

Calendar No. 204

116TH CONGRESS
1ST SESSION

S. 2470

[Report No. 116–102]

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2019

Mr. ALEXANDER, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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:

1 TITLE I
2 CORPS OF ENGINEERS—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL

5 The following appropriations shall be expended under
6 the direction of the Secretary of the Army and the super-
7 vision of the Chief of Engineers for authorized civil func-
8 tions of the Department of the Army pertaining to river
9 and harbor, flood and storm damage reduction, shore pro-
10 tection, aquatic ecosystem restoration, and related efforts.

11 INVESTIGATIONS

12 For expenses necessary where authorized by law for
13 the collection and study of basic information pertaining
14 to river and harbor, flood and storm damage reduction,
15 shore protection, aquatic ecosystem restoration, and re-
16 lated needs; for surveys and detailed studies, and plans
17 and specifications of proposed river and harbor, flood and
18 storm damage reduction, shore protection, and aquatic
19 ecosystem restoration projects, and related efforts prior to
20 construction; for restudy of authorized projects; and for
21 miscellaneous investigations, and, when authorized by law,
22 surveys and detailed studies, and plans and specifications
23 of projects prior to construction, \$154,880,000, to remain
24 available until expended: *Provided*, That the Secretary
25 shall initiate six new study starts during fiscal year 2020:

1 *Provided further*, That the Secretary shall not deviate from
2 the new starts proposed in the work plan, once the plan
3 has been submitted to the Committees on Appropriations
4 of both Houses of Congress.

5 CONSTRUCTION

6 For expenses necessary for the construction of river
7 and harbor, flood and storm damage reduction, shore pro-
8 tection, aquatic ecosystem restoration, and related
9 projects authorized by law; for conducting detailed studies,
10 and plans and specifications, of such projects (including
11 those involving participation by States, local governments,
12 or private groups) authorized or made eligible for selection
13 by law (but such detailed studies, and plans and specifica-
14 tions, shall not constitute a commitment of the Govern-
15 ment to construction); \$2,795,148,000, to remain avail-
16 able until expended; of which such sums as are necessary
17 to cover the Federal share of construction costs for facili-
18 ties under the Dredged Material Disposal Facilities pro-
19 gram shall be derived from the Harbor Maintenance Trust
20 Fund as authorized by Public Law 104–303; and of which
21 such sums as are necessary to cover one-half of the costs
22 of construction, replacement, rehabilitation, and expansion
23 of inland waterways projects, except for Chickamauga
24 Lock, Tennessee River, Tennessee, which shall be 25 per-
25 cent during the fiscal year covered by this Act, shall be

1 derived from the Inland Waterways Trust Fund, except
 2 as otherwise specifically provided for in law: *Provided*,
 3 That the Secretary shall initiate six new construction
 4 starts during fiscal year 2020: *Provided further*, That for
 5 new construction projects, project cost sharing agreements
 6 shall be executed as soon as practicable but no later than
 7 September 30, 2020: *Provided further*, That no allocation
 8 for a new start shall be considered final and no work al-
 9 lowance shall be made until the Secretary provides to the
 10 Committees on Appropriations of both Houses of Congress
 11 an out-year funding scenario demonstrating the afford-
 12 ability of the selected new starts and the impacts on other
 13 projects: *Provided further*, That the Secretary may not de-
 14 viate from the new starts proposed in the work plan, once
 15 the plan has been submitted to the Committees on Appro-
 16 priations of both Houses of Congress.

17 MISSISSIPPI RIVER AND TRIBUTARIES

18 For expenses necessary for flood damage reduction
 19 projects and related efforts in the Mississippi River allu-
 20 vial valley below Cape Girardeau, Missouri, as authorized
 21 by law, \$368,000,000, to remain available until expended,
 22 of which such sums as are necessary to cover the Federal
 23 share of eligible operation and maintenance costs for in-
 24 land harbors shall be derived from the Harbor Mainte-
 25 nance Trust Fund.

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and damage reduction, aquatic ecosystem restoration, related projects authorized by law; providing security infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining or channels provided by a State, municipality, or public agency that serve essential navigation needs general commerce, where authorized by law; surveying charting northern and northwestern lakes and controlling waters; clearing and straightening channels; and removing obstructions to navigation, \$3,798,972,000, to remain available until expended, of which such sums as necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected

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

16 REGULATORY PROGRAM

17 For expenses necessary for administration of laws
 18 pertaining to regulation of navigable waters and wetlands,
 19 \$200,000,000, to remain available until September 30,
 20 2021.

21 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

22 For expenses necessary to clean up contamination
 23 from sites in the United States resulting from work per-
 24 formed as part of the Nation’s early atomic energy pro-
 25 gram, \$200,000,000, to remain available until expended.

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For expenses necessary to prepare for flood, hurri-
 3 cane, and other natural disasters and support emergency
 4 operations, repairs, and other activities in response to
 5 such disasters as authorized by law, \$35,000,000, to re-
 6 main available until expended.

7 EXPENSES

8 For expenses necessary for the supervision and gen-
 9 eral administration of the civil works program in the head-
 10 quarters of the Corps of Engineers and the offices of the
 11 Division Engineers; and for costs of management and op-
 12 eration of the Humphreys Engineer Center Support Activ-
 13 ity, the Institute for Water Resources, the United States
 14 Army Engineer Research and Development Center, and
 15 the United States Army Corps of Engineers Finance Cen-
 16 ter allocable to the civil works program, \$193,000,000, to
 17 remain available until September 30, 2021, of which not
 18 to exceed \$5,000 may be used for official reception and
 19 representation purposes and only during the current fiscal
 20 year: *Provided*, That no part of any other appropriation
 21 provided in this title shall be available to fund the civil
 22 works activities of the Office of the Chief of Engineers
 23 or the civil works executive direction and management ac-
 24 tivities of the division offices: *Provided further*, That any
 25 Flood Control and Coastal Emergencies appropriation

1 may be used to fund the supervision and general adminis-
 2 tration of emergency operations, repairs, and other activi-
 3 ties in response to any flood, hurricane, or other natural
 4 disaster.

