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115TH CONGRESS
1ST SESSION

H. R. 3266

[Report No. 115–230]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2017

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, 2018, and for other purposes.

1 of projects prior to construction, \$105,000,000, to remain
2 available until expended: *Provided*, That the Secretary
3 shall initiate six new study starts during fiscal year 2018:
4 *Provided further*, That the new study starts shall consist
5 of five studies where the majority of the benefits are de-
6 rived from navigation transportation savings or from flood
7 and storm damage reduction and one study where the ma-
8 jority of benefits are derived from environmental restora-
9 tion: *Provided further*, That the Secretary shall not deviate
10 from the new starts proposed in the work plan, once the
11 plan has been submitted to the Committees on Appropria-
12 tions of both Houses of Congress.

13 CONSTRUCTION

14 For expenses necessary for the construction of river
15 and harbor, flood and storm damage reduction, shore pro-
16 tection, aquatic ecosystem restoration, and related
17 projects authorized by law; for conducting detailed studies,
18 and plans and specifications, of such projects (including
19 those involving participation by States, local governments,
20 or private groups) authorized or made eligible for selection
21 by law (but such detailed studies, and plans and specifica-
22 tions, shall not constitute a commitment of the Govern-
23 ment to construction); \$1,697,000,000, to remain avail-
24 able until expended; of which such sums as are necessary
25 to cover the Federal share of construction costs for facili-

1 ties under the Dredged Material Disposal Facilities pro-
2 gram shall be derived from the Harbor Maintenance Trust
3 Fund as authorized by Public Law 104–303; and of which
4 such sums as are necessary to cover one-half of the costs
5 of construction, replacement, rehabilitation, and expansion
6 of inland waterways projects shall be derived from the In-
7 land Waterways Trust Fund, except as otherwise specifi-
8 cally provided for in law: *Provided*, That the Secretary
9 may initiate up to, but not more than, two new construc-
10 tion starts during fiscal year 2018: *Provided further*, That
11 the new construction starts shall consist of two projects
12 where the majority of the benefits are derived from naviga-
13 tion transportation savings, flood and storm damage re-
14 duction, or environmental restoration: *Provided further*,
15 That for new construction projects, project cost sharing
16 agreements shall be executed as soon as practicable but
17 no later than August 31, 2018: *Provided further*, That no
18 allocation for a new start shall be considered final and
19 no work allowance shall be made until the Secretary pro-
20 vides to the Committees on Appropriations of both Houses
21 of Congress an out-year funding scenario demonstrating
22 the affordability of the selected new starts and the impacts
23 on other projects: *Provided further*, That the Secretary
24 may not deviate from the new starts proposed in the work

1 plan, once the plan has been submitted to the Committees
2 on Appropriations of both Houses of Congress.

3 MISSISSIPPI RIVER AND TRIBUTARIES

4 For expenses necessary for flood damage reduction
5 projects and related efforts in the Mississippi River allu-
6 vial valley below Cape Girardeau, Missouri, as authorized
7 by law, \$301,000,000, to remain available until expended,
8 of which such sums as are necessary to cover the Federal
9 share of eligible operation and maintenance costs for in-
10 land harbors shall be derived from the Harbor Mainte-
11 nance Trust Fund.

12 OPERATION AND MAINTENANCE

13 For expenses necessary for the operation, mainte-
14 nance, and care of existing river and harbor, flood and
15 storm damage reduction, aquatic ecosystem restoration,
16 and related projects authorized by law; providing security
17 for infrastructure owned or operated by the Corps, includ-
18 ing administrative buildings and laboratories; maintaining
19 harbor channels provided by a State, municipality, or
20 other public agency that serve essential navigation needs
21 of general commerce, where authorized by law; surveying
22 and charting northern and northwestern lakes and con-
23 necting waters; clearing and straightening channels; and
24 removing obstructions to navigation, \$3,519,000,000, to
25 remain available until expended, of which such sums as

1 are necessary to cover the Federal share of eligible oper-
2 ation and maintenance costs for coastal harbors and chan-
3 nels, and for inland harbors shall be derived from the Har-
4 bor Maintenance Trust Fund; of which such sums as be-
5 come available from the special account for the Corps of
6 Engineers established by the Land and Water Conserva-
7 tion Fund Act of 1965 shall be derived from that account
8 for resource protection, research, interpretation, and
9 maintenance activities related to resource protection in the
10 areas at which outdoor recreation is available; and of
11 which such sums as become available from fees collected
12 under section 217 of Public Law 104–303 shall be used
13 to cover the cost of operation and maintenance of the
14 dredged material disposal facilities for which such fees
15 have been collected: *Provided*, That 1 percent of the total
16 amount of funds provided for each of the programs,
17 projects, or activities funded under this heading shall not
18 be allocated to a field operating activity prior to the begin-
19 ning of the fourth quarter of the fiscal year and shall be
20 available for use by the Chief of Engineers to fund such
21 emergency activities as the Chief of Engineers determines
22 to be necessary and appropriate, and that the Chief of En-
23 gineers shall allocate during the fourth quarter any re-
24 maining funds which have not been used for emergency

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

3 REGULATORY PROGRAM

4 For expenses necessary for administration of laws
5 pertaining to regulation of navigable waters and wetlands,
6 \$200,000,000, to remain available until September 30,
7 2019.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

9 For expenses necessary to clean up contamination
10 from sites in the United States resulting from work per-
11 formed as part of the Nation's early atomic energy pro-
12 gram, \$118,000,000, to remain available until expended.

