

[FULL COMMITTEE PRINT]

Union Calendar No. _____

116TH CONGRESS
1ST SESSION

H. R. _____

[Report No. 116-__]

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

____ --, 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 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for en-
5 ergy and water development and related agencies for the
6 fiscal year ending September 30, 2020, and for other pur-
7 poses, namely:

8 TITLE I

9 CORPS OF ENGINEERS—CIVIL

10 DEPARTMENT OF THE ARMY

11 CORPS OF ENGINEERS—CIVIL

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

18 INVESTIGATIONS

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

1 ecosystem restoration projects, and related efforts prior to
2 construction; for restudy of authorized projects; and for
3 miscellaneous investigations, and, when authorized by law,
4 surveys and detailed studies, and plans and specifications
5 of projects prior to construction, \$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 Secure Water Act
18 of 2009 (42 U.S.C. 10364(e)) is amended by striking
19 “\$480,000,000” and inserting “\$510,000,000”.

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

1 SEC. 205. Section 9106(g)(2) of Public Law 111–11
2 (Omnibus Public Land Management Act of 2009) is
3 amended by striking “2019” and inserting “2020”.

4 TITLE III

5 DEPARTMENT OF ENERGY

6 ENERGY PROGRAMS

7 ENERGY EFFICIENCY AND RENEWABLE ENERGY

8 For Department of Energy expenses including the
9 purchase, construction, and acquisition of plant and cap-
10 ital equipment, and other expenses necessary for energy
11 efficiency and renewable energy activities in carrying out
12 the purposes of the Department of Energy Organization
13 Act (42 U.S.C. 7101 et seq.), including the acquisition or
14 condemnation of any real property or any facility or for
15 plant or facility acquisition, construction, or expansion,
16 \$2,651,713,000, to remain available until expended: *Pro-*
17 *vided*, That of such amount, \$163,521,000 shall be avail-
18 able until September 30, 2021, for program direction.

19 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY

20 RESPONSE

21 For Department of Energy expenses including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment, and other expenses necessary for energy
24 sector cybersecurity, energy security, and emergency re-
25 sponse activities in carrying out the purposes of the De-

1 partment of Energy Organization Act (42 U.S.C. 7101 et
2 seq.), including the acquisition or condemnation of any
3 real property or any facility or for plant or facility acquisi-
4 tion, construction, or expansion, \$150,000,000, to remain
5 available until expended: *Provided*, That of such amount,
6 \$13,000,000 shall be available until September 30, 2021,
7 for program direction.

8 ELECTRICITY

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 elec-
12 tricity delivery activities in carrying out the purposes of
13 the Department of Energy Organization Act (42 U.S.C.
14 7101 et seq.), including the acquisition or condemnation
15 of any real property or any facility or for plant or facility
16 acquisition, construction, or expansion, \$200,000,000, to
17 remain available until expended: *Provided*, That of such
18 amount, \$19,600,000 shall be available until September
19 30, 2021, for program direction.

20 NUCLEAR ENERGY

21 For Department of Energy expenses including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment, and other expenses necessary for nuclear
24 energy activities in carrying out the purposes of the De-
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 seq.), including the acquisition or condemnation of any
2 real property or any facility or for plant or facility acquisi-
3 tion, construction, or expansion, \$1,317,808,000, to re-
4 main available until expended: *Provided*, That of such
5 amount, \$80,000,000 shall be available until September
6 30, 2021, for program direction.

7 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

8 For Department of Energy expenses necessary in car-
9 rying out fossil energy research and development activi-
10 ties, under the authority of the Department of Energy Or-
11 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
12 quisition of interest, including defeasible and equitable in-
13 terests in any real property or any facility or for plant
14 or facility acquisition or expansion, and for conducting in-
15 quires, technological investigations and research con-
16 cerning the extraction, processing, use, and disposal of
17 mineral substances without objectionable social and envi-
18 ronmental costs (30 U.S.C. 3, 1602, and 1603),
19 \$740,000,000, to remain available until expended: *Pro-*
20 *vided*, That of such amount \$61,045,000 shall be available
21 until September 30, 2021, for program direction.