5 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
 6 FOR CIVIL WORKS

7 For the Office of the Assistant Secretary of the Army
 8 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
 9 \$5,000,000, to remain available until September 30, 2021:
 10 *Provided*, That not more than 25 percent of such amount
 11 may be obligated or expended until the Assistant Sec-
 12 retary submits to the Committees on Appropriations of
 13 both Houses of Congress a work plan that allocates at
 14 least 95 percent of the additional funding provided under
 15 each heading in this title, as designated under such head-
 16 ing in the report of the Committee on Appropriations ac-
 17 companying this Act, to specific programs, projects, or ac-
 18 tivities.

19 GENERAL PROVISIONS—CORPS OF
 20 ENGINEERS—CIVIL
 21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 101. (a) None of the funds provided in title I
 23 of this Act, or provided by previous appropriations Acts
 24 to the agencies or entities funded in title I of this Act
 25 that remain available for obligation or expenditure in fiscal

1 year 2020, shall be available for obligation or expenditure
2 through a reprogramming of funds that:

3 (1) creates or initiates a new program, project,
4 or activity;

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

6 (3) increases funds or personnel for any pro-
7 gram, project, or activity for which funds have been
8 denied or restricted by this Act, unless prior ap-
9 proval is received from the House and Senate Com-
10 mittees on Appropriations;

11 (4) proposes to use funds directed for a specific
12 activity for a different purpose, unless prior approval
13 is received from the House and Senate Committees
14 on Appropriations;

15 (5) augments or reduces existing programs,
16 projects, or activities in excess of the amounts con-
17 tained in paragraphs (6) through (10), unless prior
18 approval is received from the House and Senate
19 Committees on Appropriations;

20 (6) INVESTIGATIONS.—For a base level over
21 \$100,000, reprogramming of 25 percent of the base
22 amount up to a limit of \$150,000 per project, study
23 or activity is allowed: *Provided*, That for a base level
24 less than \$100,000, the reprogramming limit is
25 \$25,000: *Provided further*, That up to \$25,000 may

1 be reprogrammed into any continuing study or activ-
2 ity that did not receive an appropriation for existing
3 obligations and concomitant administrative expenses;

4 (7) CONSTRUCTION.—For a base level over
5 \$2,000,000, reprogramming of 15 percent of the
6 base amount up to a limit of \$3,000,000 per project,
7 study or activity is allowed: *Provided*, That for a
8 base level less than \$2,000,000, the reprogramming
9 limit is \$300,000: *Provided further*, That up to
10 \$3,000,000 may be reprogrammed for settled con-
11 tractor claims, changed conditions, or real estate de-
12 ficiency judgments: *Provided further*, That up to
13 \$300,000 may be reprogrammed into any continuing
14 study or activity that did not receive an appropria-
15 tion for existing obligations and concomitant admin-
16 istrative expenses;

17 (8) OPERATION AND MAINTENANCE.—Unlim-
18 ited reprogramming authority is granted for the
19 Corps to be able to respond to emergencies: *Pro-*
20 *vided*, That the Chief of Engineers shall notify the
21 House and Senate Committees on Appropriations of
22 these emergency actions as soon thereafter as prac-
23 ticable: *Provided further*, That for a base level over
24 \$1,000,000, reprogramming of 15 percent of the
25 base amount up to a limit of \$5,000,000 per project,

1 study, or activity is allowed: *Provided further*, That
2 for a base level less than \$1,000,000, the re-
3 programming limit is \$150,000: *Provided further*,
4 That \$150,000 may be reprogrammed into any con-
5 tinuing study or activity that did not receive an ap-
6 propriation;

7 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
8 The reprogramming guidelines in paragraphs (6),
9 (7), and (8) shall apply to the Investigations, Con-
10 struction, and Operation and Maintenance portions
11 of the Mississippi River and Tributaries Account, re-
12 spectively; and

13 (10) FORMERLY UTILIZED SITES REMEDIAL AC-
14 TION PROGRAM.—Reprogramming of up to 15 per-
15 cent of the base of the receiving project is permitted.

16 (b) DE MINIMUS REPROGRAMMINGS.—In no case
17 should a reprogramming for less than \$50,000 be sub-
18 mitted to the House and Senate Committees on Appro-
19 priations.

20 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-
21 section (a)(1) shall not apply to any project or activity
22 funded under the continuing authorities program.

23 (d) Not later than 60 days after the date of enact-
24 ment of this Act, the Secretary shall submit a report to
25 the House and Senate Committees on Appropriations to

1 establish the baseline for application of reprogramming
2 and transfer authorities for the current fiscal year which
3 shall include:

4 (1) A table for each appropriation with a sepa-
5 rate column to display the President's budget re-
6 quest, adjustments made by Congress, adjustments
7 due to enacted rescissions, if applicable, and the fis-
8 cal year enacted level; and

9 (2) A delineation in the table for each appro-
10 priation both by object class and program, project
11 and activity as detailed in the budget appendix for
12 the respective appropriations; and

13 (3) An identification of items of special congres-
14 sional interest.

15 SEC. 102. The Secretary shall allocate funds made
16 available in this Act solely in accordance with the provi-
17 sions of this Act and the report of the Committee on Ap-
18 propriations accompanying this Act, including the deter-
19 mination and designation of new starts.

20 SEC. 103. None of the funds made available in this
21 title may be used to award or modify any contract that
22 commits funds beyond the amounts appropriated for that
23 program, project, or activity that remain unobligated, ex-
24 cept that such amounts may include any funds that have

1 been made available through reprogramming pursuant to
2 section 101.

