,500 in fis-
6 cal year 2019 shall be retained and used for necessary
7 salaries and expenses in this account, notwithstanding 31
8 U.S.C. 3302, and shall remain available until expended:
9 *Provided further*, That the sum herein appropriated shall
10 be reduced by the amount of revenues received during fis-
11 cal year 2019 so as to result in a final fiscal year 2019
12 appropriation estimated at not more than \$104,131,500:
13 *Provided further*, That of the amounts appropriated under
14 this heading, \$10,000,000 shall be for university research
15 and development in areas relevant to the Commission's
16 mission, and \$5,000,000 shall be for a Nuclear Science
17 and Engineering Grant Program that will support
18 multiyear projects that do not align with programmatic
19 missions but are critical to maintaining the discipline of
20 nuclear science and engineering.

21 OFFICE OF INSPECTOR GENERAL

22 For expenses necessary for the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, \$12,609,000, to remain available
25 until September 30, 2020: *Provided*, That revenues from

1 licensing fees, inspection services, and other services and
 2 collections estimated at \$10,355,000 in fiscal year 2019
 3 shall be retained and be available until September 30,
 4 2020, for necessary salaries and expenses in this account,
 5 notwithstanding section 3302 of title 31, United States
 6 Code: *Provided further*, That the sum herein appropriated
 7 shall be reduced by the amount of revenues received dur-
 8 ing fiscal year 2019 so as to result in a final fiscal year
 9 2019 appropriation estimated at not more than
 10 \$2,254,000: *Provided further*, That of the amounts appro-
 11 priated under this heading, \$1,103,000 shall be for In-
 12 spector General services for the Defense Nuclear Facilities
 13 Safety Board, which shall not be available from fee reve-
 14 nues.

15 NUCLEAR WASTE TECHNICAL REVIEW BOARD

16 SALARIES AND EXPENSES

17 For expenses necessary for the Nuclear Waste Tech-
 18 nical Review Board, as authorized by Public Law 100-
 19 203, section 5051, \$3,600,000, to be derived from the Nu-
 20 clear Waste Fund, to remain available until September 30,
 21 2020.

22 GENERAL PROVISIONS—INDEPENDENT

23 AGENCIES

24 SEC. 401. The Nuclear Regulatory Commission shall
 25 comply with the July 5, 2011, version of Chapter VI of

1 its Internal Commission Procedures when responding to
2 Congressional requests for information.

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

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

17 (2) The Nuclear Regulatory Commission shall notify
18 the Committees on Appropriations of both Houses of Con-
19 gress of any waiver under paragraph (1) as soon as prac-
20 ticable, but not later than 3 days after the date of the
21 activity to which a requirement or restriction would other-
22 wise have applied. Such notice shall include an explanation
23 of the substantial risk under paragraph (1) that permitted
24 such waiver and shall provide a detailed report to the

1 Committees of such waiver and changes to funding levels
2 to programs, projects, or activities.

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

8 (d) None of the funds provided for the Nuclear Regu-
9 latory Commission shall be available for obligation or ex-
10 penditure through a reprogramming of funds that in-
11 creases funds or personnel for any program, project, or
12 activity for which funds are denied or restricted by this
13 Act.

14 (e) The Commission shall provide a monthly report
15 to the Committees on Appropriations of both Houses of
16 Congress, which includes the following for each program,
17 project, or activity, including any prior year appropria-
18 tions—

- 19 (1) total budget authority;
- 20 (2) total unobligated balances; and
- 21 (3) total unliquidated obligations.

TITLE V

GENERAL PROVISIONS

1
2
3 SEC. 501. None of the funds appropriated by this Act
4 may be used in any way, directly or indirectly, to influence
5 congressional action on any legislation or appropriation
6 matters pending before Congress, other than to commu-
7 nicate to Members of Congress as described in 18 U.S.C.
8 1913.

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

20 (b) None of the funds made available for any depart-
21 ment, agency, or instrumentality of the United States
22 Government may be transferred to accounts funded in title
23 III of this Act, except pursuant to a transfer made by or
24 transfer authority provided in this Act or any other appro-
25 priations Act for any fiscal year, transfer authority ref-

1 erenced in the report of the Committee on Appropriations
2 accompanying this Act, or any authority whereby a de-
3 partment, agency, or instrumentality of the United States
4 Government may provide goods or services to another de-
5 partment, agency, or instrumentality.

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

19 SEC. 503. (a) None of the funds made available in
20 this Act may be used to maintain or establish a computer
21 network unless such network blocks the viewing,
22 downloading, and exchanging of pornography.

23 (b) Nothing in subsection (a) shall limit the use of
24 funds necessary for any Federal, State, tribal, or local law

1 enforcement agency or any other entity carrying out crimi-
2 nal investigations, prosecution, or adjudication activities.

3 This Act may be cited as the “Energy and Water De-
4 velopment and Related Agencies Appropriations Act,
5 2019”.

Calendar No. 437

115TH CONGRESS
2^D SESSION

S. 2975

[Report No. 115-258]

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 24, 2018

Read twice and placed on the calendar