22 NAVAL PETROLEUM AND OIL SHALE RESERVES

23 For Department of Energy expenses necessary to
24 carry out naval petroleum and oil shale reserve activities,
25 \$14,000,000, to remain available until expended: *Pro-*

1 *vided*, That notwithstanding any other provision of law,
2 unobligated funds remaining from prior years shall be
3 available for all naval petroleum and oil shale reserve ac-
4 tivities.

5 STRATEGIC PETROLEUM RESERVE

6 For Department of Energy expenses necessary for
7 Strategic Petroleum Reserve facility development and op-
8 erations and program management activities pursuant to
9 the Energy Policy and Conservation Act (42 U.S.C. 6201
10 et seq.), \$214,000,000, to remain available until expended:
11 *Provided*, That, as authorized by section 404 of the Bipar-
12 tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.
13 6239 note), the Secretary of Energy shall draw down and
14 sell not to exceed \$450,000,000 of crude oil from the Stra-
15 tegic Petroleum Reserve in fiscal year 2020: *Provided fur-*
16 *ther*, That the proceeds from such drawdown and sale shall
17 be deposited into the “Energy Security and Infrastructure
18 Modernization Fund” during fiscal year 2020: *Provided*
19 *further*, That such amounts shall be made available and
20 shall remain available until expended for necessary ex-
21 penses to carry out the Life Extension II project for the
22 Strategic Petroleum Reserve.

23 SPR PETROLEUM ACCOUNT

24 For the acquisition, transportation, and injection of
25 petroleum products, and for other necessary expenses pur-

1 suant to the Energy Policy and Conservation Act of 1975,
2 as amended (42 U.S.C. 6201 et seq.), sections 403 and
3 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
4 6241, 6239 note), and section 5010 of the 21st Century
5 Cures Act (Public Law 114–255), \$10,200,000, to remain
6 available until expended.

7 NORTHEAST HOME HEATING OIL RESERVE

8 For Department of Energy expenses necessary for
9 Northeast Home Heating Oil Reserve storage, operation,
10 and management activities pursuant to the Energy Policy
11 and Conservation Act (42 U.S.C. 6201 et seq.),
12 \$10,000,000, to remain available until expended.

13 ENERGY INFORMATION ADMINISTRATION

14 For Department of Energy expenses necessary in car-
15 rying out the activities of the Energy Information Admin-
16 istration, \$128,000,000, to remain available until ex-
17 pended.

18 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

1 or facility acquisition, construction, or expansion,
2 \$308,000,000, to remain available until expended.

3 URANIUM ENRICHMENT DECONTAMINATION AND
4 DECOMMISSIONING FUND

5 For Department of Energy expenses necessary in car-
6 rying out uranium enrichment facility decontamination
7 and decommissioning, remedial actions, and other activi-
8 ties of title II of the Atomic Energy Act of 1954, and
9 title X, subtitle A, of the Energy Policy Act of 1992,
10 \$873,479,000, to be derived from the Uranium Enrich-
11 ment Decontamination and Decommissioning Fund, to re-
12 main available until expended, of which \$30,514,000 shall
13 be available in accordance with title X, subtitle A, of the
14 Energy Policy Act of 1992.

15 SCIENCE

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 science
19 activities in carrying out the purposes of the Department
20 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
21 cluding the acquisition or condemnation of any real prop-
22 erty or any facility or for plant or facility acquisition, con-
23 struction, or expansion, and purchase of not more than
24 33 passenger motor vehicles including one bus,
25 \$6,870,000,000, to remain available until expended: *Pro-*

1 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

2 For Department of Energy administrative expenses
3 necessary in carrying out the Tribal Energy Loan Guar-
4 antee Program, \$1,000,000, to remain available until Sep-
5 tember 30, 2021.