3 SEC. 104. The Secretary of the Army may transfer
4 to the Fish and Wildlife Service, and the Fish and Wildlife
5 Service may accept and expend, up to \$5,400,000 of funds
6 provided in this title under the heading “Operation and
7 Maintenance” to mitigate for fisheries lost due to Corps
8 of Engineers projects.

9 SEC. 105. None of the funds in this Act shall be used
10 for an open lake placement alternative for dredged mate-
11 rial, after evaluating the least costly, environmentally ac-
12 ceptable manner for the disposal or management of
13 dredged material originating from Lake Erie or tributaries
14 thereto, unless it is approved under a State water quality
15 certification pursuant to section 401 of the Federal Water
16 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
17 until an open lake placement alternative for dredged mate-
18 rial is approved under a State water quality certification,
19 the Corps of Engineers shall continue upland placement
20 of such dredged material consistent with the requirements
21 of section 101 of the Water Resources Development Act
22 of 1986 (33 U.S.C. 2211).

23 SEC. 106. None of the funds made available by this
24 Act or any other Act may be used to reorganize or to
25 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. None of the funds made available by this
4 Act may be used to require a permit for the discharge
5 of dredged or fill material under the Federal Water Pollu-
6 tion Control Act (33 U.S.C. 1251 et seq.) for the activities
7 identified in subparagraphs (A) and (C) of section
8 404(f)(1) of the Act (33 U.S.C. 1344(f)(1)(A), (C)).

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT

4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$20,000,000, to remain
7 available until expended, of which \$1,800,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission: *Provided*, That of
11 the amount provided under this heading, \$1,500,000 shall
12 be available until September 30, 2021, for expenses nec-
13 essary in carrying out related responsibilities of the Sec-
14 retary of the Interior: *Provided further*, That for fiscal
15 year 2020, of the amount made available to the Commis-
16 sion under this Act or any other Act, the Commission may
17 use an amount not to exceed \$1,500,000 for administra-
18 tive expenses.

19 BUREAU OF RECLAMATION

20 The following appropriations shall be expended to
21 execute authorized functions of the Bureau of Reclama-
22 tion:

1 WATER AND RELATED RESOURCES

2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
 4 water and related natural resources and for related activi-
 5 ties, including the operation, maintenance, and rehabilita-
 6 tion of reclamation and other facilities, participation in
 7 fulfilling related Federal responsibilities to Native Ameri-
 8 cans, and related grants to, and cooperative and other
 9 agreements with, State and local governments, federally
 10 recognized Indian tribes, and others, \$1,582,151,000, to
 11 remain available until expended, of which \$69,900,000
 12 shall be available for transfer to the Upper Colorado River
 13 Basin Fund and \$5,000,000 shall be available for transfer
 14 to the Lower Colorado River Basin Development Fund;
 15 of which such amounts as may be necessary may be ad-
 16 vanced to the Colorado River Dam Fund: *Provided*, That
 17 \$10,000,000 shall be available for transfer into the Black-
 18 feet Water Settlement Implementation Fund established
 19 by section 3717 of Public Law 114–322: *Provided further*,
 20 That the unobligated balances in “Water and Related Re-
 21 sources” for the Blackfeet Water Rights Settlement Act
 22 may be transferred to the Blackfeet Water Settlement Im-
 23 plementation Fund account: *Provided further*, That such
 24 transfers may be increased or decreased within the overall
 25 appropriation under this heading: *Provided further*, That

1 within available funds, \$250,000 shall be for grants and
2 financial assistance for educational activities: *Provided*
3 *further*, That of the total appropriated, the amount for
4 program activities that can be financed by the Reclama-
5 tion Fund or the Bureau of Reclamation special fee ac-
6 count established by 16 U.S.C. 6806 shall be derived from
7 that Fund or account: *Provided further*, That funds con-
8 tributed under 43 U.S.C. 395 are available until expended
9 for the purposes for which the funds were contributed:
10 *Provided further*, That funds advanced under 43 U.S.C.
11 397a shall be credited to this account and are available
12 until expended for the same purposes as the sums appro-
13 priated under this heading: *Provided further*, That of the
14 amounts provided herein, funds may be used for high-pri-
15 ority projects which shall be carried out by the Youth Con-
16 servation Corps, as authorized by 16 U.S.C. 1706: *Pro-*
17 *vided further*, That of the amounts made available under
18 this heading, \$4,000,000 shall be for one payment for de-
19 ferred construction funding to the Navajo Nation to fulfill
20 the construction obligations described in section 15(b) of
21 the Colorado Ute Indian Water Rights Settlement Act of
22 1988 (Public Law 100–585), as amended by the Colorado
23 Ute Settlement Act Amendments of 2000 (Public Law
24 106–554), and to complete the commissioning and title
25 transfer of the Navajo Nation Municipal Pipeline: *Pro-*

1 *vided further*, That in accordance with section 4009(c) of
 2 Public Law 114–322, and as recommended by the Sec-
 3 retary in a letter dated February 13, 2019, funding pro-
 4 vided for such purpose in fiscal year 2018 shall be made
 5 available to the Expanding Recycled Water Delivery
 6 Project (VenturaWaterPure), the Pure Water Monterey
 7 Groundwater Replenishment Project, the Groundwater
 8 Reliability Improvement Program (GRIP) Recycled Water
 9 Project, the North Valley Regional Recycled Water Pro-
 10 gram, the South Sacramento County Agriculture and
 11 Habitat Lands Recycled Water Program, and the Central
 12 Coast Blue project: *Provided further*, That the Secretary
 13 may also use funds appropriated pursuant to section
 14 4009(c) in fiscal years 2019 and 2020 for additional fund-
 15 ing for such projects in the preceding proviso without fur-
 16 ther Congressional approval: *Provided further*, That in ac-
 17 cordance with section 4007 of Public Law 114–322, and
 18 as recommended by the Secretary in a letter dated Feb-
 19 ruary 13, 2019, funding provided for such purpose in fis-
 20 cal years 2017 and 2018 shall be made available to the
 21 Cle Elum Pool Raise, the Boise River Basin Feasibility
 22 Study, the Del Puerto Water District, the Los Vaqueros
 23 Reservoir Phase 2 Expansion Project, the North-of-the
 24 Delta Off stream Storage (Sites Reservoir Project), and
 25 the Friant-Kern Canal Capacity Correction Resulting

