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115TH CONGRESS
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[Report No. 115-____]

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

____ --, 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 *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:

8 TITLE I

9 CORPS OF ENGINEERS—CIVIL

10 DEPARTMENT OF THE ARMY

11 CORPS OF ENGINEERS—CIVIL

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

18 INVESTIGATIONS

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

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-

tion Fund Act of 1965 shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

REGULATORY PROGRAM

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

tion 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Development Act of 1996, or section 204 of the Water Resources Development Act of 1992.

(c) The Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

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

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 TITLE II

10 DEPARTMENT OF THE INTERIOR

11 CENTRAL UTAH PROJECT

12 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

13 For carrying out activities authorized by the Central
14 Utah Project Completion Act, \$13,000,000, to remain
15 available until expended, of which \$898,000 shall be de-
16 posited into the Utah Reclamation Mitigation and Con-
17 servation Account for use by the Utah Reclamation Miti-
18 gation and Conservation Commission: *Provided*, That of
19 the amount provided under this heading, \$1,398,675 shall
20 be available until September 30, 2020, for expenses nec-
21 essary in carrying out related responsibilities of the Sec-
22 retary of the Interior: *Provided further*, That for fiscal
23 year 2019, of the amount made available to the Commis-
24 sion under this Act or any other Act, the Commission may

1 use an amount not to exceed \$1,500,000 for administra-
2 tive expenses.

3 BUREAU OF RECLAMATION

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

7 WATER AND RELATED RESOURCES

8 (INCLUDING TRANSFERS OF FUNDS)

9 For management, development, and restoration of
10 water and related natural resources and for related activi-
11 ties, including the operation, maintenance, and rehabilita-
12 tion of reclamation and other facilities, participation in
13 fulfilling related Federal responsibilities to Native Ameri-
14 cans, and related grants to, and cooperative and other
15 agreements with, State and local governments, federally
16 recognized Indian tribes, and others, \$1,383,992,000, to
17 remain available until expended, of which \$67,393,000
18 shall be available for transfer to the Upper Colorado River
19 Basin Fund and \$5,551,000 shall be available for transfer
20 to the Lower Colorado River Basin Development Fund;
21 of which such amounts as may be necessary may be ad-
22 vanced to the Colorado River Dam Fund: *Provided*, That
23 such transfers may be increased or decreased within the
24 overall appropriation under this heading: *Provided further*,
25 That of the total appropriated, the amount for program

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

14 CENTRAL VALLEY PROJECT RESTORATION FUND

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

1 funds made available under this heading may be used for
2 the acquisition or leasing of water for in-stream purposes
3 if the water is already committed to in-stream purposes
4 by a court adopted decree or order.

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

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

21 POLICY AND ADMINISTRATION

22 For expenses necessary for policy, administration,
23 and related functions in the Office of the Commissioner,
24 the Denver office, and offices in the five regions of the
25 Bureau of Reclamation, to remain available until Sep-

1 tember 30, 2020, \$61,000,000, to be derived from the
2 Reclamation Fund and be nonreimbursable as provided in
3 43 U.S.C. 377: *Provided*, That no part of any other appro-
4 priation in this Act shall be available for activities or func-
5 tions budgeted as policy and administration expenses.

6 ADMINISTRATIVE PROVISION

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

10 GENERAL PROVISIONS—DEPARTMENT OF THE
11 INTERIOR

12 SEC. 201. (a) None of the funds provided in this title
13 shall be available for obligation or expenditure through a
14 reprogramming of funds that—

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

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

18 (3) increases funds for any program, project, or
19 activity for which funds have been denied or re-
20 stricted by this Act;

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

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

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

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

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

14 (7) transfers, where necessary to discharge legal
15 obligations of the Bureau of Reclamation, more than
16 \$5,000,000 to provide adequate funds for settled
17 contractor claims, increased contractor earnings due
18 to accelerated rates of operations, and real estate de-
19 ficiency judgments.