6 OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

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

14 DEPARTMENTAL ADMINISTRATION

15 For salaries and expenses of the Department of En-
16 ergy necessary for departmental administration in car-
17 rying out the purposes of the Department of Energy Orga-
18 nization Act (42 U.S.C. 7101 et seq.), \$264,378,000, to
19 remain available until September 30, 2021, including the
20 hire of passenger motor vehicles and official reception and
21 representation expenses not to exceed \$30,000, plus such
22 additional amounts as necessary to cover increases in the
23 estimated amount of cost of work for others notwith-
24 standing the provisions of the Anti-Deficiency Act (31
25 U.S.C. 1511 et seq.): *Provided*, That such increases in

1 cost of work are offset by revenue increases of the same
2 or greater amount: *Provided further*, That moneys received
3 by the Department for miscellaneous revenues estimated
4 to total \$93,378,000 in fiscal year 2020 may be retained
5 and used for operating expenses within this account, as
6 authorized by section 201 of Public Law 95–238, notwith-
7 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
8 *ther*, That the sum herein appropriated shall be reduced
9 as collections are received during the fiscal year so as to
10 result in a final fiscal year 2020 appropriation from the
11 general fund estimated at not more than \$171,000,000.

12 OFFICE OF THE INSPECTOR GENERAL

13 For expenses necessary for the Office of the Inspector
14 General in carrying out the provisions of the Inspector
15 General Act of 1978, \$54,215,000, to remain available
16 until September 30, 2021.

17 ATOMIC ENERGY DEFENSE ACTIVITIES

18 NATIONAL NUCLEAR SECURITY

19 ADMINISTRATION

20 WEAPONS ACTIVITIES

21 For Department of Energy expenses, including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment and other incidental expenses necessary for
24 atomic energy defense weapons activities in carrying out
25 the purposes of the Department of Energy Organization

1 Act (42 U.S.C. 7101 et seq.), including the acquisition or
2 condemnation of any real property or any facility or for
3 plant or facility acquisition, construction, or expansion,
4 and the purchase of not to exceed one ambulance for re-
5 placement only, \$11,760,800,000, to remain available
6 until expended: *Provided*, That of such amount,
7 \$107,660,000 shall be available until September 30, 2021,
8 for program direction.

9 DEFENSE NUCLEAR NONPROLIFERATION

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other incidental expenses necessary for
13 defense nuclear nonproliferation activities, in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion,
18 and the purchase of not to exceed two aircraft,
19 \$2,074,930,000, to remain available until expended.

20 NAVAL REACTORS

21 (INCLUDING TRANSFER OF FUNDS)

22 For Department of Energy expenses necessary for
23 naval reactors activities to carry out the Department of
24 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
25 ing the acquisition (by purchase, condemnation, construc-

1 tion, or otherwise) of real property, plant, and capital
2 equipment, facilities, and facility expansion,
3 \$1,628,551,000, to remain available until expended, of
4 which, \$88,500,000 shall be transferred to “Department
5 of Energy—Energy Programs—Nuclear Energy”, for the
6 Advanced Test Reactor: *Provided*, That of such amount,
7 \$50,500,000 shall be available until September 30, 2021,
8 for program direction.

9 FEDERAL SALARIES AND EXPENSES

10 For expenses necessary for Federal Salaries and Ex-
11 penses in the National Nuclear Security Administration,
12 \$430,000,000, to remain available until September 30,
13 2021, including official reception and representation ex-
14 penses not to exceed \$17,000.

15 ENVIRONMENTAL AND OTHER DEFENSE

16 ACTIVITIES

17 DEFENSE ENVIRONMENTAL CLEANUP

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

1 sion, \$5,993,650,000, to remain available until expended:
2 *Provided*, That of such amount, \$298,500,000 shall be
3 available until September 30, 2021, for program direction.

4 OTHER DEFENSE ACTIVITIES

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other expenses, necessary for atomic
8 energy defense, other defense activities, and classified ac-
9 tivities, in carrying out the purposes of the Department
10 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
11 cluding the acquisition or condemnation of any real prop-
12 erty or any facility or for plant or facility acquisition, con-
13 struction, or expansion, \$901,261,000, to remain available
14 until expended: *Provided*, That of such amount,
15 \$324,798,000 shall be available until September 30, 2021,
16 for program direction.