1 Subsidence: *Provided further*, That the Secretary may use
2 any other funds appropriated pursuant to section 4007 in
3 fiscal years 2017 to 2020 solely for projects approved in
4 the preceding proviso without further Congressional ap-
5 proval: *Provided further*, That the Secretary may not use
6 funds for any specific project for construction activities
7 pursuant to sections 4007, 4009(a), and 4009(c) of Public
8 Law 114–322 unless Congress has previously approved a
9 request for construction funding for that specific project:
10 *Provided further*, That in accordance with section 4009(a)
11 of Public Law 114–322, and as recommended by the Sec-
12 retary in a letter dated February 13, 2019, funding pro-
13 vided for such purpose in fiscal years 2017 and 2018 shall
14 be made available to the Doheny Ocean Desalination
15 Project, the Kay Bailey Hutchison Desalination Plant, the
16 North Pleasant Valley Desalter Facility, and the Mission
17 Basin Groundwater Purification Facility Well Expansion
18 and Brine Minimization: *Provided further*, That the Sec-
19 retary may also use funds appropriated pursuant to sec-
20 tion 4009(a) in fiscal years 2019 and 2020 for additional
21 funding for such projects in the preceding proviso without
22 further Congressional approval.

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 title II
 22 of this Act for Water and Related Resources, or provided
 23 by previous or subsequent appropriations Acts to the agen-
 24 cies or entities funded in title II of this Act for Water
 25 and Related Resources that remain available for obligation

1 or expenditure in fiscal year 2020, shall be available for
2 obligation or expenditure through a reprogramming of
3 funds that—

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

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

7 (3) increases funds for any program, project, or
8 activity for which funds have been denied or re-
9 stricted by this Act, unless prior approval is received
10 from the Committees on Appropriations of the
11 House of Representatives and the Senate;

12 (4) restarts or resumes any program, project or
13 activity for which funds are not provided in this Act,
14 unless prior approval is received from the Commit-
15 tees on Appropriations of the House of Representa-
16 tives and the Senate;

17 (5) transfers funds in excess of the following
18 limits, unless prior approval is received from the
19 Committees on Appropriations of the House of Rep-
20 resentatives and the Senate:

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

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

4 (6) transfers more than \$500,000 from either
5 the Facilities Operation, Maintenance, and Rehabili-
6 tation category or the Resources Management and
7 Development category to any program, project, or
8 activity in the other category, unless prior approval
9 is received from the Committees on Appropriations
10 of the House of Representatives and the Senate; or

11 (7) transfers, where necessary to discharge legal
12 obligations of the Bureau of Reclamation, more than
13 \$5,000,000 to provide adequate funds for settled
14 contractor claims, increased contractor earnings due
15 to accelerated rates of operations, and real estate de-
16 ficiency judgments, unless prior approval is received
17 from the Committees on Appropriations of the
18 House of Representatives and the Senate.

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

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

1 (d) The Bureau of Reclamation shall submit reports
2 on a quarterly basis to the Committees on Appropriations
3 of the House of Representatives and the Senate detailing
4 all the funds reprogrammed between programs, projects,
5 activities, or categories of funding. The first quarterly re-
6 port shall be submitted not later than 60 days after the
7 date of enactment of this Act.

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

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

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

8 SEC. 203. Section 9504(e) of the Omnibus Public
9 Land Management Act of 2009 (42 U.S.C. 10364(e)) is
10 amended by striking “\$480,000,000” and inserting
11 “\$540,000,000”.

12 SEC. 204. Title I of Public Law 108–361 (the
13 CALFED Bay-Delta Authorization Act)(118 Stat. 1681),
14 as amended by Section 4007(k) of Public Law 114–322,
15 is amended by striking “2019” each place it appears and
16 inserting “2020”.

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

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 ENERGY EFFICIENCY AND RENEWABLE ENERGY
5 (INCLUDING RESCISSION OF FUNDS)
6 For Department of Energy expenses including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment, and other expenses necessary for energy
9 efficiency and renewable energy activities in carrying out
10 the purposes of the Department of Energy Organization
11 Act (42 U.S.C. 7101 et seq.), including the acquisition or
12 condemnation of any real property or any facility or for
13 plant or facility acquisition, construction, or expansion,
14 \$2,858,000,000, to remain available until expended: *Pro-*
15 *vided*, That of such amount, \$165,000,000 shall be avail-
16 able until September 30, 2021, for program direction: *Pro-*
17 *vided further*, That of the unobligated balances from prior
18 year appropriations available under this heading,
19 \$58,000,000 is hereby rescinded: *Provided further*, That
20 no amounts may be rescinded from amounts that were
21 designated by the Congress as an emergency requirement
22 pursuant to the Concurrent Resolution on the Budget or
23 the Balanced Budget and Emergency Deficit Control Act
24 of 1985.

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, \$179,000,000, 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, \$221,000,000, 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, \$1,517,808,000, 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 \$800,000,000, to remain available until expended: *Pro-*
 3 *vided*, That of such amount \$64,000,000 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.), \$174,000,000, 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), \$10,000,000, 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, \$132,000,000, 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 \$318,000,000, to remain available until expended: *Pro-*
11 *vided*, That \$200,000 of the funds provided are for com-
12 munity support.

13 URANIUM ENRICHMENT DECONTAMINATION AND
14 DECOMMISSIONING FUND

15 For Department of Energy expenses necessary in car-
16 rying out uranium enrichment facility decontamination
17 and decommissioning, remedial actions, and other activi-
18 ties of title II of the Atomic Energy Act of 1954, and
19 title X, subtitle A, of the Energy Policy Act of 1992,
20 \$906,695,000, to be derived from the Uranium Enrich-
21 ment Decontamination and Decommissioning Fund, to re-
22 main available until expended, of which \$30,695,000 shall
23 be available in accordance with title X, subtitle A, of the
24 Energy Policy Act of 1992.