13 FLOOD CONTROL AND COASTAL EMERGENCIES

14 For expenses necessary to prepare for flood, hurri-
15 cane, and other natural disasters and support emergency
16 operations, repairs, and other activities in response to
17 such disasters as authorized by law, \$32,000,000, to re-
18 main available until expended.

19 EXPENSES

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

1 Army Engineer Research and Development Center, and
2 the United States Army Corps of Engineers Finance Cen-
3 ter allocable to the civil works program, \$181,000,000, to
4 remain available until September 30, 2019, of which not
5 to exceed \$5,000 may be used for official reception and
6 representation purposes and only during the current fiscal
7 year: *Provided*, That no part of any other appropriation
8 provided in this title shall be available to fund the civil
9 works activities of the Office of the Chief of Engineers
10 or the civil works executive direction and management ac-
11 tivities of the division offices: *Provided further*, That any
12 Flood Control and Coastal Emergencies appropriation
13 may be used to fund the supervision and general adminis-
14 tration of emergency operations, repairs, and other activi-
15 ties in response to any flood, hurricane, or other natural
16 disaster.

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

19 For the Office of the Assistant Secretary of the Army
20 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
21 \$4,764,000, to remain available until September 30, 2019:
22 *Provided*, That not more than 75 percent of such amount
23 may be obligated or expended until the Assistant Sec-
24 retary submits to the Committees on Appropriations of
25 both Houses of Congress a work plan that allocates at

1 least 95 percent of the additional funding provided under
2 each heading in this title (as designated under such head-
3 ing in the report of the Committee on Appropriations ac-
4 companying this Act) to specific programs, projects, or ac-
5 tivities.

6 GENERAL PROVISIONS—CORPS OF
7 ENGINEERS—CIVIL

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

4 SEC. 103. The Secretary of the Army may transfer
5 to the Fish and Wildlife Service, and the Fish and Wildlife
6 Service may accept and expend, up to \$5,400,000 of funds
7 provided in this title under the heading “Operation and
8 Maintenance” to mitigate for fisheries lost due to Corps
9 of Engineers projects.

10 SEC. 104. None of the funds in this Act shall be used
11 for an open lake placement alternative for dredged mate-
12 rial, after evaluating the least costly, environmentally ac-
13 ceptable manner for the disposal or management of
14 dredged material originating from Lake Erie or tributaries
15 thereto, unless it is approved under a State water quality
16 certification pursuant to section 401 of the Federal Water
17 Pollution Control Act (33 U.S.C. 1341); *Provided further,*
18 That until an open lake placement alternative for dredged
19 material is approved under a State water quality certifi-
20 cation, the Corps of Engineers shall continue upland
21 placement of such dredged material consistent with the re-
22 quirements of section 101 of the Water Resources Devel-
23 opment Act of 1986 (33 U.S.C. 2211).

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

4 SEC. 106. None of the funds made available by this
5 Act may be used to carry out any water supply reallocation
6 study under the Wolf Creek Dam, Lake Cumberland, Ken-
7 tucky, project authorized under the Act of July 24, 1946
8 (60 Stat. 636, ch. 595).

9 SEC. 107. Notwithstanding section 404(f)(2) of the
10 Federal Water Pollution Control Act (33 U.S.C.
11 1344(f)(2)), none of the funds made available by this Act
12 may be used to require a permit for the discharge of
13 dredged or fill material under the Federal Water Pollution
14 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)).

17 SEC. 108. (a) AUTHORIZATION.—The Administrator
18 of the Environmental Protection Agency and the Secretary
19 of the Army may withdraw the Waters of the United
20 States rule without regard to any provision of statute or
21 regulation that establishes a requirement for such with-
22 drawal.

23 (b) EFFECT OF WITHDRAWAL.—Except as otherwise
24 provided by any Act or rule that takes effect after the date
25 of enactment of this Act, if the Administrator of the Envi-

1 Environmental Protection Agency and the Secretary of the
2 Army withdraw the Waters of the United States rule
3 under subsection (a), the Administrator and Secretary
4 shall implement the provisions of law under which such
5 rule was issued in accordance with the regulations and
6 guidance in effect under such provisions immediately be-
7 fore the effective date of such rule.

8 (c) DEFINITIONS.—In this section the term “Waters
9 of the United States rule” means the final rule issued by
10 the Administrator of the Environmental Protection Agen-
11 cy and the Secretary of the Army entitled “Clean Water
12 Rule: Definition of ‘Waters of the United States’” on
13 June 29, 2015 (80 Fed. Reg. 37053).

14 SEC. 109. As of the date of enactment of this Act
15 and each fiscal year thereafter, the Secretary of the Army
16 shall not promulgate or enforce any regulation that pro-
17 hibits an individual from possessing a firearm, including
18 an assembled or functional firearm, at a water resources
19 development project covered under section 327.0 of title
20 36, Code of Federal Regulations (as in effect on the date
21 of enactment of this Act), if—

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

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, \$1,091,790,000, 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 of the total appropriated, the amount for program
20 activities that can be financed by the Reclamation Fund
21 or the Bureau of Reclamation special fee account estab-
22 lished by 16 U.S.C. 6806 shall be derived from that Fund
23 or account: *Provided further*, That funds contributed
24 under 43 U.S.C. 395 are available until expended for the
25 purposes for which the funds were contributed: *Provided*

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

8 CENTRAL VALLEY PROJECT RESTORATION FUND

9 For carrying out the programs, projects, plans, habi-
10 tat restoration, improvement, and acquisition provisions of
11 the Central Valley Project Improvement Act, \$41,376,000,
12 to be derived from such sums as may be collected in the
13 Central Valley Project Restoration Fund pursuant to sec-
14 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
15 102-575, to remain available until expended: *Provided*,
16 That the Bureau of Reclamation is directed to assess and
17 collect the full amount of the additional mitigation and
18 restoration payments authorized by section 3407(d) of
19 Public Law 102-575: *Provided further*, That none of the
20 funds made available under this heading may be used for
21 the acquisition or leasing of water for in-stream purposes
22 if the water is already committed to in-stream purposes
23 by a court adopted decree or order.