17 POWER MARKETING ADMINISTRATIONS

18 BONNEVILLE POWER ADMINISTRATION FUND

19 Expenditures from the Bonneville Power Administra-
20 tion Fund, established pursuant to Public Law 93-454,
21 are approved for the Steigerwald Floodplain Restoration
22 Project and, in addition, for official reception and rep-
23 resentation expenses in an amount not to exceed \$5,000:
24 *Provided*, That during fiscal year 2020, no new direct loan
25 obligations may be made: *Provided further*, Expenditures

1 from the Bonneville Power Administration Fund, estab-
2 lished pursuant to Public Law 93–454 are authorized and
3 approved, without fiscal year limitation, for the cost of
4 current and future year purchases or payments of emis-
5 sions expenses associated with Bonneville Power Adminis-
6 tration power and transmission operations in states with
7 clean energy programs: *Provided further*, This expenditure
8 authorization is limited solely to Bonneville Power Admin-
9 istration’s voluntary purchase or payments made in con-
10 junction with state clean energy programs and is not a
11 broader waiver of Bonneville Power Administration’s sov-
12 ereign immunity.

13 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
14 ADMINISTRATION

15 For expenses necessary for operation and mainte-
16 nance of power transmission facilities and for marketing
17 electric power and energy, including transmission wheeling
18 and ancillary services, pursuant to section 5 of the Flood
19 Control Act of 1944 (16 U.S.C. 825s), as applied to the
20 southeastern power area, \$6,597,000, including official re-
21 ception and representation expenses in an amount not to
22 exceed \$1,500, to remain available until expended: *Pro-*
23 *vided*, That notwithstanding 31 U.S.C. 3302 and section
24 5 of the Flood Control Act of 1944, up to \$6,597,000 col-
25 lected by the Southeastern Power Administration from the

1 sale of power and related services shall be credited to this
2 account as discretionary offsetting collections, to remain
3 available until expended for the sole purpose of funding
4 the annual expenses of the Southeastern Power Adminis-
5 tration: *Provided further*, That the sum herein appro-
6 priated for annual expenses shall be reduced as collections
7 are received during the fiscal year so as to result in a final
8 fiscal year 2020 appropriation estimated at not more than
9 \$0: *Provided further*, That notwithstanding 31 U.S.C.
10 3302, up to \$56,000,000 collected by the Southeastern
11 Power Administration pursuant to the Flood Control Act
12 of 1944 to recover purchase power and wheeling expenses
13 shall be credited to this account as offsetting collections,
14 to remain available until expended for the sole purpose
15 of making purchase power and wheeling expenditures:
16 *Provided further*, That for purposes of this appropriation,
17 annual expenses means expenditures that are generally re-
18 covered in the same year that they are incurred (excluding
19 purchase power and wheeling expenses).

20 OPERATION AND MAINTENANCE, SOUTHWESTERN
21 POWER ADMINISTRATION

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

1 ties, and for administrative expenses, including official re-
2 ception and representation expenses in an amount not to
3 exceed \$1,500 in carrying out section 5 of the Flood Con-
4 trol Act of 1944 (16 U.S.C. 825s), as applied to the
5 Southwestern Power Administration, \$47,775,000, to re-
6 main available until expended: *Provided*, That notwith-
7 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
8 trol Act of 1944 (16 U.S.C. 825s), up to \$37,375,000 col-
9 lected by the Southwestern Power Administration from
10 the sale of power and related services shall be credited to
11 this account as discretionary offsetting collections, to re-
12 main available until expended, for the sole purpose of
13 funding the annual expenses of the Southwestern Power
14 Administration: *Provided further*, That the sum herein ap-
15 propriated for annual expenses shall be reduced as collec-
16 tions are received during the fiscal year so as to result
17 in a final fiscal year 2020 appropriation estimated at not
18 more than \$10,400,000: *Provided further*, That notwith-
19 standing 31 U.S.C. 3302, up to \$15,000,000 collected by
20 the Southwestern Power Administration pursuant to the
21 Flood Control Act of 1944 to recover purchase power and
22 wheeling expenses shall be credited to this account as off-
23 setting collections, to remain available until expended for
24 the sole purpose of making purchase power and wheeling
25 expenditures: *Provided further*, That for purposes of this

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

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

7 (INCLUDING RESCISSION OF FUNDS)

