

Union Calendar No. 58

116TH CONGRESS
1ST SESSION

H. R. 2960

[Report No. 116–83]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2019

Ms. KAPTUR, 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, 2020, 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, \$135,000,000, to remain
6 available until expended: *Provided*, That the Secretary
7 shall initiate six new study starts during fiscal year 2020:
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); \$2,337,000,000, 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 six new construction starts during fiscal year
9 2020: *Provided further*, That for new construction
10 projects, project cost sharing agreements shall be executed
11 as soon as practicable but no later than September 30,
12 2020: *Provided further*, That no allocation for a new start
13 shall be considered final and no work allowance shall be
14 made until the Secretary provides to the Committees on
15 Appropriations of both Houses of Congress an out-year
16 funding scenario demonstrating the affordability of the se-
17 lected new starts and the impacts on other projects: *Pro-*
18 *vided further*, That the Secretary may not deviate from
19 the new starts proposed in the work plan, once the plan
20 has been submitted to the Committees on Appropriations
21 of both 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, \$350,000,000, to remain available until expended,
2 of which such sums as are necessary to cover the Federal
3 share of eligible operation and maintenance costs for in-
4 land harbors shall be derived from the Harbor Mainte-
5 nance Trust Fund.

6 OPERATION AND MAINTENANCE

7 For expenses necessary for the operation, mainte-
8 nance, and care of existing river and harbor, flood and
9 storm damage reduction, aquatic ecosystem restoration,
10 and related projects authorized by law; providing security
11 for infrastructure owned or operated by the Corps, includ-
12 ing administrative buildings and laboratories; maintaining
13 harbor channels provided by a State, municipality, or
14 other public agency that serve essential navigation needs
15 of general commerce, where authorized by law; surveying
16 and charting northern and northwestern lakes and con-
17 necting waters; clearing and straightening channels; and
18 removing obstructions to navigation, \$3,923,000,000, 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 \$210,000,000, to remain available until September 30,
25 2021.

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, \$155,000,000, 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, \$37,500,000, 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, \$203,000,000, to
22 remain available until September 30, 2021, 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, 2021:
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 by this
18 Act may be used to carry out any water supply reallocation
19 study under the Wolf Creek Dam, Lake Cumberland, Ken-
20 tucky, project authorized under the Act of July 24, 1946
21 (60 Stat. 636, ch. 595).

22 SEC. 106. None of the funds made available by this
23 Act or any other Act may be used to reorganize or to
24 transfer the Civil Works functions or authority of the

1 Corps of Engineers or the Secretary of the Army to an-
2 other department or agency.

3 SEC. 107. Additional funding provided in this Act
4 shall be allocated only to projects determined to be eligible
5 by the Chief of Engineers.

6 SEC. 108. Notwithstanding any other provision of
7 law, none of the funds appropriated or otherwise made
8 available by this Act or any prior appropriations Acts for
9 the Civil Works Program of the United States Army Corps
10 of Engineers may be committed, obligated, expended, or
11 otherwise used to design or construct a wall, fence, border
12 barriers, or border security infrastructure along the south-
13 ern border of the United States.

14 TITLE II

15 DEPARTMENT OF THE INTERIOR

16 CENTRAL UTAH PROJECT

17 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

18 For carrying out activities authorized by the Central
19 Utah Project Completion Act, \$15,000,000, to remain
20 available until expended, of which \$1,800,000 shall be de-
21 posited into the Utah Reclamation Mitigation and Con-
22 servation Account for use by the Utah Reclamation Miti-
23 gation and Conservation Commission: *Provided*, That of
24 the amount provided under this heading, \$1,500,000 shall
25 be available until September 30, 2021, for expenses nec-

1 essary in carrying out related responsibilities of the Sec-
2 retary of the Interior: *Provided further*, That for fiscal
3 year 2020, of the amount made available to the Commis-
4 sion under this Act or any other Act, the Commission may
5 use an amount not to exceed \$1,500,000 for administra-
6 tive expenses.

7 BUREAU OF RECLAMATION

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

11 WATER AND RELATED RESOURCES

12 (INCLUDING TRANSFERS OF FUNDS)

13 For management, development, and restoration of
14 water and related natural resources and for related activi-
15 ties, including the operation, maintenance, and rehabilita-
16 tion of reclamation and other facilities, participation in
17 fulfilling related Federal responsibilities to Native Ameri-
18 cans, and related grants to, and cooperative and other
19 agreements with, State and local governments, federally
20 recognized Indian tribes, and others, \$1,485,000,000, to
21 remain available until expended, of which \$70,332,000
22 shall be available for transfer to the Upper Colorado River
23 Basin Fund and \$5,023,000 shall be available for transfer
24 to the Lower Colorado River Basin Development Fund;
25 of which such amounts as may be necessary may be ad-

1 vanced to the Colorado River Dam Fund: *Provided*, That
2 such transfers may be increased or decreased within the
3 overall appropriation under this heading: *Provided further*,
4 That of the total appropriated, the amount for program
5 activities that can be financed by the Reclamation Fund
6 or the Bureau of Reclamation special fee account estab-
7 lished by 16 U.S.C. 6806 shall be derived from that Fund
8 or account: *Provided further*, That funds contributed
9 under 43 U.S.C. 395 are available until expended for the
10 purposes for which the funds were contributed: *Provided*
11 *further*, That funds advanced under 43 U.S.C. 397a shall
12 be credited to this account and are available until ex-
13 pended for the same purposes as the sums appropriated
14 under this heading: *Provided further*, That of the amounts
15 provided herein, funds may be used for high-priority
16 projects which shall be carried out by the Youth Conserva-
17 tion Corps, as authorized by 16 U.S.C. 1706: *Provided*
18 *further*, That in accordance with section 4009(c) of Public
19 Law 114–322 and as recommended by the Secretary in
20 a letter dated February 13, 2019, funding provided for
21 such purpose in fiscal year 2018 shall be made available
22 to the Expanding Recycled Water Delivery Project
23 (VenturaWaterPure), the Pure Water Monterey-Ground-
24 water Replenishment Project, the Groundwater Reliability
25 Improvement Program (GRIP) Recycled Water Project,