1 CALIFORNIA BAY-DELTA RESTORATION
2 (INCLUDING TRANSFERS OF FUNDS)

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

17 POLICY AND ADMINISTRATION

18 For expenses necessary for policy, administration,
19 and related functions in the Office of the Commissioner,
20 the Denver office, and offices in the five regions of the
21 Bureau of Reclamation, to remain available until Sep-
22 tember 30, 2019, \$59,000,000, to be derived from the
23 Reclamation Fund and be nonreimbursable as provided in
24 43 U.S.C. 377: *Provided*, That no part of any other appro-

1 priation in this Act shall be available for activities or func-
2 tions budgeted as policy and administration expenses.

3 ADMINISTRATIVE PROVISION

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

7 GENERAL PROVISIONS—DEPARTMENT OF THE
8 INTERIOR

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

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

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

15 (3) increases funds for any program, project, or
16 activity for which funds have been denied or re-
17 stricted by this Act;

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

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

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

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

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

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

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

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

24 (d) The Bureau of Reclamation shall submit reports
25 on a quarterly basis to the Committees on Appropriations

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

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

15 (b) The costs of the Kesterson Reservoir Cleanup
16 Program and the costs of the San Joaquin Valley Drain-
17 age Program shall be classified by the Secretary of the
18 Interior as reimbursable or nonreimbursable and collected
19 until fully repaid pursuant to the “Cleanup Program—
20 Alternative Repayment Plan” and the “SJVDP—Alter-
21 native Repayment Plan” described in the report entitled
22 “Repayment Report, Kesterson Reservoir Cleanup Pro-
23 gram and San Joaquin Valley Drainage Program, Feb-
24 ruary 1995”, prepared by the Department of the Interior,
25 Bureau of Reclamation. Any future obligations of funds

1 by the United States relating to, or providing for, drainage
2 service or drainage studies for the San Luis Unit shall
3 be fully reimbursable by San Luis Unit beneficiaries of
4 such service or studies pursuant to Federal reclamation
5 law.

6 SEC. 203. None of the funds in this Act shall be avail-
7 able to implement the Stipulation of Settlement (Natural
8 Resources Defense Council, et al. v. Kirk Rodgers, et al.,
9 Eastern District of California, No. Civ. 9 S-88-1658
10 LKK/GGH) or subtitle A of title X of Public Law 111-
11 11.

12 TITLE III

13 DEPARTMENT OF ENERGY

14 ENERGY PROGRAMS

15 ENERGY EFFICIENCY AND RENEWABLE ENERGY

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 energy
19 efficiency and renewable energy activities in carrying out
20 the purposes of the Department of Energy Organization
21 Act (42 U.S.C. 7101 et seq.), including the acquisition or
22 condemnation of any real property or any facility or for
23 plant or facility acquisition, construction, or expansion,
24 \$1,103,908,000, to remain available until expended: *Pro-*

1 *vided*, That of such amount, \$125,849,000 shall be avail-
2 able until September 30, 2019, for program direction.

3 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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 elec-
7 tricity delivery and energy reliability activities in carrying
8 out the purposes of the Department of Energy Organiza-
9 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
10 tion or condemnation of any real property or any facility
11 or for plant or facility acquisition, construction, or expan-
12 sion, \$218,500,000, to remain available until expended:
13 *Provided*, That of such amount, \$27,500,000 shall be
14 available until September 30, 2019, for program direction.

15 NUCLEAR ENERGY

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 nuclear
19 energy activities in carrying out the purposes of the De-
20 partment of Energy Organization Act (42 U.S.C. 7101 et
21 seq.), including the acquisition or condemnation of any
22 real property or any facility or for plant or facility acquisi-
23 tion, construction, or expansion, \$969,000,000, to remain
24 available until expended: *Provided*, That of such amount,

1 \$70,000,000 shall be available until September 30, 2019,
2 for program direction.

3 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

4 For Department of Energy expenses necessary in car-
5 rying out fossil energy research and development activi-
6 ties, under the authority of the Department of Energy Or-
7 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
8 quisition of interest, including defeasible and equitable in-
9 terests in any real property or any facility or for plant
10 or facility acquisition or expansion, and for conducting in-
11 quiries, technological investigations and research con-
12 cerning the extraction, processing, use, and disposal of
13 mineral substances without objectionable social and envi-
14 ronmental costs (30 U.S.C. 3, 1602, and 1603),
15 \$634,600,000, to remain available until expended: *Pro-*
16 *vided*, That of such amount \$60,000,000 shall be available
17 until September 30, 2019, for program direction.

18 NAVAL PETROLEUM AND OIL SHALE RESERVES

19 For Department of Energy expenses necessary to
20 carry out naval petroleum and oil shale reserve activities,
21 \$4,900,000, to remain available until expended: *Provided*,
22 That notwithstanding any other provision of law, unobli-
23 gated funds remaining from prior years shall be available
24 for all naval petroleum and oil shale reserve activities.