1 SCIENCE

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 science
5 activities in carrying out the purposes of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
7 cluding the acquisition or condemnation of any real prop-
8 erty or any facility or for plant or facility acquisition, con-
9 struction, or expansion, and purchase of not more than
10 16 passenger motor vehicles including one bus, and one
11 airplane for replacement only, \$7,215,000,000, to remain
12 available until expended: *Provided*, That of such amount,
13 \$188,000,000 shall be available until September 30, 2021,
14 for program direction.

15 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

16 For Department of Energy expenses necessary in car-
17 rying out the activities authorized by section 5012 of the
18 America COMPETES Act (Public Law 110–69),
19 \$428,000,000, to remain available until expended: *Pro-*
20 *vided*, That of such amount, \$35,000,000 shall be avail-
21 able until September 30, 2021, for program direction.

22 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
23 PROGRAM

24 Such sums as are derived from amounts received
25 from borrowers pursuant to section 1702(b) of the Energy

1 Policy Act of 2005 under this heading in prior Acts, shall
 2 be collected in accordance with section 502(7) of the Con-
 3 gressional Budget Act of 1974: *Provided*, That for nec-
 4 essary administrative expenses of the Title 17 Innovative
 5 Technology Loan Guarantee Program, as authorized,
 6 \$32,000,000 is appropriated, to remain available until
 7 September 30, 2021: *Provided further*, That up to
 8 \$32,000,000 of fees collected in fiscal year 2020 pursuant
 9 to section 1702(h) of the Energy Policy Act of 2005 shall
 10 be credited as offsetting collections under this heading and
 11 used for necessary administrative expenses in this appro-
 12 priation and shall remain available until September 30,
 13 2021: *Provided further*, That to the extent that fees col-
 14 lected in fiscal year 2021 exceed \$32,000,000, those ex-
 15 cess amounts shall be credited as offsetting collections
 16 under this heading and available in future fiscal years only
 17 to the extent provided in advance in appropriations Acts:
 18 *Provided further*, That the sum herein appropriated from
 19 the general fund shall be reduced (1) as such fees are re-
 20 ceived during fiscal year 2020 (estimated at \$3,000,000)
 21 and (2) to the extent that any remaining general fund ap-
 22 propriations can be derived from fees collected in previous
 23 fiscal years that are not otherwise appropriated, so as to
 24 result in a final fiscal year 2020 appropriation from the
 25 general fund estimated at \$0: *Provided further*, That the

1 Department of Energy shall not subordinate any loan obli-
 2 gation to other financing in violation of section 1702 of
 3 the Energy Policy Act of 2005 or subordinate any Guar-
 4 teed Obligation to any loan or other debt obligations in
 5 violation of section 609.10 of title 10, Code of Federal
 6 Regulations.

7 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
 8 LOAN PROGRAM

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

13 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

14 For Department of Energy administrative expenses
 15 necessary in carrying out the Tribal Energy Loan Guar-
 16 antee Program, \$2,000,000, to remain available until Sep-
 17 tember 30, 2021.

18 OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

19 For necessary expenses for Indian Energy activities
 20 in carrying out the purposes of the Department of Energy
 21 Organization Act (42 U.S.C. 7101 et seq.), \$25,000,000,
 22 to remain available until expended: *Provided*, That, of the
 23 amount appropriated under this heading, \$6,000,000 shall
 24 be available until September 30, 2021, for program direc-
 25 tion.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$249,378,000, to remain available until September 30, 2021, including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$93,378,000 in fiscal year 2020 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2020 appropriation from the general fund estimated at not more than \$156,000,000.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses necessary for the Office of the Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$54,215,000, to remain available
5 until September 30, 2021.

6 ATOMIC ENERGY DEFENSE ACTIVITIES

7 NATIONAL NUCLEAR SECURITY

8 ADMINISTRATION

9 WEAPONS ACTIVITIES

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 atomic energy defense weapons 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 one ambulance for re-
19 placement only, \$12,742,000,000, to remain available
20 until expended: *Provided*, That of such amount,
21 \$107,660,000 shall be available until September 30, 2021,
22 for program direction.

23 DEFENSE NUCLEAR NONPROLIFERATION

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

1 ital equipment and other incidental expenses necessary for
 2 defense nuclear nonproliferation activities, in carrying out
 3 the purposes of the Department of Energy Organization
 4 Act (42 U.S.C. 7101 et seq.), including the acquisition or
 5 condemnation of any real property or any facility or for
 6 plant or facility acquisition, construction, or expansion,
 7 and the purchase of not to exceed two aircraft,
 8 \$2,085,000,000, to remain available until expended.

9 NAVAL REACTORS

10 For Department of Energy expenses necessary for
 11 naval reactors activities to carry out the Department of
 12 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
 13 ing the acquisition (by purchase, condemnation, construc-
 14 tion, or otherwise) of real property, plant, and capital
 15 equipment, facilities, and facility expansion,
 16 \$1,648,396,000, to remain available until expended: *Pro-*
 17 *vided*, That of such amount, \$50,500,000 shall be avail-
 18 able until September 30, 2021, for program direction.

19 FEDERAL SALARIES AND EXPENSES

20 For expenses necessary for Federal Salaries and Ex-
 21 penses in the National Nuclear Security Administration,
 22 \$434,699,000, to remain available until September 30,
 23 2021, including official reception and representation ex-
 24 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, \$6,226,000,000, to remain available until expended:
13 *Provided*, That of such amount, \$293,734,000 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, and purchase of not more than
25 one passenger motor vehicle, \$895,097,000, to remain

1 available until expended: *Provided*, That of such amount,
 2 \$320,917,000 shall be available until September 30, 2021,
 3 for program direction.