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

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

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

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

17 (b) The costs of the Kesterson Reservoir Cleanup
18 Program and the costs of the San Joaquin Valley Drain-
19 age Program shall be classified by the Secretary of the
20 Interior as reimbursable or nonreimbursable and collected
21 until fully repaid pursuant to the “Cleanup Program—
22 Alternative Repayment Plan” and the “SJVDP—Alter-
23 native Repayment Plan” described in the report entitled
24 “Repayment Report, Kesterson Reservoir Cleanup Pro-
25 gram and San Joaquin Valley Drainage Program, Feb-

1 ruary 1995”, prepared by the Department of the Interior,
2 Bureau of Reclamation. Any future obligations of funds
3 by the United States relating to, or providing for, drainage
4 service or drainage studies for the San Luis Unit shall
5 be fully reimbursable by San Luis Unit beneficiaries of
6 such service or studies pursuant to Federal reclamation
7 law.

8 SEC. 203. Hereinafter, notwithstanding any other
9 provision of law, during the period from November 1
10 through April 30, water users may use their diversion
11 structures for the purpose of recharging the Eastern
12 Snake Plain Aquifer, when the Secretary, in consultation
13 with the Advisory Committee and Water District 1
14 watermaster, determines there is water available in excess
15 of that needed to satisfy existing Minidoka Project storage
16 and hydropower rights and ensure operational flexibility.

17 SEC. 204. Section 9001(d) of the Omnibus Public
18 Land Management Act of 2009 (Public Law 111—11;
19 123 Stat. 1295) is amended by striking “10” and insert-
20 ing “20”.

21 SEC. 205. None of the funds in this Act shall be avail-
22 able to implement the Stipulation of Settlement (Natural
23 Resources Defense Council, et al. v. Kirk Rodgers, et al.,
24 Eastern District of California, No. Civ. 9 S–88–1658

1 LKK/GGH) or subtitle A of title X of Public Law 111–
2 11.

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

7 TITLE III

8 DEPARTMENT OF ENERGY

9 ENERGY PROGRAMS

10 ENERGY EFFICIENCY AND RENEWABLE ENERGY

11 For Department of Energy expenses including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment, and other expenses necessary for energy
14 efficiency and renewable energy activities in carrying out
15 the purposes of the Department of Energy Organization
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or
17 condemnation of any real property or any facility or for
18 plant or facility acquisition, construction, or expansion,
19 \$2,078,640,000, to remain available until expended: *Pro-*
20 *vided*, That of such amount, \$153,700,000 shall be avail-
21 able until September 30, 2020, for program direction.

22 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY

23 RESPONSE

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

1 ital equipment, and other expenses necessary for energy
2 sector cybersecurity, energy security, and emergency re-
3 sponse activities in carrying out the purposes of the De-
4 partment of Energy Organization Act (42 U.S.C. 7101 et
5 seq.), including the acquisition or condemnation of any
6 real property or any facility or for plant or facility acquisi-
7 tion, construction, or expansion, \$146,000,000, to remain
8 available until expended: *Provided*, That of such amount,
9 \$11,500,000 shall be available until September 30, 2020,
10 for program direction.

11 ELECTRICITY DELIVERY

12 For Department of Energy expenses including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment, and other expenses necessary for elec-
15 tricity delivery activities in carrying out the purposes of
16 the Department of Energy Organization Act (42 U.S.C.
17 7101 et seq.), including the acquisition or condemnation
18 of any real property or any facility or for plant or facility
19 acquisition, construction, or expansion, \$175,000,000, to
20 remain available until expended: *Provided*, That of such
21 amount, \$17,000,000 shall be available until September
22 30, 2020, for program direction.

23 NUCLEAR ENERGY

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

1 ital equipment, and other expenses necessary for nuclear
2 energy activities in carrying out the purposes of the De-
3 partment of Energy Organization Act (42 U.S.C. 7101 et
4 seq.), including the acquisition or condemnation of any
5 real property or any facility or for plant or facility acquisi-
6 tion, construction, or expansion, \$1,346,090,000, to re-
7 main available until expended: *Provided*, That of such
8 amount, \$66,500,000 shall be available until September
9 30, 2020, for program direction.