1 STRATEGIC PETROLEUM RESERVE

2 For Department of Energy expenses necessary for
3 Strategic Petroleum Reserve facility development and op-
4 erations and program management activities pursuant to
5 the Energy Policy and Conservation Act (42 U.S.C. 6201
6 et seq.), \$252,000,000, to remain available until expended:
7 *Provided*, That as authorized by section 404 of the Bipar-
8 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
9 6239 note), the Secretary of Energy shall draw down and
10 sell not to exceed \$350,000,000 of crude oil from the Stra-
11 tegic Petroleum Reserve in fiscal year 2018: *Provided fur-*
12 *ther*, That the proceeds from such drawdown and sale shall
13 be deposited into the “Energy Security and Infrastructure
14 Modernization Fund” during fiscal year 2018 and shall
15 be made available and shall remain available until ex-
16 pended for necessary expenses in carrying out the Life Ex-
17 tension II project for the Strategic Petroleum Reserve.

18 NORTHEAST HOME HEATING OIL RESERVE

19 For Department of Energy expenses necessary for
20 Northeast Home Heating Oil Reserve storage, operation,
21 and management activities pursuant to the Energy Policy
22 and Conservation Act (42 U.S.C. 6201 et seq.),
23 \$6,500,000, to remain available until expended.

1 ENERGY INFORMATION ADMINISTRATION

2 For Department of Energy expenses necessary in car-
3 rying out the activities of the Energy Information Admin-
4 istration, \$118,000,000, to remain available until ex-
5 pended.

6 NON-DEFENSE ENVIRONMENTAL CLEANUP

7 For Department of Energy expenses, including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment and other expenses necessary for non-de-
10 fense environmental cleanup activities in carrying out the
11 purposes of the Department of Energy Organization Act
12 (42 U.S.C. 7101 et seq.), including the acquisition or con-
13 demnation of any real property or any facility or for plant
14 or facility acquisition, construction, or expansion,
15 \$222,400,000, to remain available until expended.

16 URANIUM ENRICHMENT DECONTAMINATION AND
17 DECOMMISSIONING FUND

18 For Department of Energy expenses necessary in car-
19 rying out uranium enrichment facility decontamination
20 and decommissioning, remedial actions, and other activi-
21 ties of title II of the Atomic Energy Act of 1954 and title
22 X, subtitle A, of the Energy Policy Act of 1992,
23 \$768,000,000, to be derived from the Uranium Enrich-
24 ment Decontamination and Decommissioning Fund, to re-
25 main available until expended, of which \$32,959,000 shall

1 be available in accordance with title X, subtitle A, of the
2 Energy Policy Act of 1992.

3 SCIENCE

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 science
7 activities in carrying out the purposes of the Department
8 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
9 cluding the acquisition or condemnation of any real prop-
10 erty or facility or for plant or facility acquisition, construc-
11 tion, or expansion, and purchase of not more than 16 pas-
12 senger motor vehicles for replacement only, including one
13 ambulance and one bus, \$5,392,000,000, to remain avail-
14 able until expended: *Provided*, That of such amount,
15 \$177,000,000 shall be available until September 30, 2019,
16 for program direction.

17 NUCLEAR WASTE DISPOSAL

18 For Department of Energy expenses necessary for
19 nuclear waste disposal activities to carry out the purposes
20 of the Nuclear Waste Policy Act of 1982, Public Law 97–
21 425, as amended (hereinafter referred to as the
22 “NWPA”), including the acquisition of any real property
23 or facility construction, or expansion, \$90,000,000, to re-
24 main available until expended, and to be derived from the
25 Nuclear Waste Fund: *Provided*, That of the funds made

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

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

1 ized by the NWPA, including but not limited to any pro-
2 ceeds from the sale of assets, shall be credited to this ac-
3 count, to remain available until expended, for carrying out
4 the purposes of this account.

5 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
6 PROGRAM

7 (INCLUDING RESCISSIONS OF FUNDS)

8 Such sums as are derived from amounts received
9 from borrowers pursuant to section 1702(b) of the Energy
10 Policy Act of 2005 (42 U.S.C. 16512(b)) under this head-
11 ing in prior Acts, shall be collected in accordance with sec-
12 tion 502(7) of the Congressional Budget Act of 1974: *Pro-*
13 *vided*, That for necessary administrative expenses to carry
14 out this Loan Guarantee program, \$2,000,000 is appro-
15 priated, to remain available until September 30, 2019:
16 *Provided further*, That \$2,000,000 of the fees collected
17 pursuant to section 1702(h) of the Energy Policy Act of
18 2005 shall be credited as offsetting collections to this ac-
19 count to cover administrative expenses and shall remain
20 available until expended, so as to result in a final fiscal
21 year 2018 appropriation from the general fund estimated
22 at not more than \$0: *Provided further*, That fees collected
23 under section 1702(h) in excess of the amount appro-
24 priated for administrative expenses shall not be available
25 until appropriated: *Provided further*, That the Department

1 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

2 For Department of Energy administrative expenses
3 necessary in carrying out the Tribal Energy Loan Guar-
4 antee Program, \$500,000, to remain available until Sep-
5 tember 30, 2019.