1 the North Valley Regional Recycled Water Program, the
2 South Sacramento County Agriculture and Habitat Lands
3 Recycled Water Program, and the Central Coast Blue
4 Project: *Provided further*, That in accordance with section
5 4007 of Public Law 114–322 and as recommended by the
6 Secretary in a letter dated February 13, 2019, funding
7 provided for such purpose in fiscal years 2017 and 2018
8 shall be made available to the Cle Elum Pool Raise, the
9 Boise River Basin Feasibility Study, the Del Puerto Water
10 District, the Los Vaqueros Reservoir Phase 2 Expansion
11 Project, the North-of-the-Delta Off stream storage (Sites
12 Reservoir Project), and the Friant-Kern Canal Capacity
13 Correction Resulting Subsidence: *Provided further*, That
14 in accordance with section 4009(a) of Public Law 114–
15 322 and as recommended by the Secretary in a letter
16 dated February 13, 2019, funding provided for such pur-
17 pose in fiscal years 2017 and 2018 shall be made available
18 to the Doheny Ocean Desalination Project, the Kay Bailey
19 Hutchison Desalination Plant, the North Pleasant Valley
20 Desalter Facility and the Mission Basin Groundwater Pu-
21 rification Facility Well Expansion and Brine Minimiz-
22 ation.

23 CENTRAL VALLEY PROJECT RESTORATION FUND

24 For carrying out the programs, projects, plans, habi-
25 tat restoration, improvement, and acquisition provisions of

1 the Central Valley Project Improvement Act, \$54,849,000,
2 to be derived from such sums as may be collected in the
3 Central Valley Project Restoration Fund pursuant to sec-
4 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
5 102–575, to remain available until expended: *Provided*,
6 That the Bureau of Reclamation is directed to assess and
7 collect the full amount of the additional mitigation and
8 restoration payments authorized by section 3407(d) of
9 Public Law 102–575: *Provided further*, That none of the
10 funds made available under this heading may be used for
11 the acquisition or leasing of water for in-stream purposes
12 if the water is already committed to in-stream purposes
13 by a court adopted decree or order.

14 CALIFORNIA BAY-DELTA RESTORATION

15 (INCLUDING TRANSFERS OF FUNDS)

16 For carrying out activities authorized by the Water
17 Supply, Reliability, and Environmental Improvement Act,
18 consistent with plans to be approved by the Secretary of
19 the Interior, \$33,000,000, to remain available until ex-
20 pended, of which such amounts as may be necessary to
21 carry out such activities may be transferred to appropriate
22 accounts of other participating Federal agencies to carry
23 out authorized purposes: *Provided*, That funds appro-
24 priated herein may be used for the Federal share of the
25 costs of CALFED Program management: *Provided fur-*

1 *ther*, That CALFED implementation shall be carried out
2 in a balanced manner with clear performance measures
3 demonstrating concurrent progress in achieving the goals
4 and objectives of the Program.

5 POLICY AND ADMINISTRATION

6 For expenses necessary for policy, administration,
7 and related functions in the Office of the Commissioner,
8 the Denver office, and offices in the five regions of the
9 Bureau of Reclamation, to remain available until Sep-
10 tember 30, 2021, \$60,000,000, to be derived from the
11 Reclamation Fund and be nonreimbursable as provided in
12 43 U.S.C. 377: *Provided*, That no part of any other appro-
13 priation in this Act shall be available for activities or func-
14 tions budgeted as policy and administration expenses.

15 ADMINISTRATIVE PROVISION

16 Appropriations for the Bureau of Reclamation shall
17 be available for purchase of not to exceed five passenger
18 motor vehicles, which are for replacement only.

19 GENERAL PROVISIONS—DEPARTMENT OF THE
20 INTERIOR

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

24 (1) creates or initiates a new program, project,
25 or activity;

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

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

5 (4) restarts or resumes any program, project,
6 or activity for which funds are not provided in this
7 Act, unless prior approval is received from the Com-
8 mittees on Appropriations of both Houses of Con-
9 gress;

10 (5) transfers funds in excess of the following
11 limits—

12 (A) 15 percent for any program, project,
13 or activity for which \$2,000,000 or more is
14 available at the beginning of the fiscal year; or

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

18 (6) transfers more than \$500,000 from either
19 the Facilities Operation, Maintenance, and Rehabili-
20 tation category or the Resources Management and
21 Development category to any program, project, or
22 activity in the other category; or

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

1 contractor claims, increased contractor earnings due
2 to accelerated rates of operations, and real estate de-
3 ficiency judgments.

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

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

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

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

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

17 SEC. 203. Section 9504(e) of the Omnibus Public
18 Land Management Act of 2009 (42 U.S.C. 10364(e)) is
19 amended by striking “\$480,000,000” and inserting
20 “\$510,000,000”.

21 SEC. 204. Title I of Public Law 108–361 (the
22 CALFED Bay-Delta Authorization Act) (118 Stat. 1681)
23 is amended by striking “2019” each place it appears and
24 inserting “2020”.