10 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

11 For Department of Energy expenses necessary in car-
12 rying out fossil energy research and development activi-
13 ties, under the authority of the Department of Energy Or-
14 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
15 quisition of interest, including defeasible and equitable in-
16 terests in any real property or any facility or for plant
17 or facility acquisition or expansion, and for conducting in-
18 quiries, technological investigations and research con-
19 cerning the extraction, processing, use, and disposal of
20 mineral substances without objectionable social and envi-
21 ronmental costs (30 U.S.C. 3, 1602, and 1603),
22 \$785,000,000, to remain available until expended: *Pro-*
23 *vided*, That of such amount \$61,070,000 shall be available
24 until September 30, 2020, for program direction.

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

2 For Department of Energy expenses necessary to
3 carry out naval petroleum and oil shale reserve activities,
4 \$10,000,000, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding any other provision of law,
6 unobligated funds remaining from prior years shall be
7 available for all naval petroleum and oil shale reserve ac-
8 tivities.

9 STRATEGIC PETROLEUM RESERVE

10 For Department of Energy expenses necessary for
11 Strategic Petroleum Reserve facility development and op-
12 erations and program management activities pursuant to
13 the Energy Policy and Conservation Act (42 U.S.C. 6201
14 et seq.), \$252,000,000, to remain available until expended:
15 *Provided*, That, as authorized by section 404 of the Bipar-
16 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
17 6239 note), the Secretary of Energy shall draw down and
18 sell not to exceed \$300,000,000 of crude oil from the Stra-
19 tegic Petroleum Reserve in fiscal year 2019: *Provided fur-*
20 *ther*, That the proceeds from such drawdown and sale shall
21 be deposited into the “Energy Security and Infrastructure
22 Modernization Fund” during fiscal year 2019: *Provided*
23 *further*, That such amounts shall be made available and
24 shall remain available until expended for necessary ex-

1 penses to carry out the Life Extension II project for the
2 Strategic Petroleum Reserve.

3 SPR PETROLEUM ACCOUNT

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

12 NORTHEAST HOME HEATING OIL RESERVE

13 For Department of Energy expenses necessary for
14 Northeast Home Heating Oil Reserve storage, operation,
15 and management activities pursuant to the Energy Policy
16 and Conservation Act (42 U.S.C. 6201 et seq.),
17 \$10,000,000, to remain available until expended.

18 ENERGY INFORMATION ADMINISTRATION

19 For Department of Energy expenses necessary in car-
20 rying out the activities of the Energy Information Admin-
21 istration, \$125,000,000, to remain available until ex-
22 pended.

23 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

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

8 URANIUM ENRICHMENT DECONTAMINATION AND
9 DECOMMISSIONING FUND

10 For Department of Energy expenses necessary in car-
11 rying out uranium enrichment facility decontamination
12 and decommissioning, remedial actions, and other activi-
13 ties of title II of the Atomic Energy Act of 1954, and
14 title X, subtitle A, of the Energy Policy Act of 1992,
15 \$870,000,000, to be derived from the Uranium Enrich-
16 ment Decontamination and Decommissioning Fund, to re-
17 main available until expended, of which \$32,959,000 shall
18 be available in accordance with title X, subtitle A, of the
19 Energy Policy Act of 1992, including for the purchase of
20 not to exceed one ambulance for replacement only.

21 SCIENCE

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 science
25 activities 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, and purchase of not more than
5 16 passenger motor vehicles and one airplane for replace-
6 ment only, including one bus, \$6,600,000,000, to remain
7 available until expended: *Provided*, That of such amount,
8 \$183,000,000 shall be available until September 30, 2020,
9 for program direction.

10 NUCLEAR WASTE DISPOSAL

11 For Department of Energy expenses necessary for
12 nuclear waste disposal activities to carry out the purposes
13 of the Nuclear Waste Policy Act of 1982 (Public Law 97–
14 425), as amended (hereinafter referred to as the
15 “NWPA”), including the acquisition of any real property
16 or facility construction, or expansion, \$190,000,000, to re-
17 main available until expended, and to be derived from the
18 Nuclear Waste Fund: *Provided*, That of the funds made
19 available in this Act for nuclear waste disposal and defense
20 nuclear waste disposal activities, 1.62 percent shall be pro-
21 vided to the Office of the Attorney General of the State
22 of Nevada solely for expenditures, other than salaries and
23 expenses of State employees, to conduct scientific over-
24 sight responsibilities and participate in licensing activities
25 pursuant to the NWPA: *Provided further*, That of the