4 POWER MARKETING ADMINISTRATIONS

5 BONNEVILLE POWER ADMINISTRATION FUND

6 Expenditures from the Bonneville Power Administra-
 7 tion Fund, established pursuant to Public Law 93-454,
 8 are approved for official reception and representation ex-
 9 penses in an amount not to exceed \$5,000: *Provided*, That
 10 during fiscal year 2020, no new direct loan obligations
 11 may be made.

12 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER 13 ADMINISTRATION

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

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

19 OPERATION AND MAINTENANCE, SOUTHWESTERN
 20 POWER ADMINISTRATION

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

1 ception and representation expenses in an amount not to
2 exceed \$1,500 in carrying out section 5 of the Flood Con-
3 trol Act of 1944 (16 U.S.C. 825s), as applied to the
4 Southwestern Power Administration, \$47,775,000, to re-
5 main available until expended: *Provided*, That notwith-
6 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
7 trol Act of 1944 (16 U.S.C. 825s), up to \$37,375,000 col-
8 lected by the Southwestern Power Administration from
9 the sale of power and related services shall be credited to
10 this account as discretionary offsetting collections, to re-
11 main available until expended, for the sole purpose of
12 funding the annual expenses of the Southwestern Power
13 Administration: *Provided further*, That the sum herein ap-
14 propriated for annual expenses shall be reduced as collec-
15 tions are received during the fiscal year so as to result
16 in a final fiscal year 2019 appropriation estimated at not
17 more than \$10,400,000: *Provided further*, That notwith-
18 standing 31 U.S.C. 3302, up to \$15,000,000 collected by
19 the Southwestern Power Administration pursuant to the
20 Flood Control Act of 1944 to recover purchase power and
21 wheeling expenses shall be credited to this account as off-
22 setting collections, to remain available until expended for
23 the sole purpose of making purchase power and wheeling
24 expenditures: *Provided further*, That for purposes of this
25 appropriation, annual expenses means expenditures that

1 are generally recovered in the same year that they are in-
 2 curred (excluding purchase power and wheeling expenses).

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

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

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

16 FALCON AND AMISTAD OPERATING AND MAINTENANCE
 17 FUND

18 For operation, maintenance, and emergency costs for
 19 the hydroelectric facilities at the Falcon and Amistad
 20 Dams, \$3,160,000, to remain available until expended,
 21 and to be derived from the Falcon and Amistad Operating
 22 and Maintenance Fund of the Western Area Power Ad-
 23 ministration, as provided in section 2 of the Act of June
 24 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
 25 the provisions of that Act and of 31 U.S.C. 3302, up to

1 \$2,932,000 collected by the Western Area Power Adminis-
2 tration from the sale of power and related services from
3 the Falcon and Amistad Dams shall be credited to this
4 account as discretionary offsetting collections, to remain
5 available until expended for the sole purpose of funding
6 the annual expenses of the hydroelectric facilities of these
7 Dams and associated Western Area Power Administration
8 activities: *Provided further*, That the sum herein appro-
9 priated for annual expenses shall be reduced as collections
10 are received during the fiscal year so as to result in a final
11 fiscal year 2020 appropriation estimated at not more than
12 \$228,000: *Provided further*, That for purposes of this ap-
13 propriation, annual expenses means expenditures that are
14 generally recovered in the same year that they are in-
15 curred: *Provided further*, That for fiscal year 2020, the
16 Administrator of the Western Area Power Administration
17 may accept up to \$1,187,000 in funds contributed by
18 United States power customers of the Falcon and Amistad
19 Dams for deposit into the Falcon and Amistad Operating
20 and Maintenance Fund, and such funds shall be available
21 for the purpose for which contributed in like manner as
22 if said sums had been specifically appropriated for such
23 purpose: *Provided further*, That any such funds shall be
24 available without further appropriation and without fiscal
25 year limitation for use by the Commissioner of the United

1 States Section of the International Boundary and Water
 2 Commission for the sole purpose of operating, maintain-
 3 ing, repairing, rehabilitating, replacing, or upgrading the
 4 hydroelectric facilities at these Dams in accordance with
 5 agreements reached between the Administrator, Commis-
 6 sioner, and the power customers.

7 FEDERAL ENERGY REGULATORY COMMISSION

8 SALARIES AND EXPENSES

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

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

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

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

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

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

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

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

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

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

10 (d) Except as provided in subsections (e), (f), and (g),
11 the amounts made available by this title shall be expended
12 as authorized by law for the programs, projects, and ac-
13 tivities specified in the "FY 2020 Senate" column in the
14 "Department of Energy" table included under the heading
15 "Title III—Department of Energy" in the report of the
16 Committee on Appropriations accompanying this Act.

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

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

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

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

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

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

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

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

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

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

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

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

4 SEC. 305. Of the offsetting collections, including un-
 5 obligated balances of such collections, in the “Department
 6 of Energy—Power Marketing Administration—Colorado
 7 River Basins Power Marketing Fund, Western Area
 8 Power Administration”, \$21,400,000 shall be transferred
 9 to the “Department of Interior—Bureau of Reclama-
 10 tion—Upper Colorado River Basin Fund” for the Bureau
 11 of Reclamation to carry out environmental stewardship
 12 and endangered species recovery efforts.

13 SEC. 306. (a) DEFINITIONS.—In this section:

14 (1) AFFECTED INDIAN TRIBE.—The term “af-
 15 fected Indian tribe” has the meaning given the term
 16 in section 2 of the Nuclear Waste Policy Act of 1982
 17 (42 U.S.C. 10101).

18 (2) HIGH-LEVEL RADIOACTIVE WASTE.—The
 19 term “high-level radioactive waste” has the meaning
 20 given the term in section 2 of the Nuclear Waste
 21 Policy Act of 1982 (42 U.S.C. 10101).

