

[FULL COMMITTEE PRINT]

Union Calendar No. \_\_\_\_\_

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

[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.

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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

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**A BILL**

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



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

12 CONSTRUCTION

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

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

22 MISSISSIPPI RIVER AND TRIBUTARIES

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

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

6 OPERATION AND MAINTENANCE

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

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

21 REGULATORY PROGRAM

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

## 1 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

## 6 FLOOD CONTROL AND COASTAL EMERGENCIES

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

## 12 EXPENSES

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

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

10 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY

11 FOR CIVIL WORKS

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 9 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 acqui-  
7 sition, 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 NWPAs: *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 NWPAs 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 NWPAs, 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-



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)

4           SEC. 301. (a) No appropriation, funds, or authority  
5           made available by this title for the Department of Energy  
6           shall be used to initiate or resume any program, project,  
7           or activity or to prepare or initiate Requests For Proposals  
8           or similar arrangements (including Requests for  
9           Quotations, Requests for Information, and Funding Op-  
10          portunity Announcements) for a program, project, or ac-  
11          tivity if the program, project, or activity has not been  
12          funded by Congress.

13          (b)(1) Unless the Secretary of Energy notifies the  
14          Committees on Appropriations of both Houses of Congress  
15          at least 3 full business days in advance, none of the funds  
16          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;

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

23                  (C) issue a letter of intent to make an alloca-  
24                  tion, award, or Agreement in excess of the limits in  
25                  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 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”.



**[FULL COMMITTEE PRINT]**

Union Calendar No. \_\_\_\_\_

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R.** \_\_\_\_\_

[Report No. 115-\_\_\_\_\_] \_\_\_\_\_

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## **A BILL**

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

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, 2018

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