1 funds made available in this Act for nuclear waste disposal
2 and defense nuclear waste disposal activities, 2.91 percent
3 shall be provided to affected units of local government, as
4 defined in the NWPA, to conduct appropriate activities
5 and participate in licensing activities under Section 116(c)
6 of the NWPA: *Provided further*, That of the amounts pro-
7 vided to affected units of local government, 7.5 percent
8 shall be made available to affected units of local govern-
9 ment in California with the balance made available to af-
10 fected units of local government in Nevada for distribution
11 as determined by the Nevada affected units of local gov-
12 ernment: *Provided further*, That of the funds made avail-
13 able in this Act for nuclear waste disposal and defense
14 nuclear waste disposal activities, 0.16 percent shall be pro-
15 vided to the affected Federally-recognized Indian tribes,
16 as defined in the NWPA, solely for expenditures, other
17 than salaries and expenses of tribal employees, to conduct
18 appropriate activities and participate in licensing activities
19 under section 118(b) of the NWPA: *Provided further*, That
20 of the funds made available in this Act for nuclear waste
21 disposal and defense nuclear waste disposal activities, 3.0
22 percent shall be provided to Nye County, Nevada, 0.05
23 percent shall be provided to Clark County, Nevada, and
24 0.46 percent shall be provided to the State of Nevada as
25 payment equal to taxes under section 116(c)(3) of the

1 NWPAA: *Provided further*, That within 90 days of the com-
2 pletion of each Federal fiscal year, the Office of the Attor-
3 ney General of the State of Nevada, each affected Feder-
4 ally-recognized Indian tribe, and each of the affected units
5 of local government shall provide certification to the De-
6 partment of Energy that all funds expended from such
7 payments have been expended for activities authorized by
8 the NWPAA and this Act: *Provided further*, That failure
9 to provide such certification shall cause such entity to be
10 prohibited from any further funding provided for similar
11 activities: *Provided further*, That none of the funds herein
12 appropriated may be: (1) used for litigation expenses; (2)
13 used for interim storage activities; or (3) used to support
14 multi-State efforts or other coalition building activities in-
15 consistent with the restrictions contained in this Act: *Pro-*
16 *vided further*, That all proceeds and recoveries realized by
17 the Secretary in carrying out activities authorized by the
18 NWPAA, including but not limited to any proceeds from
19 the sale of assets, shall be credited to this account, to re-
20 main available until expended, for carrying out the pur-
21 poses of this account.

22 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

23 For Department of Energy expenses necessary in car-
24 rying out the activities authorized by section 5012 of the
25 America COMPETES Act (Public Law 110–69),

1 \$325,000,000, to remain available until expended: *Pro-*
2 *vided*, That of such amount, \$29,250,000 shall be avail-
3 able until September 30, 2020, for program direction.

4 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
5 PROGRAM

6 Such sums as are derived from amounts received
7 from borrowers pursuant to section 1702(b) of the Energy
8 Policy Act of 2005 under this heading in prior Acts, shall
9 be collected in accordance with section 502(7) of the Con-
10 gressional Budget Act of 1974: *Provided*, That for nec-
11 essary administrative expenses to carry out this Loan
12 Guarantee program, \$32,000,000 is appropriated from
13 fees collected in prior years pursuant to section 1702(h)
14 of the Energy Policy Act of 2005 which are not otherwise
15 appropriated, to remain available until September 30,
16 2020: *Provided further*, That if the amount in the previous
17 proviso is not available from such fees, an amount for such
18 purposes is also appropriated from the general fund so as
19 to result in a total amount appropriated for such purpose
20 of no more than \$32,000,000: *Provided further*, That fees
21 collected pursuant to such section 1702(h) for fiscal year
22 2019 shall be credited as offsetting collections under this
23 heading and shall not be available until appropriated: *Pro-*
24 *vided further*, That the Department of Energy shall not
25 subordinate any loan obligation to other financing in viola-

tion of section 1702 of the Energy Policy Act of 2005 or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
LOAN PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$5,000,000, to remain available until September 30, 2020.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, \$1,000,000, to remain available until September 30, 2020.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$280,524,000, to remain available until September 30, 2020, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwith-