8 For carrying out the functions authorized by title III,
9 section 302(a)(1)(E) of the Act of August 4, 1977 (42
10 U.S.C. 7152), and other related activities including con-
11 servation and renewable resources programs as author-
12 ized, \$262,959,000, including official reception and rep-
13 resentation expenses in an amount not to exceed \$1,500,
14 to remain available until expended, of which \$262,959,000
15 shall be derived from the Department of the Interior Rec-
16 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
17 3302, section 5 of the Flood Control Act of 1944 (16
18 U.S.C. 825s), and section 1 of the Interior Department
19 Appropriation Act, 1939 (43 U.S.C. 392a), up to
20 \$173,587,000 collected by the Western Area Power Ad-
21 ministration from the sale of power and related services
22 shall be credited to this account as discretionary offsetting
23 collections, to remain available until expended, for the sole
24 purpose of funding the annual expenses of the Western
25 Area Power Administration: *Provided further*, That the

1 sum herein appropriated for annual expenses shall be re-
2 duced as collections are received during the fiscal year so
3 as to result in a final fiscal year 2020 appropriation esti-
4 mated at not more than \$89,372,000, of which
5 \$89,372,000 is derived from the Reclamation Fund: *Pro-*
6 *vided further*, That notwithstanding 31 U.S.C. 3302, up
7 to \$168,000,000 collected by the Western Area Power Ad-
8 ministration pursuant to the Flood Control Act of 1944
9 and the Reclamation Project Act of 1939 to recover pur-
10 chase power and wheeling expenses shall be credited to
11 this account as offsetting collections, to remain available
12 until expended for the sole purpose of making purchase
13 power and wheeling expenditures: *Provided further*, That
14 for purposes of this appropriation, annual expenses means
15 expenditures that are generally recovered in the same year
16 that they are incurred (excluding purchase power and
17 wheeling expenses): *Provided further*, That of the unobli-
18 gated balances from prior year appropriations available
19 under this heading, \$176,000 is hereby permanently can-
20 celled.

21 FALCON AND AMISTAD OPERATING AND MAINTENANCE
22 FUND

23 For operation, maintenance, and emergency costs for
24 the hydroelectric facilities at the Falcon and Amistad
25 Dams, \$3,160,000, to remain available until expended,

1 and to be derived from the Falcon and Amistad Operating
2 and Maintenance Fund of the Western Area Power Ad-
3 ministration, as provided in section 2 of the Act of June
4 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
5 the provisions of that Act and of 31 U.S.C. 3302, up to
6 \$2,932,000 collected by the Western Area Power Adminis-
7 tration from the sale of power and related services from
8 the Falcon and Amistad Dams shall be credited to this
9 account as discretionary offsetting collections, to remain
10 available until expended for the sole purpose of funding
11 the annual expenses of the hydroelectric facilities of these
12 Dams and associated Western Area Power Administration
13 activities: *Provided further*, That the sum herein appro-
14 priated for annual expenses shall be reduced as collections
15 are received during the fiscal year so as to result in a final
16 fiscal year 2020 appropriation estimated at not more than
17 \$228,000: *Provided further*, That for purposes of this ap-
18 propriation, annual expenses means expenditures that are
19 generally recovered in the same year that they are in-
20 curred: *Provided further*, That for fiscal year 2020, the
21 Administrator of the Western Area Power Administration
22 may accept up to \$1,187,000 in funds contributed by
23 United States power customers of the Falcon and Amistad
24 Dams for deposit into the Falcon and Amistad Operating
25 and Maintenance Fund, and such funds shall be available

1 for the purpose for which contributed in like manner as
2 if said sums had been specifically appropriated for such
3 purpose: *Provided further*, That any such funds shall be
4 available without further appropriation and without fiscal
5 year limitation for use by the Commissioner of the United
6 States Section of the International Boundary and Water
7 Commission for the sole purpose of operating, maintain-
8 ing, repairing, rehabilitating, replacing, or upgrading the
9 hydroelectric facilities at these Dams in accordance with
10 agreements reached between the Administrator, Commis-
11 sioner, and the power customers.