1 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
2 RESPONSE

3 For Department of Energy expenses including the
4 purchase, construction, and acquisition of plant and cap-
5 ital equipment, and other expenses necessary for energy
6 sector cybersecurity, energy security, and emergency re-
7 sponse activities in carrying out the purposes of the De-
8 partment of Energy Organization Act (42 U.S.C. 7101 et
9 seq.), including the acquisition or condemnation of any
10 real property or any facility or for plant or facility acqui-
11 sition, construction, or expansion, \$150,000,000, to remain
12 available until expended: *Provided*, That of such amount,
13 \$13,000,000 shall be available until September 30, 2021,
14 for program direction.

15 ELECTRICITY

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 elec-
19 tricity delivery activities in carrying out the purposes of
20 the Department of Energy Organization Act (42 U.S.C.
21 7101 et seq.), including the acquisition or condemnation
22 of any real property or any facility or for plant or facility
23 acquisition, construction, or expansion, \$200,000,000, to
24 remain available until expended: *Provided*, That of such

1 amount, \$19,600,000 shall be available until September
2 30, 2021, for program direction.

3 NUCLEAR ENERGY

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 nuclear
7 energy activities in carrying out the purposes of the De-
8 partment of Energy Organization Act (42 U.S.C. 7101 et
9 seq.), including the acquisition or condemnation of any
10 real property or any facility or for plant or facility acquisi-
11 tion, construction, or expansion, \$1,317,808,000, to re-
12 main available until expended: *Provided*, That of such
13 amount, \$80,000,000 shall be available until September
14 30, 2021, for program direction.

15 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

16 For Department of Energy expenses necessary in car-
17 rying out fossil energy research and development activi-
18 ties, under the authority of the Department of Energy Or-
19 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
20 quisition of interest, including defeasible and equitable in-
21 terests in any real property or any facility or for plant
22 or facility acquisition or expansion, and for conducting in-
23 quiries, technological investigations and research con-
24 cerning the extraction, processing, use, and disposal of
25 mineral substances without objectionable social and envi-

1 ronmental costs (30 U.S.C. 3, 1602, and 1603),
2 \$740,000,000, to remain available until expended: *Pro-*
3 *vided*, That of such amount \$61,045,000 shall be available
4 until September 30, 2021, for program direction.

5 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

13 STRATEGIC PETROLEUM RESERVE

14 For Department of Energy expenses necessary for
15 Strategic Petroleum Reserve facility development and op-
16 erations and program management activities pursuant to
17 the Energy Policy and Conservation Act (42 U.S.C. 6201
18 et seq.), \$214,000,000, to remain available until expended:
19 *Provided*, That, as authorized by section 404 of the Bipar-
20 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
21 6239 note), the Secretary of Energy shall draw down and
22 sell not to exceed \$450,000,000 of crude oil from the Stra-
23 tegic Petroleum Reserve in fiscal year 2020: *Provided fur-*
24 *ther*, That the proceeds from such drawdown and sale shall
25 be deposited into the “Energy Security and Infrastructure

1 Modernization Fund” during fiscal year 2020: *Provided*
2 *further*, That such amounts shall be made available and
3 shall remain available until expended for necessary ex-
4 penses to carry out the Life Extension II project for the
5 Strategic Petroleum Reserve.

6 SPR PETROLEUM ACCOUNT

7 For the acquisition, transportation, and injection of
8 petroleum products, and for other necessary expenses pur-
9 suant to the Energy Policy and Conservation Act of 1975,
10 as amended (42 U.S.C. 6201 et seq.), sections 403 and
11 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
12 6241, 6239 note), and section 5010 of the 21st Century
13 Cures Act (Public Law 114–255), \$10,200,000, to remain
14 available until expended.

15 NORTHEAST HOME HEATING OIL RESERVE

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

21 ENERGY INFORMATION ADMINISTRATION

22 For Department of Energy expenses necessary in car-
23 rying out the activities of the Energy Information Admin-
24 istration, \$128,000,000, to remain available until ex-
25 pended.

1 NON-DEFENSE ENVIRONMENTAL CLEANUP

2 For Department of Energy expenses, including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment and other expenses necessary for non-de-
5 fense environmental cleanup activities in carrying out the
6 purposes of the Department of Energy Organization Act
7 (42 U.S.C. 7101 et seq.), including the acquisition or con-
8 demnation of any real property or any facility or for plant
9 or facility acquisition, construction, or expansion,
10 \$308,000,000, to remain available until expended.

11 URANIUM ENRICHMENT DECONTAMINATION AND
12 DECOMMISSIONING FUND

13 For Department of Energy expenses necessary in car-
14 rying out uranium enrichment facility decontamination
15 and decommissioning, remedial actions, and other activi-
16 ties of title II of the Atomic Energy Act of 1954, and
17 title X, subtitle A, of the Energy Policy Act of 1992,
18 \$873,479,000, to be derived from the Uranium Enrich-
19 ment Decontamination and Decommissioning Fund, to re-
20 main available until expended, of which \$30,514,000 shall
21 be available in accordance with title X, subtitle A, of the
22 Energy Policy Act of 1992.