1 standing the provisions of the Anti-Deficiency Act (31
2 U.S.C. 1511 et seq.): *Provided*, That such increases in
3 cost of work are offset by revenue increases of the same
4 or greater amount: *Provided further*, That moneys received
5 by the Department for miscellaneous revenues estimated
6 to total \$96,000,000 in fiscal year 2019 may be retained
7 and used for operating expenses within this account, as
8 authorized by section 201 of Public Law 95–238, notwith-
9 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
10 *ther*, That the sum herein appropriated shall be reduced
11 as collections are received during the fiscal year so as to
12 result in a final fiscal year 2019 appropriation from the
13 general fund estimated at not more than \$184,524,000.

14 OFFICE OF THE INSPECTOR GENERAL

15 For expenses necessary for the Office of the Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$51,330,000, to remain available
18 until September 30, 2020.

19 ATOMIC ENERGY DEFENSE ACTIVITIES

20 NATIONAL NUCLEAR SECURITY

21 ADMINISTRATION

22 WEAPONS ACTIVITIES

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

1 atomic energy defense weapons activities in carrying out
2 the purposes of the Department of Energy Organization
3 Act (42 U.S.C. 7101 et seq.), including the acquisition or
4 condemnation of any real property or any facility or for
5 plant or facility acquisition, construction, or expansion,
6 and the purchase of not to exceed one ambulance for re-
7 placement only, \$11,200,000,000, to remain available
8 until expended: *Provided*, That of such amount,
9 \$102,022,000 shall be available until September 30, 2020,
10 for program direction.

11 DEFENSE NUCLEAR NONPROLIFERATION

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other incidental expenses necessary for
15 defense nuclear nonproliferation activities, in carrying out
16 the purposes of the Department of Energy Organization
17 Act (42 U.S.C. 7101 et seq.), including the acquisition or
18 condemnation of any real property or any facility or for
19 plant or facility acquisition, construction, or expansion,
20 and the purchase of not to exceed three aircraft,
21 \$1,902,000,000, to remain available until expended.

22 NAVAL REACTORS

23 (INCLUDING TRANSFER OF FUNDS)

24 For Department of Energy expenses necessary for
25 naval reactors activities to carry out the Department of

1 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
2 ing the acquisition (by purchase, condemnation, construc-
3 tion, or otherwise) of real property, plant, and capital
4 equipment, facilities, and facility expansion,
5 \$1,788,618,000, to remain available until expended, of
6 which, \$85,500,000 shall be transferred to “Department
7 of Energy—Energy Programs—Nuclear Energy”, for the
8 Advanced Test Reactor: *Provided*, That of such amount,
9 \$48,709,000 shall be available until September 30, 2020,
10 for program direction.

11 FEDERAL SALARIES AND EXPENSES

12 For expenses necessary for Federal Salaries and Ex-
13 penses in the National Nuclear Security Administration,
14 \$422,529,000, to remain available until September 30,
15 2020, including official reception and representation ex-
16 penses not to exceed \$12,000.

17 ENVIRONMENTAL AND OTHER DEFENSE

18 ACTIVITIES

19 DEFENSE ENVIRONMENTAL CLEANUP

20 For Department of Energy expenses, including the
21 purchase, construction, and acquisition of plant and cap-
22 ital equipment and other expenses necessary for atomic
23 energy defense environmental cleanup activities in car-
24 rying out the purposes of the Department of Energy Orga-
25 nization Act (42 U.S.C. 7101 et seq.), including the acqui-

1 sition or condemnation of any real property or any facility
2 or for plant or facility acquisition, construction, or expan-
3 sion, and the purchase of not to exceed one passenger
4 minivan for replacement only, \$5,759,220,000, to remain
5 available until expended: *Provided*, That of such amount,
6 \$295,000,000 shall be available until September 30, 2020,
7 for program direction.

8 OTHER DEFENSE ACTIVITIES

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 atomic
12 energy defense, other defense activities, and classified ac-
13 tivities, in carrying out the purposes of the Department
14 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
15 cluding the acquisition or condemnation of any real prop-
16 erty or any facility or for plant or facility acquisition, con-
17 struction, or expansion, \$870,300,000, to remain available
18 until expended: *Provided*, That of such amount,
19 \$301,085,000 shall be available until September 30, 2020,
20 for program direction.