12 FEDERAL ENERGY REGULATORY COMMISSION

13 SALARIES AND EXPENSES

14 For expenses necessary for the Federal Energy Regu-
15 latory Commission to carry out the provisions of the De-
16 partment of Energy Organization Act (42 U.S.C. 7101 et
17 seq.), including services as authorized by 5 U.S.C. 3109,
18 official reception and representation expenses not to ex-
19 ceed \$3,000, and the hire of passenger motor vehicles,
20 \$382,000,000, to remain available until expended: *Pro-*
21 *vided*, That notwithstanding any other provision of law,
22 not to exceed \$382,000,000 of revenues from fees and an-
23 nual charges, and other services and collections in fiscal
24 year 2020 shall be retained and used for expenses nec-
25 essary in this account, and shall remain available until ex-

1 or more, including a contract covered by the Federal
2 Acquisition Regulation;

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

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

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

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

23 (c) The Department of Energy may not, with respect
24 to any program, project, or activity that uses budget au-
25 thority made available in this title under the heading “De-

1 partment of Energy—Energy Programs”, enter into a
2 multiyear contract, award a multiyear grant, or enter into
3 a multiyear cooperative agreement unless—

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

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

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

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

1 increase or decrease by more than \$5,000,000 or 10 per-
2 cent, whichever is less, during the time period covered by
3 this Act.

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

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

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

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

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

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

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

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

10 SEC. 302. Funds appropriated by this or any other
11 Act, or made available by the transfer of funds in this
12 Act, for intelligence activities are deemed to be specifically
13 authorized by the Congress for purposes of section 504
14 of the National Security Act of 1947 (50 U.S.C. 3094)
15 during fiscal year 2020 until the enactment of the Intel-
16 ligence Authorization Act for fiscal year 2020.

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

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

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

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

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

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

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

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

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

21 SEC. 308. Section 5(b) of Public Law 110–414 is
22 amended by adding after paragraph (2) the following new
23 paragraph: “(3) MERCURY STORAGE REVOLVING
24 FUND. There is hereby established the Mercury Storage
25 Revolving Fund which shall be available without fiscal

1 year limitation. Notwithstanding section 3302 of title 31,
2 United States Code, receipts received from fees described
3 under this subsection shall be credited to this account as
4 offsetting collections, to be available for carrying out the
5 long-term management and storage of elemental mercury
6 generated within the United States without further appro-
7 priation.”.

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

20 TITLE IV

21 INDEPENDENT AGENCIES

22 APPALACHIAN REGIONAL COMMISSION

23 For expenses necessary to carry out the programs au-
24 thorized by the Appalachian Regional Development Act of
25 1965, and for expenses necessary for the Federal Co-

1 Chairman and the Alternate on the Appalachian Regional
2 Commission, for payment of the Federal share of the ad-
3 ministrative expenses of the Commission, including serv-
4 ices as authorized by section 3109 of title 5, United States
5 Code, and hire of passenger motor vehicles, \$170,000,000,
6 to remain available until expended.

7 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

8 SALARIES AND EXPENSES

9 For expenses necessary for the Defense Nuclear Fa-
10 cilities Safety Board in carrying out activities authorized
11 by the Atomic Energy Act of 1954, as amended by Public
12 Law 100–456, section 1441, \$31,000,000, to remain
13 available until September 30, 2021.

14 DELTA REGIONAL AUTHORITY

15 SALARIES AND EXPENSES

16 For expenses necessary for the Delta Regional Au-
17 thority and to carry out its activities, as authorized by
18 the Delta Regional Authority Act of 2000, \$15,000,000,
19 to remain available until expended.

20 DENALI COMMISSION

21 For expenses necessary for the Denali Commission
22 including the purchase, construction, and acquisition of
23 plant and capital equipment as necessary and other ex-
24 penses, \$15,000,000, to remain available until expended,
25 notwithstanding the limitations contained in section

1 306(g) of the Denali Commission Act of 1998: *Provided*,
2 That funds shall be available for construction projects in
3 an amount not to exceed 80 percent of total project cost
4 for distressed communities, as defined by section 307 of
5 the Denali Commission Act of 1998 (division C, title III,
6 Public Law 105–277), as amended by section 701 of ap-
7 pendix D, title VII, Public Law 106–113 (113 Stat.
8 1501A–280), and an amount not to exceed 50 percent for
9 non-distressed communities: *Provided further*, That not-
10 withstanding any other provision of law regarding pay-
11 ment of a non-Federal share in connection with a grant-
12 in-aid program, amounts under this heading shall be avail-
13 able for the payment of such a non-Federal share for pro-
14 grams undertaken to carry out the purposes of the Com-
15 mission.