6 DEPARTMENTAL ADMINISTRATION

7 For salaries and expenses of the Department of En-
8 ergy necessary for departmental administration in car-
9 rying out the purposes of the Department of Energy Orga-
10 nization Act (42 U.S.C. 7101 et seq.), \$281,693,000, to
11 remain available until September 30, 2019, including the
12 hire of passenger motor vehicles and official reception and
13 representation expenses not to exceed \$30,000, plus such
14 additional amounts as necessary to cover increases in the
15 estimated amount of cost of work for others notwith-
16 standing the provisions of the Anti-Deficiency Act (31
17 U.S.C. 1511 et seq.): *Provided*, That such increases in
18 cost of work are offset by revenue increases of the same
19 or greater amount: *Provided further*, That moneys received
20 by the Department for miscellaneous revenues estimated
21 to total \$96,000,000 in fiscal year 2018 may be retained
22 and used for operating expenses within this account, as
23 authorized by section 201 of Public Law 95–238, notwith-
24 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
25 *ther*, That the sum herein appropriated shall be reduced

1 as collections are received during the fiscal year so as to
2 result in a final fiscal year 2018 appropriation from the
3 general fund estimated at not more than \$185,693,000.

4 OFFICE OF THE INSPECTOR GENERAL

5 For expenses necessary for the Office of the Inspector
6 General in carrying out the provisions of the Inspector
7 General Act of 1978, \$49,000,000, to remain available
8 until September 30, 2019.

9 ATOMIC ENERGY DEFENSE ACTIVITIES

10 NATIONAL NUCLEAR SECURITY

11 ADMINISTRATION

12 WEAPONS ACTIVITIES

13 For Department of Energy expenses, including the
14 purchase, construction, and acquisition of plant and cap-
15 ital equipment and other incidental expenses necessary for
16 atomic energy defense weapons activities in carrying out
17 the purposes of the Department of Energy Organization
18 Act (42 U.S.C. 7101 et seq.), including the acquisition or
19 condemnation of any real property or any facility or for
20 plant or facility acquisition, construction, or expansion,
21 \$10,239,344,000, to remain available until expended: *Pro-*
22 *vided*, That of such amount, \$105,600,000 shall be avail-
23 able until September 30, 2019, for program direction.

1 DEFENSE NUCLEAR NONPROLIFERATION
2 (INCLUDING RESCISSION OF FUNDS)

3 For Department of Energy expenses, including the
4 purchase, construction, and acquisition of plant and cap-
5 ital equipment and other incidental expenses necessary for
6 defense nuclear nonproliferation activities, in carrying out
7 the purposes of the Department of Energy Organization
8 Act (42 U.S.C. 7101 et seq.), including the acquisition or
9 condemnation of any real property or any facility or for
10 plant or facility acquisition, construction, or expansion,
11 \$1,825,461,000, to remain available until expended: *Pro-*
12 *vided*, That funds provided by this Act for Project 99-
13 D-143, Mixed Oxide Fuel Fabrication Facility, and by
14 prior Acts that remain unobligated for such Project, may
15 be made available only for construction and project sup-
16 port activities for such Project: *Provided further*, That of
17 the unobligated balances from prior year appropriations
18 available under this heading, \$49,000,000 is hereby re-
19 scinded: *Provided further*, That no amounts may be re-
20 scinded from amounts that were designated by the Con-
21 gress as an emergency requirement pursuant to a concur-
22 rent resolution on the budget or the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

1 ital equipment and other expenses necessary for atomic
2 energy defense environmental cleanup activities in car-
3 rying out the purposes of the Department of Energy Orga-
4 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
5 sition or condemnation of any real property or any facility
6 or for plant or facility acquisition, construction, or expan-
7 sion, \$5,405,000,000, to remain available until expended:
8 *Provided*, That of such amount, \$300,000,000 shall be
9 available until September 30, 2019, for program direction.

10 OTHER DEFENSE ACTIVITIES

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 atomic
14 energy defense, other defense activities, and classified ac-
15 tivities, in carrying out the purposes of the Department
16 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
17 cluding the acquisition or condemnation of any real prop-
18 erty or any facility or for plant or facility acquisition, con-
19 struction, or expansion, \$825,000,000, to remain available
20 until expended: *Provided*, That of such amount,
21 \$284,400,000 shall be available until September 30, 2019,
22 for program direction.

23 DEFENSE NUCLEAR WASTE DISPOSAL

24 For Department of Energy expenses necessary for
25 nuclear waste disposal activities to carry out the purposes

1 sale of power and related services shall be credited to this
2 account as discretionary offsetting collections, to remain
3 available until expended for the sole purpose of funding
4 the annual expenses of the Southeastern Power Adminis-
5 tration: *Provided further*, That the sum herein appro-
6 priated for annual expenses shall be reduced as collections
7 are received during the fiscal year so as to result in a final
8 fiscal year 2018 appropriation estimated at not more than
9 \$0: *Provided further*, That notwithstanding 31 U.S.C.
10 3302, up to \$51,000,000 collected by the Southeastern
11 Power Administration pursuant to the Flood Control Act
12 of 1944 to recover purchase power and wheeling expenses
13 shall be credited to this account as offsetting collections,
14 to remain available until expended for the sole purpose
15 of making purchase power and wheeling expenditures:
16 *Provided further*, That for purposes of this appropriation,
17 annual expenses means expenditures that are generally re-
18 covered in the same year that they are incurred (excluding
19 purchase power and wheeling expenses).