22 (3) NUCLEAR WASTE FUND.—The term “Nu-
 23 clear Waste Fund” means the Nuclear Waste Fund
 24 established under section 302(c) of the Nuclear
 25 Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

3 (5) SPENT NUCLEAR FUEL.—The term “spent
4 nuclear fuel” has the meaning given the term in sec-
5 tion 2 of the Nuclear Waste Policy Act of 1982 (42
6 U.S.C. 10101).

7 (b) PILOT PROGRAM.—Notwithstanding any provi-
8 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
9 10101 et seq.), the Secretary is authorized, in the current
10 fiscal year and subsequent fiscal years, to conduct a pilot
11 program to license, construct, and operate 1 or more Fed-
12 eral consolidated storage facilities to provide interim stor-
13 age as needed for spent nuclear fuel and high-level radio-
14 active nuclear fuel located on sites without an operating
15 nuclear reactor.

16 (c) REQUESTS FOR PROPOSALS.—Not later than 120
17 days after the date of enactment of this Act, the Secretary
18 shall issue a request for proposals for cooperative agree-
19 ments—

20 (1) to obtain any license necessary from the
21 Nuclear Regulatory Commission for the construction
22 of 1 or more consolidated storage facilities;

23 (2) to demonstrate the safe transportation of
24 spent nuclear fuel and high-level radioactive waste,
25 as applicable; and

1 (3) to demonstrate the safe storage of spent nu-
2 clear fuel and high-level radioactive waste, as appli-
3 cable, at the 1 or more consolidated storage facilities
4 pending the construction and operation of deep geo-
5 logic disposal capacity for the permanent disposal of
6 the spent nuclear fuel.

7 (d) CONSENT-BASED APPROVAL.—Prior to siting a
8 consolidated storage facility pursuant to this section, the
9 Secretary shall enter into an agreement to host the facility
10 with—

11 (1) the Governor of the State;

12 (2) each unit of local government within the ju-
13 risdiction of which the facility is proposed to be lo-
14 cated; and

15 (3) each affected Indian tribe.

16 (e) APPLICABILITY.—In executing this section, the
17 Secretary shall comply with—

18 (1) all licensing requirements and regulations of
19 the Nuclear Regulatory Commission; and

20 (2) all other applicable laws (including regula-
21 tions).

22 (f) PILOT PROGRAM PLAN.—Not later than 120 days
23 after the date on which the Secretary issues the request
24 for proposals under subsection (c), the Secretary shall sub-

1 mit to Congress a plan to carry out this section that in-
2 cludes—

3 (1) an estimate of the cost of licensing, con-
4 structing, and operating a consolidated storage facil-
5 ity, including the transportation costs, on an annual
6 basis, over the expected lifetime of the facility;

7 (2) a schedule for—

8 (A) obtaining any license necessary to con-
9 struct and operate a consolidated storage facil-
10 ity from the Nuclear Regulatory Commission;

11 (B) constructing the facility;

12 (C) transporting spent fuel to the facility;

13 and

14 (D) removing the spent fuel and decom-
15 missioning the facility;

16 (3) an estimate of the cost of any financial as-
17 sistance, compensation, or incentives proposed to be
18 paid to the host State, Indian tribe, or local govern-
19 ment;

20 (4) an estimate of any future reductions in the
21 damages expected to be paid by the United States
22 for the delay of the Department of Energy in accept-
23 ing spent fuel expected to result from the pilot pro-
24 gram;

1 (5) recommendations for any additional legisla-
2 tion needed to authorize and implement the pilot
3 program; and

4 (6) recommendations for a mechanism to en-
5 sure that any spent nuclear fuel or high-level radio-
6 active waste stored at a consolidated storage facility
7 pursuant to this section shall move to deep geologic
8 disposal capacity, following a consent-based approval
9 process for that deep geologic disposal capacity con-
10 sistent with subsection (d), within a reasonable time
11 after the issuance of a license to construct and oper-
12 ate the consolidated storage facility.

13 (g) PUBLIC PARTICIPATION.—Prior to choosing a
14 site for the construction of a consolidated storage facility
15 under this section, the Secretary shall conduct 1 or more
16 public hearings in the vicinity of each potential site and
17 in at least 1 other location within the State in which the
18 site is located to solicit public comments and recommenda-
19 tions.

20 (h) USE OF NUCLEAR WASTE FUND.—The Secretary
21 may make expenditures from the Nuclear Waste Fund to
22 carry out this section, subject to appropriations.

23 SEC. 307. (a) Of the unobligated balances available
24 from amounts appropriated in prior Acts under the head-

1 ing “Title III—Department of Energy—Energy Pro-
2 grams”, \$96,000,000 is hereby rescinded.

3 (b) No amounts may be rescinded under (a) from
4 amounts that were designated by the Congress as an
5 emergency requirement pursuant to a concurrent resolu-
6 tion on the budget or the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985.

8 SEC. 308. The Secretary of Energy may not transfer
9 more than \$276,096,000 from the amounts made available
10 under this title to the working capital fund established
11 under section 653 of the Department of Energy Organiza-
12 tion Act (42 U.S.C. 7263): *Provided*, That the Secretary
13 may transfer additional amounts to the working capital
14 fund after the Secretary provides notification in advance
15 of any such transfer to the Committees on Appropriations
16 of both Houses of Congress: *Provided further*, That any
17 such notification shall identify the sources of funds by pro-
18 gram, project, or activity: *Provided further*, That the Sec-
19 retary shall notify the Committees on Appropriations of
20 both Houses of Congress before adding or removing any
21 activities from the fund.