23 SCIENCE

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

1 Technology Loan Guarantee Program, as authorized,
2 \$33,000,000 is appropriated, to remain available until
3 September 30, 2021: *Provided further*, That up to
4 \$33,000,000 of fees collected in fiscal year 2020 pursuant
5 to section 1702(h) of the Energy Policy Act of 2005 shall
6 be credited as offsetting collections under this heading and
7 used for necessary administrative expenses in this appro-
8 priation and shall remain available until September 30,
9 2021: *Provided further*, That to the extent that fees col-
10 lected in fiscal year 2020 exceed \$33,000,000, those ex-
11 cess amounts shall be credited as offsetting collections
12 under this heading and available in future fiscal years only
13 to the extent provided in advance in appropriations Acts:
14 *Provided further*, That the sum herein appropriated from
15 the general fund shall be reduced (1) as such fees are re-
16 ceived during fiscal year 2020 (estimated at \$3,000,000)
17 and (2) to the extent that any remaining general fund ap-
18 propriations can be derived from fees collected in previous
19 fiscal years that are not otherwise appropriated, so as to
20 result in a final fiscal year 2020 appropriation from the
21 general fund estimated at \$0: *Provided further*, That the
22 Department of Energy shall not subordinate any loan obli-
23 gation to other financing in violation of section 1702 of
24 the Energy Policy Act of 2005 or subordinate any Guarant-
25 teed Obligation to any loan or other debt obligations in

1 violation of section 609.10 of title 10, Code of Federal
2 Regulations.

3 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
4 LOAN PROGRAM

5 For Department of Energy administrative expenses
6 necessary in carrying out the Advanced Technology Vehi-
7 cles Manufacturing Loan Program, \$5,000,000, to remain
8 available until September 30, 2021.

9 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

10 For Department of Energy administrative expenses
11 necessary in carrying out the Tribal Energy Loan Guar-
12 antee Program, \$1,000,000, to remain available until Sep-
13 tember 30, 2021.

14 OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

15 For necessary expenses for Indian Energy activities
16 in carrying out the purposes of the Department of Energy
17 Organization Act (42 U.S.C. 7101 et seq.), \$25,000,000,
18 to remain available until expended: *Provided*, That, of the
19 amount appropriated under this heading, \$4,800,000 shall
20 be available until September 30, 2021, for program direc-
21 tion.

22 DEPARTMENTAL ADMINISTRATION

23 For salaries and expenses of the Department of En-
24 ergy necessary for departmental administration in car-
25 rying out the purposes of the Department of Energy Orga-

1 nization Act (42 U.S.C. 7101 et seq.), \$264,378,000, to
2 remain available until September 30, 2021, including the
3 hire of passenger motor vehicles and official reception and
4 representation expenses not to exceed \$30,000, plus such
5 additional amounts as necessary to cover increases in the
6 estimated amount of cost of work for others notwith-
7 standing the provisions of the Anti-Deficiency Act (31
8 U.S.C. 1511 et seq.): *Provided*, That such increases in
9 cost of work are offset by revenue increases of the same
10 or greater amount: *Provided further*, That moneys received
11 by the Department for miscellaneous revenues estimated
12 to total \$93,378,000 in fiscal year 2020 may be retained
13 and used for operating expenses within this account, as
14 authorized by section 201 of Public Law 95–238, notwith-
15 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
16 *ther*, That the sum herein appropriated shall be reduced
17 as collections are received during the fiscal year so as to
18 result in a final fiscal year 2020 appropriation from the
19 general fund estimated at not more than \$171,000,000.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses necessary for the Office of the Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$54,215,000, to remain available
24 until September 30, 2021.

1 ATOMIC ENERGY DEFENSE ACTIVITIES

2 NATIONAL NUCLEAR SECURITY

3 ADMINISTRATION

4 WEAPONS ACTIVITIES

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other incidental expenses necessary for
8 atomic energy defense weapons activities in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 and the purchase of not to exceed one ambulance for re-
14 placement only, \$11,760,800,000, to remain available
15 until expended: *Provided*, That of such amount,
16 \$107,660,000 shall be available until September 30, 2021,
17 for program direction.

18 DEFENSE NUCLEAR NONPROLIFERATION

19 For Department of Energy expenses, including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment and other incidental expenses necessary for
22 defense nuclear nonproliferation activities, in carrying out
23 the purposes of the Department of Energy Organization
24 Act (42 U.S.C. 7101 et seq.), including the acquisition or
25 condemnation of any real property or any facility or for

1 plant or facility acquisition, construction, or expansion,
2 and the purchase of not to exceed two aircraft,
3 \$2,079,930,000, to remain available until expended.

4 NAVAL REACTORS

5 (INCLUDING TRANSFER OF FUNDS)

6 For Department of Energy expenses necessary for
7 naval reactors activities to carry out the Department of
8 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
9 ing the acquisition (by purchase, condemnation, construc-
10 tion, or otherwise) of real property, plant, and capital
11 equipment, facilities, and facility expansion,
12 \$1,628,551,000, to remain available until expended, of
13 which, \$88,500,000 shall be transferred to “Department
14 of Energy—Energy Programs—Nuclear Energy”, for the
15 Advanced Test Reactor: *Provided*, That of such amount,
16 \$50,500,000 shall be available until September 30, 2021,
17 for program direction.

18 FEDERAL SALARIES AND EXPENSES

19 For expenses necessary for Federal Salaries and Ex-
20 penses in the National Nuclear Security Administration,
21 \$425,000,000, to remain available until September 30,
22 2021, including official reception and representation ex-
23 penses not to exceed \$17,000.

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for atomic
7 energy defense environmental cleanup activities in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
10 sition or condemnation of any real property or any facility
11 or for plant or facility acquisition, construction, or expan-
12 sion, \$5,993,650,000, to remain available until expended:
13 *Provided*, That of such amount, \$298,500,000 shall be
14 available until September 30, 2021, for program direction.