20 OPERATION AND MAINTENANCE, SOUTHWESTERN

21 POWER ADMINISTRATION

22 For expenses necessary for operation and mainte-
23 nance of power transmission facilities and for marketing
24 electric power and energy, for construction and acquisition
25 of transmission lines, substations and appurtenant facili-

1 ties, and for administrative expenses, including official re-
2 ception and representation expenses in an amount not to
3 exceed \$1,500 in carrying out section 5 of the Flood Con-
4 trol Act of 1944 (16 U.S.C. 825s), as applied to the
5 Southwestern Power Administration, \$30,288,000, to re-
6 main available until expended: *Provided*, That notwith-
7 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
8 trol Act of 1944 (16 U.S.C. 825s), up to \$18,888,000 col-
9 lected by the Southwestern Power Administration from
10 the sale of power and related services shall be credited to
11 this account as discretionary offsetting collections, to re-
12 main available until expended, for the sole purpose of
13 funding the annual expenses of the Southwestern Power
14 Administration: *Provided further*, That the sum herein ap-
15 propriated for annual expenses shall be reduced as collec-
16 tions are received during the fiscal year so as to result
17 in a final fiscal year 2018 appropriation estimated at not
18 more than \$11,400,000: *Provided further*, That notwith-
19 standing 31 U.S.C. 3302, up to \$10,000,000 collected by
20 the Southwestern Power Administration pursuant to the
21 Flood Control Act of 1944 to recover purchase power and
22 wheeling expenses shall be credited to this account as off-
23 setting collections, to remain available until expended for
24 the sole purpose of making purchase power and wheeling
25 expenditures: *Provided further*, That for purposes of this

1 appropriation, annual expenses means expenditures that
2 are generally recovered in the same year that they are in-
3 curred (excluding purchase power and wheeling expenses).

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

7 For carrying out the functions authorized by title III,
8 section 302(a)(1)(E) of the Act of August 4, 1977 (42
9 U.S.C. 7152), and other related activities including con-
10 servation and renewable resources programs as author-
11 ized, \$232,276,000, including official reception and rep-
12 resentation expenses in an amount not to exceed \$1,500,
13 to remain available until expended, of which \$230,251,000
14 shall be derived from the Department of the Interior Rec-
15 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
16 3302, section 5 of the Flood Control Act of 1944 (16
17 U.S.C. 825s), and section 1 of the Interior Department
18 Appropriation Act, 1939 (43 U.S.C. 392a), up to
19 \$138,904,000 collected by the Western Area Power Ad-
20 ministration from the sale of power and related services
21 shall be credited to this account as discretionary offsetting
22 collections, to remain available until expended, for the sole
23 purpose of funding the annual expenses of the Western
24 Area Power Administration: *Provided further*, That the
25 sum herein appropriated for annual expenses shall be re-

1 duced as collections are received during the fiscal year so
2 as to result in a final fiscal year 2018 appropriation esti-
3 mated at not more than \$93,372,000, of which
4 \$91,347,000 is derived from the Reclamation Fund: *Pro-*
5 *vided further*, That notwithstanding 31 U.S.C. 3302, up
6 to \$179,000,000 collected by the Western Area Power Ad-
7 ministration pursuant to the Flood Control Act of 1944
8 and the Reclamation Project Act of 1939 to recover pur-
9 chase power and wheeling expenses shall be credited to
10 this account as offsetting collections, to remain available
11 until expended for the sole purpose of making purchase
12 power and wheeling expenditures: *Provided further*, That
13 for purposes of this appropriation, annual expenses means
14 expenditures that are generally recovered in the same year
15 that they are incurred (excluding purchase power and
16 wheeling expenses).

17 FALCON AND AMISTAD OPERATING AND MAINTENANCE
18 FUND

19 For operation, maintenance, and emergency costs for
20 the hydroelectric facilities at the Falcon and Amistad
21 Dams, \$4,176,000, to remain available until expended,
22 and to be derived from the Falcon and Amistad Operating
23 and Maintenance Fund of the Western Area Power Ad-
24 ministration, as provided in section 2 of the Act of June
25 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding

1 the provisions of that Act and of 31 U.S.C. 3302, up to
2 \$3,948,000 collected by the Western Area Power Adminis-
3 tration from the sale of power and related services from
4 the Falcon and Amistad Dams shall be credited to this
5 account as discretionary offsetting collections, to remain
6 available until expended for the sole purpose of funding
7 the annual expenses of the hydroelectric facilities of these
8 Dams and associated Western Area Power Administration
9 activities: *Provided further*, That the sum herein appro-
10 priated for annual expenses shall be reduced as collections
11 are received during the fiscal year so as to result in a final
12 fiscal year 2018 appropriation estimated at not more than
13 \$228,000: *Provided further*, That for purposes of this ap-
14 propriation, annual expenses means expenditures that are
15 generally recovered in the same year that they are in-
16 curred: *Provided further*, That for fiscal year 2018, the
17 Administrator of the Western Area Power Administration
18 may accept up to \$872,000 in funds contributed by United
19 States power customers of the Falcon and Amistad Dams
20 for deposit into the Falcon and Amistad Operating and
21 Maintenance Fund, and such funds shall be available for
22 the purpose for which contributed in like manner as if said
23 sums had been specifically appropriated for such purpose:
24 *Provided further*, That any such funds shall be available
25 without further appropriation and without fiscal year limi-