1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, and for expenses necessary for the Federal Co-
7 Chairman and the Alternate on the Appalachian Regional
8 Commission, for payment of the Federal share of the ad-
9 ministrative expenses of the Commission, including serv-
10 ices as authorized by 5 U.S.C. 3109, and hire of passenger
11 motor vehicles, \$175,000,000, to remain available until ex-
12 pended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
14 SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100–456, section 1441, \$31,000,000, to remain
19 available until September 30, 2021: *Provided*, That none
20 of the funds made available by this or any prior Act for
21 the salaries and expenses of the Defense Nuclear Facilities
22 Safety Board shall be available to implement any reform
23 and reorganization plan of the Defense Nuclear Facilities
24 Safety Board, including the plan announced on August 15,

1 2018, unless any such reform and reorganization plan is
 2 specifically authorized by law.

3 DELTA REGIONAL AUTHORITY

4 SALARIES AND EXPENSES

5 For expenses necessary for the Delta Regional Au-
 6 thority and to carry out its activities, as authorized by
 7 the Delta Regional Authority Act of 2000, notwith-
 8 standing sections 382F(d), 382M, and 382N of said Act,
 9 \$30,000,000, to remain available until expended.

10 DENALI COMMISSION

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

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

6 NORTHERN BORDER REGIONAL COMMISSION

7 For expenses necessary for the Northern Border Re-
 8 gional Commission in carrying out activities authorized by
 9 subtitle V of title 40, United States Code, \$25,000,000,
 10 to remain available until expended: *Provided*, That such
 11 amounts shall be available for administrative expenses,
 12 notwithstanding section 15751(b) of title 40, United
 13 States Code.

14 NUCLEAR REGULATORY COMMISSION

15 SALARIES AND EXPENSES

16 For expenses necessary for the Commission in car-
 17 rying out the purposes of the Energy Reorganization Act
 18 of 1974 and the Atomic Energy Act of 1954,
 19 \$841,236,000, including official representation expenses
 20 not to exceed \$25,000, to remain available until expended:
 21 *Provided*, That of the amount appropriated herein, not
 22 more than \$9,500,000 may be made available for salaries,
 23 travel, and other support costs for the Office of the Com-
 24 mission, to remain available until September 30, 2022, of
 25 which, notwithstanding section 201(a)(2)(c) of the Energy

1 Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)),
 2 the use and expenditure shall only be approved by a major-
 3 ity vote of the Commission: *Provided further*, That reve-
 4 nues from licensing fees, inspection services, and other
 5 services and collections estimated at \$723,469,000 in fis-
 6 cal year 2020 shall be retained and used for necessary
 7 salaries and expenses in this account, notwithstanding 31
 8 U.S.C. 3302, and shall remain available until expended:
 9 *Provided further*, That of the amounts appropriated under
 10 this heading, not less than \$15,478,000 shall be for activi-
 11 ties related to the development of regulatory infrastruc-
 12 ture for advanced nuclear technologies, except that the
 13 amounts provided under this proviso shall not be derived
 14 from fee revenues, notwithstanding 42 U.S.C. 2214: *Pro-*
 15 *vided further*, That of the amounts appropriated under
 16 this heading, \$6,451,000 of the amount used for inter-
 17 national activities shall not be derived from fee revenues,
 18 notwithstanding 42 U.S.C. 2214: *Provided further*, That
 19 the sum herein appropriated shall be reduced by the
 20 amount of revenues received during fiscal year 2020 so
 21 as to result in a final fiscal year 2020 appropriation esti-
 22 mated at not more than \$117,767,000: *Provided further*,
 23 That of the amounts appropriated under this heading,
 24 \$15,000,000 shall be for university research and develop-
 25 ment in areas relevant to the Commission's mission, with-

1 in which \$5,000,000 shall be for a Nuclear Science and
2 Engineering Grant Program that will support multiyear
3 projects that do not align with programmatic missions but
4 are critical to maintaining the discipline of nuclear science
5 and engineering.

6 OFFICE OF INSPECTOR GENERAL

7 For expenses necessary for the Office of Inspector
8 General in carrying out the provisions of the Inspector
9 General Act of 1978, \$13,314,000, to remain available
10 until September 30, 2021: *Provided*, That revenues from
11 licensing fees, inspection services, and other services and
12 collections estimated at \$10,929,000 in fiscal year 2020
13 shall be retained and be available until September 30,
14 2021, for necessary salaries and expenses in this account,
15 notwithstanding section 3302 of title 31, United States
16 Code: *Provided further*, That the sum herein appropriated
17 shall be reduced by the amount of revenues received dur-
18 ing fiscal year 2020 so as to result in a final fiscal year
19 2020 appropriation estimated at not more than
20 \$2,385,000: *Provided further*, That of the amounts appro-
21 priated under this heading, \$1,171,000 shall be for In-
22 spector General services for the Defense Nuclear Facilities
23 Safety Board, which shall not be available from fee reve-
24 nues.

3 For expenses necessary for the Nuclear Waste Tech-
4 nical Review Board, as authorized by Public Law 100-
5 203, section 5051, \$3,600,000, to be derived from the Nu-
6 clear Waste Fund, to remain available until September 30,
7 2021.

8 GENERAL PROVISIONS—INDEPENDENT
9 AGENCIES

10 SEC. 401. The Nuclear Regulatory Commission shall
11 comply with the July 5, 2011, version of Chapter VI of
12 its Internal Commission Procedures when responding to
13 Congressional requests for information, consistent with
14 Department of Justice guidance for all federal agencies.

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

24 (b)(1) The Nuclear Regulatory Commission may
25 waive the notification requirement in subsection (a) if

1 compliance with such requirement would pose a substan-
2 tial risk to human health, the environment, welfare, or na-
3 tional security.

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

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

19 (d) None of the funds provided for the Nuclear Regu-
20 latory Commission shall be available for obligation or ex-
21 penditure through a reprogramming of funds that in-
22 creases funds or personnel for any program, project, or
23 activity for which funds are denied or restricted by this
24 Act.

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

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

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”.

Calendar No. 204

116TH CONGRESS
1ST Session

S. 2470

[Report No. 116-102]

A BILL

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

SEPTEMBER 12, 2019

Read twice and placed on the calendar