15 OTHER DEFENSE ACTIVITIES

16 For Department of Energy expenses, including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment and other expenses, necessary for atomic
19 energy defense, other defense activities, and classified ac-
20 tivities, in carrying out the purposes of the Department
21 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
22 cluding the acquisition or condemnation of any real prop-
23 erty or any facility or for plant or facility acquisition, con-
24 struction, or expansion, \$901,261,000, to remain available
25 until expended: *Provided*, That of such amount,

1 \$324,798,000 shall be available until September 30, 2021,
2 for program direction.

3 POWER MARKETING ADMINISTRATIONS

4 BONNEVILLE POWER ADMINISTRATION FUND

5 Expenditures from the Bonneville Power Administra-
6 tion Fund, established pursuant to Public Law 93–454,
7 are approved for the Steigerwald Floodplain Restoration
8 Project and, in addition, for official reception and rep-
9 resentation expenses in an amount not to exceed \$5,000:
10 *Provided*, That during fiscal year 2020, no new direct loan
11 obligations may be made: *Provided further*, Expenditures
12 from the Bonneville Power Administration Fund, estab-
13 lished pursuant to Public Law 93–454 are authorized and
14 approved, without fiscal year limitation, for the cost of
15 current and future year purchases or payments of emis-
16 sions expenses associated with Bonneville Power Adminis-
17 tration power and transmission operations in states with
18 clean energy programs: *Provided further*, This expenditure
19 authorization is limited solely to Bonneville Power Admin-
20 istration’s voluntary purchase or payments made in con-
21 junction with state clean energy programs and is not a
22 broader waiver of Bonneville Power Administration’s sov-
23 ereign immunity.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For expenses necessary for operation and mainte-
4 nance of power transmission facilities and for marketing
5 electric power and energy, including transmission wheeling
6 and ancillary services, pursuant to section 5 of the Flood
7 Control Act of 1944 (16 U.S.C. 825s), as applied to the
8 southeastern power area, \$6,597,000, including official re-
9 ception and representation expenses in an amount not to
10 exceed \$1,500, to remain available until expended: *Pro-*
11 *vided*, That notwithstanding 31 U.S.C. 3302 and section
12 5 of the Flood Control Act of 1944, up to \$6,597,000 col-
13 lected by the Southeastern Power Administration from the
14 sale of power and related services shall be credited to this
15 account as discretionary offsetting collections, to remain
16 available until expended for the sole purpose of funding
17 the annual expenses of the Southeastern Power Adminis-
18 tration: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2020 appropriation estimated at not more than
22 \$0: *Provided further*, That notwithstanding 31 U.S.C.
23 3302, up to \$56,000,000 collected by the Southeastern
24 Power Administration pursuant to the Flood Control Act
25 of 1944 to recover purchase power and wheeling expenses

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

8 OPERATION AND MAINTENANCE, SOUTHWESTERN
9 POWER ADMINISTRATION

10 For expenses necessary for operation and mainte-
11 nance of power transmission facilities and for marketing
12 electric power and energy, for construction and acquisition
13 of transmission lines, substations and appurtenant facili-
14 ties, and for administrative expenses, including official re-
15 ception and representation expenses in an amount not to
16 exceed \$1,500 in carrying out section 5 of the Flood Con-
17 trol Act of 1944 (16 U.S.C. 825s), as applied to the
18 Southwestern Power Administration, \$47,775,000, to re-
19 main available until expended: *Provided*, That notwith-
20 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
21 trol Act of 1944 (16 U.S.C. 825s), up to \$37,375,000 col-
22 lected by the Southwestern Power Administration from
23 the sale of power and related services shall be credited to
24 this account as discretionary offsetting collections, to re-
25 main available until expended, for the sole purpose of

1 funding the annual expenses of the Southwestern Power
2 Administration: *Provided further*, That the sum herein ap-
3 propriated for annual expenses shall be reduced as collec-
4 tions are received during the fiscal year so as to result
5 in a final fiscal year 2020 appropriation estimated at not
6 more than \$10,400,000: *Provided further*, That notwith-
7 standing 31 U.S.C. 3302, up to \$15,000,000 collected by
8 the Southwestern Power Administration pursuant to the
9 Flood Control Act of 1944 to recover purchase power and
10 wheeling expenses shall be credited to this account as off-
11 setting collections, to remain available until expended for
12 the sole purpose of making purchase power and wheeling
13 expenditures: *Provided further*, That for purposes of this
14 appropriation, annual expenses means expenditures that
15 are generally recovered in the same year that they are in-
16 curred (excluding purchase power and wheeling expenses).

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

20 (INCLUDING RESCISSION OF FUNDS)

21 For carrying out the functions authorized by title III,
22 section 302(a)(1)(E) of the Act of August 4, 1977 (42
23 U.S.C. 7152), and other related activities including con-
24 servation and renewable resources programs as author-
25 ized, \$262,959,000, including official reception and rep-