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

8 FEDERAL ENERGY REGULATORY COMMISSION
9 SALARIES AND EXPENSES

10 For expenses necessary for the Federal Energy Regu-
11 latory Commission to carry out the provisions of the De-
12 partment of Energy Organization Act (42 U.S.C. 7101 et
13 seq.), including services as authorized by 5 U.S.C. 3109,
14 official reception and representation expenses not to ex-
15 ceed \$3,000, and the hire of passenger motor vehicles,
16 \$367,600,000, to remain available until expended: *Pro-*
17 *vided*, That notwithstanding any other provision of law,
18 not to exceed \$367,600,000 of revenues from fees and an-
19 nual charges, and other services and collections in fiscal
20 year 2018 shall be retained and used for expenses nec-
21 essary in this account, and shall remain available until ex-
22 pended: *Provided further*, That the sum herein appro-
23 priated from the general fund shall be reduced as revenues
24 are received during fiscal year 2018 so as to result in a

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

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

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

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

21 (c) The Department of Energy may not, with respect
22 to any program, project, or activity that uses budget au-
23 thority made available in this title under the heading “De-
24 partment of Energy—Energy Programs”, enter into a

1 multiyear contract, award a multiyear grant, or enter into
2 a multiyear cooperative agreement unless—

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

6 (2) the contract, grant, or cooperative agree-
7 ment includes a clause conditioning the Federal Gov-
8 ernment's obligation on the availability of future
9 year budget authority and the Secretary notifies the
10 Committees on Appropriations of both Houses of
11 Congress at least 3 days in advance.

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

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

1 cent, whichever is less, during the time period covered by
2 this Act.

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

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

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

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

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

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

1 Such notice shall include an explanation of the substantial
2 risk under paragraph (1) that permitted such waiver.

3 (h) The unexpended balances of prior appropriations
4 provided for activities in this Act may be available to the
5 same appropriation accounts for such activities established
6 pursuant to this title. Available balances may be merged
7 with funds in the applicable established accounts and
8 thereafter may be accounted for as one fund for the same
9 time period as originally enacted.

10 SEC. 302. Funds appropriated by this or any other
11 Act, or made available by the transfer of funds in this
12 Act, for intelligence activities are deemed to be specifically
13 authorized by the Congress for purposes of section 504
14 of the National Security Act of 1947 (50 U.S.C. 3094)
15 during fiscal year 2018 until the enactment of the Intel-
16 ligence Authorization Act for fiscal year 2018.

17 SEC. 303. None of the funds made available in this
18 title shall be used for the construction of facilities classi-
19 fied as high-hazard nuclear facilities under 10 CFR Part
20 830 unless independent oversight is conducted by the Of-
21 fice of Enterprise Assessments to ensure the project is in
22 compliance with nuclear safety requirements.

23 SEC. 304. None of the funds made available in this
24 title may be used to approve critical decision-2 or critical
25 decision-3 under Department of Energy Order 413.3B, or

1 any successive departmental guidance, for construction
2 projects where the total project cost exceeds
3 \$100,000,000, until a separate independent cost estimate
4 has been developed for the project for that critical deci-
5 sion.

6 SEC. 305. (a) None of the funds made available in
7 this or any prior Act under the heading “Defense Nuclear
8 Nonproliferation” may be made available to enter into new
9 contracts with, or new agreements for Federal assistance
10 to, the Russian Federation.

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

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

21 SEC. 306. Notwithstanding section 161 of the Energy
22 Policy and Conservation Act (42 U.S.C. 6241), upon a
23 determination by the President in this fiscal year that a
24 regional supply shortage of refined petroleum product of
25 significant scope and duration exists, that a severe in-

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

12 SEC. 307. (a) DRAWDOWN AND SALE.—Notwith-
13 standing section 161 of the Energy Policy and Conserva-
14 tion Act (42 U.S.C. 6241), and in addition to sales author-
15 ized in sections 403 and 404 of the Bipartisan Budget
16 Act of 2015 (42 U.S.C. 6241; 42 U.S.C. 6239 note) and
17 section 5010 of the 21st Century Cures Act (42 U.S.C.
18 6241 note), the Secretary of Energy shall draw down and
19 sell up to \$8,400,000 of crude oil from the Strategic Pe-
20 troleum Reserve during this fiscal year.

21 (b) PROCEEDS.—Proceeds from a sale under this sec-
22 tion shall be deposited into the SPR Petroleum Account
23 during this fiscal year and shall be available for the costs
24 of crude oil sales authorized in sections 403 and 404 of
25 the Bipartisan Budget Act of 2015 (42 U.S.C. 6241; 42

1 U.S.C. 6239 note) and section 5010 of the 21st Century
2 Cures Act (42 U.S.C. 6241 note), to remain available until
3 expended.

4 (c) EMERGENCY PROTECTION.—The Secretary shall
5 not draw down and sell crude oil under this section in
6 amounts that would limit the authority to sell petroleum
7 products under section 161(h) of the Energy Policy and
8 Conservation Act (42 U.S.C. 6241(h)) in the full amount
9 authorized by that subsection.

10 SEC. 308. (a) NEW REGIONAL RESERVES.—The Sec-
11 retary of Energy may not establish any new regional pe-
12 troleum product reserve unless funding for the proposed
13 regional petroleum product reserve is explicitly requested
14 in advance in an annual budget submission and approved
15 by the Congress in an appropriations Act.