21 DEFENSE NUCLEAR WASTE DISPOSAL

22 For Department of Energy expenses necessary for
23 nuclear waste disposal activities to carry out the purposes
24 of the Nuclear Waste Policy Act of 1982, as amended,
25 including the acquisition of real property or facility con-

1 struction or expansion, \$30,000,000, to remain available
2 until expended.

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 \$55,360,000 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, \$45,802,000, 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 \$35,402,000 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, \$265,142,000, including official reception and rep-
11 resentation expenses in an amount not to exceed \$1,500,
12 to remain available until expended, of which \$265,142,000
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 \$175,770,000 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 \$89,372,000 is derived from the Reclamation Fund: *Pro-*
4 *vided further*, That notwithstanding 31 U.S.C. 3302, up
5 to \$180,408,000 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 GENERAL PROVISIONS—DEPARTMENT OF
2 ENERGY

3 (INCLUDING TRANSFERS OF FUNDS)

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

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

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

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

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

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 "Bill" column in the "Department
14 of Energy" table included under the heading "Title III—
15 Department of Energy" in the report of the Committee
16 on Appropriations accompanying this Act.

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

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

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

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

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

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

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

1 (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 shall be used for the construction of facilities classi-
17 fied as high-hazard nuclear facilities under 10 CFR Part
18 830 unless independent oversight is conducted by the Of-
19 fice of Enterprise Assessments to ensure the project is in
20 compliance with nuclear safety requirements.

21 SEC. 304. None of the funds made available in this
22 title may be used to approve critical decision-2 or critical
23 decision-3 under Department of Energy Order 413.3B, or
24 any successive departmental guidance, for construction
25 projects where the total project cost exceeds

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

4 SEC. 305. The Secretary of Energy may not transfer
5 more than \$274,833,000 from the amounts made available
6 under this title to the working capital fund established
7 under section 653 of the Department of Energy Organiza-
8 tion Act (42 U.S.C. 7263): *Provided*, That the Secretary
9 may transfer additional amounts to the working capital
10 fund after the Secretary provides notification in advance
11 of any such transfer to the Committees on Appropriations
12 of both Houses of Congress: *Provided further*, That any
13 such notification shall identify the sources of funds by pro-
14 gram, project, or activity: *Provided further*, That the Sec-
15 retary shall notify the Committees on Appropriations of
16 both Houses of Congress before adding or removing any
17 activities from the fund.

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

23 (b) The Secretary of Energy may waive the prohibi-
24 tion in subsection (a) if the Secretary determines that
25 such activity is in the national security interests of the

1 United States. This waiver authority may not be dele-
2 gated.

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

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

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

15 (1) the justification for the new reserve;

16 (2) a cost estimate for the establishment, oper-
17 ation, and maintenance of the reserve, including
18 funding sources;

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

22 (4) the location of the reserve; and

23 (5) the estimate of the total inventory of the re-
24 serve.

1 SEC. 308. (a) Funds provided by this Act for Project
2 99–D–143, Mixed Oxide Fuel Fabrication Facility, and
3 any funds provided by prior Acts for such Project that
4 remain unobligated, may be made available only for con-
5 struction and project support activities for such Project.

6 (b) The Secretary of Energy may waive the require-
7 ment under subsection (a) if the Secretary concurrently
8 submits to the Committees on Appropriations of both
9 Houses of Congress—

10 (1) the commitment, certification, and details
11 described in section 3121(b) of the National Defense
12 Authorization Act for Fiscal Year 2018 (Public Law
13 115–91; 131 Stat. 1892); and

14 (2) the lifecycle cost estimate used to make
15 such certification.

16 (c) If the Secretary waives the requirements under
17 subsection (a), the Secretary may not use funds provided
18 for the Project described in such subsection to eliminate
19 such Project until the date that is 30 days after the sub-
20 mission of the lifecycle cost estimate required under sub-
21 section (b)(2).