16 NORTHERN BORDER REGIONAL COMMISSION

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

1 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

6 NUCLEAR REGULATORY COMMISSION

7 SALARIES AND EXPENSES

8 For expenses necessary for the Commission in car-
9 rying out the purposes of the Energy Reorganization Act
10 of 1974 and the Atomic Energy Act of 1954,
11 \$885,236,000, including official representation expenses
12 not to exceed \$25,000, to remain available until expended:
13 *Provided*, That of the amount appropriated herein, not
14 more than \$9,500,000 may be made available for salaries,
15 travel, and other support costs for the Office of the Com-
16 mission, to remain available until September 30, 2021, of
17 which, notwithstanding section 201(a)(2)(c) of the Energy
18 Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)),
19 the use and expenditure shall only be approved by a major-
20 ity vote of the Commission: *Provided further*, That reve-
21 nues from licensing fees, inspection services, and other
22 services and collections estimated at \$757,589,000 in fis-
23 cal year 2020 shall be retained and used for necessary
24 salaries and expenses in this account, notwithstanding 31
25 U.S.C. 3302, and shall remain available until expended:

1 *Provided further*, That of the amounts appropriated under
2 this heading, not less than \$15,478,000 shall be for activi-
3 ties related to the development of regulatory infrastruc-
4 ture for advanced nuclear technologies, and \$12,492,000
5 shall be for international activities, except that the
6 amounts provided under this proviso shall not be derived
7 from fee revenues, notwithstanding 42 U.S.C. 2214: *Pro-*
8 *vided further*, That the sum herein appropriated shall be
9 reduced by the amount of revenues received during fiscal
10 year 2020 so as to result in a final fiscal year 2020 appro-
11 priation estimated at not more than \$127,647,000: *Pro-*
12 *vided further*, That of the amounts appropriated under
13 this heading, \$10,500,000 shall be for university research
14 and development in areas relevant to the Commission's
15 mission, and \$5,500,000 shall be for a Nuclear Science
16 and Engineering Grant Program that will support
17 multiyear projects that do not align with programmatic
18 missions but are critical to maintaining the discipline of
19 nuclear science and engineering.

20 OFFICE OF INSPECTOR GENERAL

21 For expenses necessary for the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$13,314,000, to remain available
24 until September 30, 2021: *Provided*, That revenues from
25 licensing fees, inspection services, and other services and

1 collections estimated at \$10,929,000 in fiscal year 2020
2 shall be retained and be available until September 30,
3 2021, for necessary salaries and expenses in this account,
4 notwithstanding section 3302 of title 31, United States
5 Code: *Provided further*, That the sum herein appropriated
6 shall be reduced by the amount of revenues received dur-
7 ing fiscal year 2020 so as to result in a final fiscal year
8 2020 appropriation estimated at not more than
9 \$2,385,000: *Provided further*, That of the amounts appro-
10 priated under this heading, \$1,171,000 shall be for In-
11 spector General services for the Defense Nuclear Facilities
12 Safety Board, which shall not be available from fee reve-
13 nues.

14 NUCLEAR WASTE TECHNICAL REVIEW BOARD

15 SALARIES AND EXPENSES

16 For expenses necessary for the Nuclear Waste Tech-
17 nical Review Board, as authorized by Public Law 100-
18 203, section 5051, \$3,600,000, to be derived from the Nu-
19 clear Waste Fund, to remain available until September 30,
20 2021.

21 GENERAL PROVISIONS—INDEPENDENT

22 AGENCIES

23 SEC. 401. The Nuclear Regulatory Commission shall
24 comply with the July 5, 2011, version of Chapter VI of
25 its Internal Commission Procedures when responding to

1 Congressional requests for information, consistent with
2 Department of Justice guidance for all federal agencies.

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

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

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

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

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

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

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

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

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TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the report of the Committee on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appro-

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

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

20 SEC. 503. None of the funds made available by this
21 Act may be used in contravention of Executive Order No.
22 12898 of February 11, 1994 (Federal Actions to Address
23 Environmental Justice in Minority Populations and Low-
24 Income Populations).

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

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

9 This Act may be cited as the “Energy and Water De-
10 velopment and Related Agencies Appropriations Act,
11 2020”.

[FULL COMMITTEE PRINT]

Union Calendar No. _____

116TH CONGRESS
1ST Session

H. R. _____

[Report No. 116-_____] _____

A BILL

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

, 2020

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