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

17 (1) the justification for the new reserve;

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

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

24 (4) the location of the reserve; and

1 U.S.C. 2286 et seq.), \$30,600,000, to remain available
2 until September 30, 2019.

3 DELTA REGIONAL AUTHORITY

4 SALARIES AND EXPENSES

5 For expenses necessary for the Delta Regional Au-
6 thority and to carry out its activities, as authorized by
7 the Delta Regional Authority Act of 2000, notwith-
8 standing sections 382C(b)(2), 382F(d), 382M, and 382N
9 of said Act, \$15,000,000, to remain available until ex-
10 pended.

11 DENALI COMMISSION

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

1 withstanding any other provision of law regarding pay-
2 ment of a non-Federal share in connection with a grant-
3 in-aid program, amounts under this heading shall be avail-
4 able for the payment of such a non-Federal share for pro-
5 grams undertaken to carry out the purposes of the Com-
6 mission.

7 NORTHERN BORDER REGIONAL COMMISSION

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

15 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

20 NUCLEAR REGULATORY COMMISSION

21 SALARIES AND EXPENSES

22 For expenses necessary for the Commission in car-
23 rying out the purposes of the Energy Reorganization Act
24 of 1974 and the Atomic Energy Act of 1954,
25 \$939,137,000, including official representation expenses

1 not to exceed \$25,000, to remain available until expended,
2 of which \$30,000,000 shall be derived from the Nuclear
3 Waste Fund: *Provided*, That of the amount appropriated
4 herein, not more than \$9,500,000 may be made available
5 for salaries, travel, and other support costs for the Office
6 of the Commission, to remain available until September
7 30, 2019, of which, notwithstanding section 201(a)(2)(c)
8 of the Energy Reorganization Act of 1974 (42 U.S.C.
9 5841(a)(2)(c)), the use and expenditure shall only be ap-
10 proved by a majority vote of the Commission: *Provided*
11 *further*, That revenues from licensing fees, inspection serv-
12 ices, and other services and collections estimated at
13 \$779,829,000 in fiscal year 2018 shall be retained and
14 used for necessary salaries and expenses in this account,
15 notwithstanding 31 U.S.C. 3302, and shall remain avail-
16 able until expended: *Provided further*, That of the
17 amounts appropriated under this heading, not less than
18 \$10,000,000 shall be for activities related to the develop-
19 ment of regulatory infrastructure for advanced nuclear
20 technologies, and \$16,200,000 shall be for international
21 activities, except that the amounts provided under this
22 proviso shall not be derived from fee revenues, notwith-
23 standing 42 U.S.C. 2214: *Provided further*, That the sum
24 herein appropriated shall be reduced by the amount of rev-
25 enues received during fiscal year 2018 so as to result in

1 a final fiscal year 2018 appropriation estimated at not
2 more than \$159,308,000: *Provided further*, That of the
3 amounts appropriated under this heading, \$10,000,000
4 shall be for university research and development in areas
5 relevant to the Commission's mission, and \$5,000,000
6 shall be for a Nuclear Science and Engineering Grant Pro-
7 gram that will support multiyear projects that do not align
8 with programmatic missions but are critical to maintain-
9 ing the discipline of nuclear science and engineering.

10 OFFICE OF INSPECTOR GENERAL

11 For expenses necessary for the Office of Inspector
12 General in carrying out the provisions of the Inspector
13 General Act of 1978, \$12,859,000, to remain available
14 until September 30, 2019: *Provided*, That revenues from
15 licensing fees, inspection services, and other services and
16 collections estimated at \$10,555,000 in fiscal year 2018
17 shall be retained and be available until September 30,
18 2019, for necessary salaries and expenses in this account,
19 notwithstanding section 3302 of title 31, United States
20 Code: *Provided further*, That the sum herein appropriated
21 shall be reduced by the amount of revenues received dur-
22 ing fiscal year 2018 so as to result in a final fiscal year
23 2018 appropriation estimated at not more than
24 \$2,304,000: *Provided further*, That of the amounts appro-
25 priated under this heading, \$1,131,000 shall be for In-

1 spector General services for the Defense Nuclear Facilities
2 Safety Board, which shall not be available from fee reve-
3 nues.

4 NUCLEAR WASTE TECHNICAL REVIEW BOARD
5 SALARIES AND EXPENSES

6 For expenses necessary for the Nuclear Waste Tech-
7 nical Review Board, as authorized by Public Law 100-
8 203, section 5051, \$3,600,000, to be derived from the Nu-
9 clear Waste Fund, to remain available until September 30,
10 2019.

11 GENERAL PROVISIONS—INDEPENDENT
12 AGENCIES

13 SEC. 401. The Nuclear Regulatory Commission shall
14 comply with the July 5, 2011, version of chapter VI of
15 its Internal Commission Procedures when responding to
16 Congressional requests for information.

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

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

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

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

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

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

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

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

11 TITLE V

12 GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

22 SEC. 506. None of the funds made available by this
23 Act may be used for the removal of any federally owned
24 or operated dam unless the removal was previously author-
25 ized by Congress.

1 SEC. 507. None of the funds made available by this
2 Act may be used to conduct closure of adjudicatory func-
3 tions, technical review, or support activities associated
4 with the Yucca Mountain geologic repository license appli-
5 cation, or for actions that irrevocably remove the possi-
6 bility that Yucca Mountain may be a repository option in
7 the future.

8 SPENDING REDUCTION ACCOUNT

9 SEC. 508. \$0.

10 This Act may be cited as the “Energy and Water De-
11 velopment and Related Agencies Appropriations Act,
12 2018”.

Union Calendar No. 163

115TH CONGRESS
1ST Session

H. R. 3266

[Report No. 115-230]

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

JULY 17, 2017

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