22 SEC. 309. Notwithstanding section 161 of the Energy
23 Policy and Conservation Act (42 U.S.C. 6241), upon a
24 determination by the President in this fiscal year that a
25 regional supply shortage of refined petroleum product of

1 significant scope and duration exists, that a severe in-
2 crease in the price of refined petroleum product will likely
3 result from such shortage, and that a draw down and sale
4 of refined petroleum product would assist directly and sig-
5 nificantly in reducing the adverse impact of such shortage,
6 the Secretary of Energy may draw down and sell refined
7 petroleum product from the Strategic Petroleum Reserve.
8 Proceeds from a sale under this section shall be deposited
9 into the SPR Petroleum Account established in section
10 167 of the Energy Policy and Conservation Act (42 U.S.C.
11 6247), and such amounts shall be available for obligation,
12 without fiscal year limitation, consistent with that section.

13 TITLE IV

14 INDEPENDENT AGENCIES

15 APPALACHIAN REGIONAL COMMISSION

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

1 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
2 SALARIES AND EXPENSES

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

8 DELTA REGIONAL AUTHORITY
9 SALARIES AND EXPENSES

10 For expenses necessary for the Delta Regional Au-
11 thority and to carry out its activities, as authorized by
12 the Delta Regional Authority Act of 2000, notwith-
13 standing sections 382F(d), 382M, and 382N of said Act,
14 \$15,000,000, to remain available until expended.

15 DENALI COMMISSION

16 For expenses necessary for the Denali Commission
17 including the purchase, construction, and acquisition of
18 plant and capital equipment as necessary and other ex-
19 penses, \$15,000,000, to remain available until expended,
20 notwithstanding the limitations contained in section
21 306(g) of the Denali Commission Act of 1998: *Provided*,
22 That funds shall be available for construction projects in
23 an amount not to exceed 80 percent of total project cost
24 for distressed communities, as defined by section 307 of
25 the Denali Commission Act of 1998 (division C, title III,

1 Public Law 105–277), as amended by section 701 of ap-
2 pendix D, title VII, Public Law 106–113 (113 Stat.
3 1501A–280), and an amount not to exceed 50 percent for
4 non-distressed communities: *Provided further*, That not-
5 withstanding any other provision of law regarding pay-
6 ment of a non-Federal share in connection with a grant-
7 in-aid program, amounts under this heading shall be avail-
8 able for the payment of such a non-Federal share for pro-
9 grams undertaken to carry out the purposes of the Com-
10 mission.

11 NORTHERN BORDER REGIONAL COMMISSION

12 For expenses necessary for the Northern Border Re-
13 gional Commission in carrying out activities authorized by
14 subtitle V of title 40, United States Code, \$12,000,000,
15 to remain available until expended: *Provided*, That such
16 amounts shall be available for administrative expenses,
17 notwithstanding section 15751(b) of title 40, United
18 States Code.

19 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

1 NUCLEAR REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For expenses necessary for the Commission in car-
4 rying out the purposes of the Energy Reorganization Act
5 of 1974 and the Atomic Energy Act of 1954,
6 \$953,050,000, including official representation expenses
7 not to exceed \$25,000, to remain available until expended,
8 of which \$47,700,000 shall be derived from the Nuclear
9 Waste Fund: *Provided*, That of the amount appropriated
10 herein, not more than \$9,500,000 may be made available
11 for salaries, travel, and other support costs for the Office
12 of the Commission, to remain available until September
13 30, 2020, of which, notwithstanding section 201(a)(2)(c)
14 of the Energy Reorganization Act of 1974 (42 U.S.C.
15 5841(a)(2)(c)), the use and expenditure shall only be ap-
16 proved by a majority vote of the Commission: *Provided*
17 *further*, That revenues from licensing fees, inspection serv-
18 ices, and other services and collections estimated at
19 \$763,640,000 in fiscal year 2019 shall be retained and
20 used for necessary salaries and expenses in this account,
21 notwithstanding 31 U.S.C. 3302, and shall remain avail-
22 able until expended: *Provided further*, That of the amounts
23 appropriated under this heading, not less than \$9,896,000
24 shall be for activities related to the development of regu-
25 latory infrastructure for advanced nuclear technologies,