1 representation expenses in an amount not to exceed \$1,500,
2 to remain available until expended, of which \$262,959,000
3 shall be derived from the Department of the Interior Rec-
4 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
5 3302, section 5 of the Flood Control Act of 1944 (16
6 U.S.C. 825s), and section 1 of the Interior Department
7 Appropriation Act, 1939 (43 U.S.C. 392a), up to
8 \$173,587,000 collected by the Western Area Power Ad-
9 ministration from the sale of power and related services
10 shall be credited to this account as discretionary offsetting
11 collections, to remain available until expended, for the sole
12 purpose of funding the annual expenses of the Western
13 Area Power Administration: *Provided further*, That the
14 sum herein appropriated for annual expenses shall be re-
15 duced as collections are received during the fiscal year so
16 as to result in a final fiscal year 2020 appropriation esti-
17 mated at not more than \$89,372,000, of which
18 \$89,372,000 is derived from the Reclamation Fund: *Pro-*
19 *vided further*, That notwithstanding 31 U.S.C. 3302, up
20 to \$168,000,000 collected by the Western Area Power Ad-
21 ministration pursuant to the Flood Control Act of 1944
22 and the Reclamation Project Act of 1939 to recover pur-
23 chase power and wheeling expenses shall be credited to
24 this account as offsetting collections, to remain available
25 until expended for the sole purpose of making purchase

1 power and wheeling expenditures: *Provided further*, That
2 for purposes of this appropriation, annual expenses means
3 expenditures that are generally recovered in the same year
4 that they are incurred (excluding purchase power and
5 wheeling expenses): *Provided further*, That of the unobli-
6 gated balances from prior year appropriations available
7 under this heading, \$176,000 is hereby permanently can-
8 celled.

9 FALCON AND AMISTAD OPERATING AND MAINTENANCE
10 FUND

11 For operation, maintenance, and emergency costs for
12 the hydroelectric facilities at the Falcon and Amistad
13 Dams, \$3,160,000, to remain available until expended,
14 and to be derived from the Falcon and Amistad Operating
15 and Maintenance Fund of the Western Area Power Ad-
16 ministration, as provided in section 2 of the Act of June
17 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
18 the provisions of that Act and of 31 U.S.C. 3302, up to
19 \$2,932,000 collected by the Western Area Power Adminis-
20 tration from the sale of power and related services from
21 the Falcon and Amistad Dams shall be credited to this
22 account as discretionary offsetting collections, to remain
23 available until expended for the sole purpose of funding
24 the annual expenses of the hydroelectric facilities of these
25 Dams and associated Western Area Power Administration

1 activities: *Provided further*, That the sum herein appro-
2 priated for annual expenses shall be reduced as collections
3 are received during the fiscal year so as to result in a final
4 fiscal year 2020 appropriation estimated at not more than
5 \$228,000: *Provided further*, That for purposes of this ap-
6 propriation, annual expenses means expenditures that are
7 generally recovered in the same year that they are in-
8 curred: *Provided further*, That for fiscal year 2020, the
9 Administrator of the Western Area Power Administration
10 may accept up to \$1,187,000 in funds contributed by
11 United States power customers of the Falcon and Amistad
12 Dams for deposit into the Falcon and Amistad Operating
13 and Maintenance Fund, and such funds shall be available
14 for the purpose for which contributed in like manner as
15 if said sums had been specifically appropriated for such
16 purpose: *Provided further*, That any such funds shall be
17 available without further appropriation and without fiscal
18 year limitation for use by the Commissioner of the United
19 States Section of the International Boundary and Water
20 Commission for the sole purpose of operating, maintain-
21 ing, repairing, rehabilitating, replacing, or upgrading the
22 hydroelectric facilities at these Dams in accordance with
23 agreements reached between the Administrator, Commis-
24 sioner, and the power customers.

1 FEDERAL ENERGY REGULATORY COMMISSION
2 SALARIES AND EXPENSES

3 For expenses necessary for the Federal Energy Regu-
4 latory Commission to carry out the provisions of the De-
5 partment of Energy Organization Act (42 U.S.C. 7101 et
6 seq.), including services as authorized by 5 U.S.C. 3109,
7 official reception and representation expenses not to ex-
8 ceed \$3,000, and the hire of passenger motor vehicles,
9 \$382,000,000, to remain available until expended: *Pro-*
10 *vided*, That notwithstanding any other provision of law,
11 not to exceed \$382,000,000 of revenues from fees and an-
12 nual charges, and other services and collections in fiscal
13 year 2020 shall be retained and used for expenses nec-
14 essary in this account, and shall remain available until ex-
15 pended: *Provided further*, That the sum herein appro-
16 priated from the general fund shall be reduced as revenues
17 are received during fiscal year 2020 so as to result in a
18 final fiscal year 2020 appropriation from the general fund
19 estimated at not more than \$0.

20 GENERAL PROVISIONS—DEPARTMENT OF
21 ENERGY

22 (INCLUDING TRANSFERS OF FUNDS)

23 SEC. 301. (a) No appropriation, funds, or authority
24 made available by this title for the Department of Energy
25 shall be used to initiate or resume any program, project,

1 or activity or to prepare or initiate Requests For Proposals
2 or similar arrangements (including Requests for
3 Quotations, Requests for Information, and Funding Op-
4 portunity Announcements) for a program, project, or ac-
5 tivity if the program, project, or activity has not been
6 funded by Congress.

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

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

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

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

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

23 (2) The Secretary of Energy shall submit to the Com-
24 mittees on Appropriations of both Houses of Congress
25 within 15 days of the conclusion of each quarter a report

1 detailing each grant allocation or discretionary grant
2 award totaling less than \$1,000,000 provided during the
3 previous quarter.

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

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

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

21 (2) the contract, grant, or cooperative agree-
22 ment includes a clause conditioning the Federal Gov-
23 ernment’s obligation on the availability of future
24 year budget authority and the Secretary notifies the

1 Committees on Appropriations of both Houses of
2 Congress at least 3 days in advance.

3 (d) Except as provided in subsections (e), (f), and (g),
4 the amounts made available by this title shall be expended
5 as authorized by law for the programs, projects, and ac-
6 tivities specified in the “Bill” column in the “Department
7 of Energy” table included under the heading “Title III—
8 Department of Energy” in the report of the Committee
9 on Appropriations accompanying this Act.