1 and \$16,080,000 shall be for international activities, ex-
2 cept that the amounts provided under this proviso shall
3 not be derived from fee revenues, notwithstanding 42
4 U.S.C. 2214: *Provided further*, That the sum herein ap-
5 propriated shall be reduced by the amount of revenues re-
6 ceived during fiscal year 2019 so as to result in a final
7 fiscal year 2019 appropriation estimated at not more than
8 \$189,410,000: *Provided further*, That of the amounts ap-
9 propriated under this heading, \$10,000,000 shall be for
10 university research and development in areas relevant to
11 the Commission's mission, and \$5,000,000 shall be for a
12 Nuclear Science and Engineering Grant Program that will
13 support multiyear projects that do not align with pro-
14 grammatic missions but are critical to maintaining the
15 discipline of nuclear science and engineering, except that
16 the amounts provided under this proviso shall not be de-
17 rived from fee revenues, notwithstanding 42 U.S.C. 2214.

18 OFFICE OF INSPECTOR GENERAL

19 For expenses necessary for the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$12,609,000, to remain available
22 until September 30, 2020: *Provided*, That revenues from
23 licensing fees, inspection services, and other services and
24 collections estimated at \$10,355,000 in fiscal year 2019
25 shall be retained and be available until September 30,

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

12 NUCLEAR WASTE TECHNICAL REVIEW BOARD

13 SALARIES AND EXPENSES

14 For expenses necessary for the Nuclear Waste Tech-
15 nical Review Board, as authorized by Public Law 100-
16 203, section 5051, \$3,600,000, to be derived from the Nu-
17 clear Waste Fund, to remain available until September 30,
18 2020.

19 GENERAL PROVISIONS—INDEPENDENT

20 AGENCIES

21 SEC. 401. The Nuclear Regulatory Commission shall
22 comply with the July 5, 2011, version of Chapter VI of
23 its Internal Commission Procedures when responding to
24 Congressional requests for information.

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

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

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

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

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

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

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

20 TITLE V

21 GENERAL PROVISIONS

22 SEC. 501. None of the funds appropriated by this Act
23 may be used in any way, directly or indirectly, to influence
24 congressional action on any legislation or appropriation
25 matters pending before Congress, other than to commu-

1 nicate to Members of Congress as described in 18 U.S.C.
2 1913.

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

14 (b) None of the funds made available for any depart-
15 ment, agency, or instrumentality of the United States
16 Government may be transferred to accounts funded in title
17 III of this Act, except pursuant to a transfer made by or
18 transfer authority provided in this Act or any other appro-
19 priations Act for any fiscal year, transfer authority ref-
20 erenced in the report of the Committee on Appropriations
21 accompanying this Act, or any authority whereby a de-
22 partment, agency, or instrumentality of the United States
23 Government may provide goods or services to another de-
24 partment, agency, or instrumentality.

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

14 SEC. 503. None of the funds made available by this
15 Act may be used in contravention of Executive Order No.
16 12898 of February 11, 1994 (Federal Actions to Address
17 Environmental Justice in Minority Populations and Low-
18 Income Populations).

19 SEC. 504. (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 SEC. 505. None of the funds made available by this
4 Act may be used to further implementation of the coastal
5 and marine spatial planning and ecosystem-based manage-
6 ment components of the National Ocean Policy developed
7 under Executive Order No. 13547 of July 19, 2010.

8 SEC. 506. None of the funds made available in this
9 Act, or federal funds provided from any other source, may
10 be used to operate the Federal Columbia River Power Sys-
11 tem hydroelectric dams in a manner that is inconsistent
12 with the Army Corps of Engineers' 2017 Fish Operations
13 Plan.

14 SEC. 507. None of the funds made available by this
15 Act may be used for the removal of any federally owned
16 or operated dam unless the removal was previously author-
17 ized by Congress.

18 SEC. 508. None of the funds made available by this
19 Act may be used to conduct closure of adjudicatory func-
20 tions, technical review, or support activities associated
21 with the Yucca Mountain geologic repository license appli-
22 cation, or for actions that irrevocably remove the possi-
23 bility that Yucca Mountain may be a repository option in
24 the future.

1 SPENDING REDUCTION ACCOUNT

2 SEC. 509. \$0.

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

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[FULL COMMITTEE PRINT]

Union Calendar No. _____

115TH CONGRESS
2^D Session

H. R. _____

[Report No. 115-_____] _____

A BILL

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

, 2018

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