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

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

22 (1) creates, initiates, or eliminates a program,
23 project, or activity;

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

4 (3) reduces funds that are directed to be used
5 for a specific program, project, or activity by this
6 Act.

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

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

20 (h) The unexpended balances of prior appropriations
21 provided for activities in this Act may be available to the
22 same appropriation accounts for such activities established
23 pursuant to this title. Available balances may be merged
24 with funds in the applicable established accounts and

1 thereafter may be accounted for as one fund for the same
2 time period as originally enacted.

3 SEC. 302. Funds appropriated by this or any other
4 Act, or made available by the transfer of funds in this
5 Act, for intelligence activities are deemed to be specifically
6 authorized by the Congress for purposes of section 504
7 of the National Security Act of 1947 (50 U.S.C. 3094)
8 during fiscal year 2020 until the enactment of the Intel-
9 ligence Authorization Act for fiscal year 2020.

10 SEC. 303. None of the funds made available in this
11 title shall be used for the construction of facilities classi-
12 fied as high-hazard nuclear facilities under 10 CFR Part
13 830 unless independent oversight is conducted by the Of-
14 fice of Enterprise Assessments to ensure the project is in
15 compliance with nuclear safety requirements.

16 SEC. 304. None of the funds made available in this
17 title may be used to approve critical decision-2 or critical
18 decision-3 under Department of Energy Order 413.3B, or
19 any successive departmental guidance, for construction
20 projects where the total project cost exceeds
21 \$100,000,000, until a separate independent cost estimate
22 has been developed for the project for that critical deci-
23 sion.

24 SEC. 305. (a) None of the funds made available in
25 this or any prior Act under the heading “Defense Nuclear

1 Nonproliferation” may be made available to enter into new
2 contracts with, or new agreements for Federal assistance
3 to, the Russian Federation.

4 (b) The Secretary of Energy may waive the prohibi-
5 tion in subsection (a) if the Secretary determines that
6 such activity is in the national security interests of the
7 United States. This waiver authority may not be dele-
8 gated.

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

14 SEC. 306. Notwithstanding section 161 of the Energy
15 Policy and Conservation Act (42 U.S.C. 6241), upon a
16 determination by the President in this fiscal year that a
17 regional supply shortage of refined petroleum product of
18 significant scope and duration exists, that a severe in-
19 crease in the price of refined petroleum product will likely
20 result from such shortage, and that a draw down and sale
21 of refined petroleum product would assist directly and sig-
22 nificantly in reducing the adverse impact of such shortage,
23 the Secretary of Energy may draw down and sell refined
24 petroleum product from the Strategic Petroleum Reserve.
25 Proceeds from a sale under this section shall be deposited

1 into the SPR Petroleum Account established in section
2 167 of the Energy Policy and Conservation Act (42 U.S.C.
3 6247), and such amounts shall be available for obligation,
4 without fiscal year limitation, consistent with that section.

5 SEC. 307. Of the offsetting collections, including un-
6 obligated balances of such collections, in the “Department
7 of Energy—Power Marketing Administration—Colorado
8 River Basins Power Marketing Fund, Western Area
9 Power Administration”, \$21,400,000 shall be transferred
10 to the “Department of Interior—Bureau of Reclama-
11 tion—Upper Colorado River Basin Fund” for the Bureau
12 of Reclamation to carry out environmental stewardship
13 and endangered species recovery efforts.

14 SEC. 308. Section 5(b) of Public Law 110–414 is
15 amended by adding after paragraph (2) the following new
16 paragraph: “(3) MERCURY STORAGE REVOLVING
17 FUND. There is hereby established the Mercury Storage
18 Revolving Fund which shall be available without fiscal
19 year limitation. Notwithstanding section 3302 of title 31,
20 United States Code, receipts received from fees described
21 under this subsection shall be credited to this account as
22 offsetting collections, to be available for carrying out the
23 long-term management and storage of elemental mercury
24 generated within the United States without further appro-
25 priation.”.

1 SEC. 309. During fiscal year 2020 and each fiscal
2 year thereafter, notwithstanding any provision of title 5,
3 United States Code, relating to classification or rates of
4 pay, the Southeastern Power Administration shall pay any
5 power system dispatcher employed by the Administration
6 a rate of basic pay and premium pay based on those pre-
7 vailing for similar occupations in the electric power indus-
8 try. Basic pay and premium pay may not be paid under
9 this section to any individual during a calendar year so
10 as to result in a total rate in excess of the rate of basic
11 pay for level V of the Executive Schedule (section 5316
12 of such title).

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 section 3109 of title 5, United States
23 Code, and hire of passenger motor vehicles, \$170,000,000,
24 to remain available until expended.

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

10 NORTHERN BORDER REGIONAL COMMISSION

11 For expenses necessary for the Northern Border Re-
12 gional Commission in carrying out activities authorized by
13 subtitle V of title 40, United States Code, \$22,000,000,
14 to remain available until expended: *Provided*, That such
15 amounts shall be available for administrative expenses,
16 notwithstanding section 15751(b) of title 40, United
17 States Code.

18 SOUTHEAST CRESCENT REGIONAL COMMISSION

19 For expenses necessary for the Southeast Crescent
20 Regional Commission in carrying out activities authorized
21 by subtitle V of title 40, United States Code, \$250,000,
22 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 \$885,236,000, including official representation expenses
7 not to exceed \$25,000, to remain available until expended:
8 *Provided*, That of the amount appropriated herein, not
9 more than \$9,500,000 may be made available for salaries,
10 travel, and other support costs for the Office of the Com-
11 mission, to remain available until September 30, 2021, of
12 which, notwithstanding section 201(a)(2)(c) of the Energy
13 Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)),
14 the use and expenditure shall only be approved by a major-
15 ity vote of the Commission: *Provided further*, That reve-
16 nues from licensing fees, inspection services, and other
17 services and collections estimated at \$757,589,000 in fis-
18 cal year 2020 shall be retained and used for necessary
19 salaries and expenses in this account, notwithstanding 31
20 U.S.C. 3302, and shall remain available until expended:
21 *Provided further*, That of the amounts appropriated under
22 this heading, not less than \$15,478,000 shall be for activi-
23 ties related to the development of regulatory infrastruc-
24 ture for advanced nuclear technologies, and \$12,492,000
25 shall be for international activities, except that the

1 amounts provided under this proviso shall not be derived
2 from fee revenues, notwithstanding 42 U.S.C. 2214: *Pro-*
3 *vided further*, That the sum herein appropriated shall be
4 reduced by the amount of revenues received during fiscal
5 year 2020 so as to result in a final fiscal year 2020 appro-
6 priation estimated at not more than \$127,647,000: *Pro-*
7 *vided further*, That of the amounts appropriated under
8 this heading, \$10,500,000 shall be for university research
9 and development in areas relevant to the Commission's
10 mission, and \$5,500,000 shall be for a Nuclear Science
11 and Engineering Grant Program that will support
12 multiyear projects that do not align with programmatic
13 missions but are critical to maintaining the discipline of
14 nuclear science and engineering.

15 OFFICE OF INSPECTOR GENERAL

16 For expenses necessary for the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$13,314,000, to remain available
19 until September 30, 2021: *Provided*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections estimated at \$10,929,000 in fiscal year 2020
22 shall be retained and be available until September 30,
23 2021, for necessary salaries and expenses in this account,
24 notwithstanding section 3302 of title 31, United States
25 Code: *Provided further*, That the sum herein appropriated

1 shall be reduced by the amount of revenues received dur-
2 ing fiscal year 2020 so as to result in a final fiscal year
3 2020 appropriation estimated at not more than
4 \$2,385,000: *Provided further*, That of the amounts appro-
5 priated under this heading, \$1,171,000 shall be for In-
6 spector General services for the Defense Nuclear Facilities
7 Safety Board, which shall not be available from fee reve-
8 nues.

9 NUCLEAR WASTE TECHNICAL REVIEW BOARD

10 SALARIES AND EXPENSES

11 For expenses necessary for the Nuclear Waste Tech-
12 nical Review Board, as authorized by Public Law 100-
13 203, section 5051, \$3,600,000, to be derived from the Nu-
14 clear Waste Fund, to remain available until September 30,
15 2021.

16 GENERAL PROVISIONS—INDEPENDENT

17 AGENCIES

18 SEC. 401. The Nuclear Regulatory Commission shall
19 comply with the July 5, 2011, version of Chapter VI of
20 its Internal Commission Procedures when responding to
21 Congressional requests for information, consistent with
22 Department of Justice guidance for all federal agencies.

23 SEC. 402. (a) The amounts made available by this
24 title for the Nuclear Regulatory Commission may be re-
25 programmed for any program, project, or activity, and the

1 Commission shall notify the Committees on Appropria-
2 tions of both Houses of Congress at least 30 days prior
3 to the use of any proposed reprogramming that would
4 cause any program funding level to increase or decrease
5 by more than \$500,000 or 10 percent, whichever is less,
6 during the time period covered by this Act.

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

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

22 (c) Except as provided in subsections (a), (b), and
23 (d), the amounts made available by this title for “Nuclear
24 Regulatory Commission—Salaries and Expenses” shall be

1 expended as directed in the report of the Committee on
2 Appropriations accompanying this Act.

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

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

- 14 (1) total budget authority;
15 (2) total unobligated balances; and
16 (3) total unliquidated obligations.

17 TITLE V

18 GENERAL PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 501. None of the funds appropriated by this Act
21 may be used in any way, directly or indirectly, to influence
22 congressional action on any legislation or appropriation
23 matters pending before Congress, other than to commu-
24 nicate to Members of Congress as described in 18 U.S.C.
25 1913.

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

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

23 (c) The head of any relevant department or agency
24 funded in this Act utilizing any transfer authority shall
25 submit to the Committees on Appropriations of both

1 Houses of Congress a semiannual report detailing the
2 transfer authorities, except for any authority whereby a
3 department, agency, or instrumentality of the United
4 States Government may provide goods or services to an-
5 other department, agency, or instrumentality, used in the
6 previous 6 months and in the year-to-date. This report
7 shall include the amounts transferred and the purposes
8 for which they were transferred, and shall not replace or
9 modify existing notification requirements for each author-
10 ity.

11 SEC. 503. None of the funds made available by this
12 Act may be used in contravention of Executive Order No.
13 12898 of February 11, 1994 (Federal Actions to Address
14 Environmental Justice in Minority Populations and Low-
15 Income Populations).

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

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

1 This Act may be cited as the “Energy and Water De-
2 velopment and Related Agencies Appropriations Act,
3 2020”.

Union Calendar No. 58

116TH CONGRESS
1ST Session

H. R. 2960

[Report No. 116-83]

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2020, and for other purposes.

MAY 23, 2019

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