

Calendar No. 178

115TH CONGRESS
1ST SESSION

S. 1609

[Report No. 115–132]

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

IN THE SENATE OF THE UNITED STATES

JULY 20, 2017

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, 2018, 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, 2018, 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, \$113,465,000, to remain
24 available until expended.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

1 For expenses necessary for the construction of river
2 and harbor, flood and storm damage reduction, shore pro-
3 tection, aquatic ecosystem restoration, and related
4 projects authorized by law; for conducting detailed studies,
5 and plans and specifications, of such projects (including
6 those involving participation by States, local governments,
7 or private groups) authorized or made eligible for selection
8 by law (but such detailed studies, and plans and specifica-
9 tions, shall not constitute a commitment of the Govern-
10 ment to construction); \$1,703,150,000, to remain avail-
11 able until expended; of which such sums as are necessary
12 to cover the Federal share of construction costs for facili-
13 ties under the Dredged Material Disposal Facilities pro-
14 gram shall be derived from the Harbor Maintenance Trust
15 Fund as authorized by Public Law 104–303; and of which
16 such sums as are necessary to cover one-half of the costs
17 of construction, replacement, rehabilitation, and expansion
18 of inland waterways projects shall be derived from the In-
19 land Waterways Trust Fund, except as otherwise specifi-
20 cally provided for in law: *Provided*, That of the unobli-
21 gated balances available from amounts provided in fiscal
22 year 2011 and prior years under this heading,
23 \$35,000,000 is hereby rescinded: *Provided further*, That

1 no amounts may be rescinded by the previous proviso from
2 amounts that were designated by the Congress as an
3 emergency requirement pursuant to a concurrent resolu-
4 tion on the budget or the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985.

6 MISSISSIPPI RIVER AND TRIBUTARIES

7 For expenses necessary for flood damage reduction
8 projects and related efforts in the Mississippi River allu-
9 vial valley below Cape Girardeau, Missouri, as authorized
10 by law, \$375,000,000, to remain available until expended,
11 of which such sums as are necessary to cover the Federal
12 share of eligible operation and maintenance costs for in-
13 land harbors shall be derived from the Harbor Mainte-
14 nance Trust Fund.

15 OPERATION AND MAINTENANCE

16 For expenses necessary for the operation, mainte-
17 nance, and care of existing river and harbor, flood and
18 storm damage reduction, aquatic ecosystem restoration,
19 and related projects authorized by law; providing security
20 for infrastructure owned or operated by the Corps, includ-
21 ing administrative buildings and laboratories; maintaining
22 harbor channels provided by a State, municipality, or
23 other public agency that serve essential navigation needs
24 of general commerce, where authorized by law; surveying
25 and charting northern and northwestern lakes and con-

1 necting waters; clearing and straightening channels; and
2 removing obstructions to navigation, \$3,481,475,000, to
3 remain available until expended, of which such sums as
4 are necessary to cover the Federal share of eligible oper-
5 ation and maintenance costs for coastal harbors and chan-
6 nels, and for inland harbors shall be derived from the Har-
7 bor Maintenance Trust Fund; of which such sums as be-
8 come available from the special account for the Corps of
9 Engineers established by the Land and Water Conserva-
10 tion Fund Act of 1965 shall be derived from that account
11 for resource protection, research, interpretation, and
12 maintenance activities related to resource protection in the
13 areas at which outdoor recreation is available; and of
14 which such sums as become available from fees collected
15 under section 217 of Public Law 104–303 shall be used
16 to cover the cost of operation and maintenance of the
17 dredged material disposal facilities for which such fees
18 have been collected.

19 REGULATORY PROGRAM

20 For expenses necessary for administration of laws
21 pertaining to regulation of navigable waters and wetlands,
22 \$200,000,000, to remain available until September 30,
23 2019.

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, \$117,000,000, 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, \$21,904,000, 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, \$185,000,000, to
22 remain available until September 30, 2019, of which not
23 to exceed \$5,000 may be used for official reception and
24 representation purposes and only during fiscal year 2018:
25 *Provided*, That no part of any other appropriation pro-

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

9 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
10 FOR CIVIL WORKS

11 For the Office of the Assistant Secretary of the Army
12 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
13 \$4,406,000, to remain available until September 30, 2019.

14 GENERAL PROVISIONS—CORPS OF
15 ENGINEERS—CIVIL

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 101. (a) None of the funds provided in title I
18 of this Act, or provided by previous appropriations Acts
19 to the agencies or entities funded in title I of this Act
20 that remain available for obligation or expenditure in fiscal
21 year 2018, shall be available for obligation or expenditure
22 through a reprogramming of funds that:

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

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

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

6 (4) proposes to use funds directed for a specific
7 activity for a different purpose, unless prior approval
8 is received from the House and Senate Committees
9 on Appropriations;

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

15 (6) INVESTIGATIONS.—For a base level over
16 \$100,000, reprogramming of 25 percent of the base
17 amount up to a limit of \$150,000 per project, study
18 or activity is allowed: *Provided*, That for a base level
19 less than \$100,000, the reprogramming limit is
20 \$25,000: *Provided further*, That up to \$25,000 may
21 be reprogrammed into any continuing study or activ-
22 ity that did not receive an appropriation for existing
23 obligations and concomitant administrative expenses;

24 (7) CONSTRUCTION.—For a base level over
25 \$2,000,000, reprogramming of 15 percent of the

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

12 (8) OPERATION AND MAINTENANCE.—Unlim-
13 ited reprogramming authority is granted for the
14 Corps to be able to respond to emergencies: *Pro-*
15 *vided*, That the Chief of Engineers shall notify the
16 House and Senate Committees on Appropriations of
17 these emergency actions as soon thereafter as prac-
18 ticable: *Provided further*, That for a base level over
19 \$1,000,000, reprogramming of 15 percent of the
20 base amount up to a limit of \$5,000,000 per project,
21 study, or activity is allowed: *Provided further*, That
22 for a base level less than \$1,000,000, the re-
23 programming limit is \$150,000: *Provided further*,
24 That \$150,000 may be reprogrammed into any con-

1 continuing study or activity that did not receive an ap-
2 propriation;

3 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—

4 The reprogramming guidelines in paragraphs (6),
5 (7), and (8) shall apply to the Investigations, Con-
6 struction, and Operation and Maintenance portions
7 of the Mississippi River and Tributaries Account, re-
8 spectively; and

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

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

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

19 (d) Not later than 60 days after the date of enact-
20 ment of this Act, the Secretary shall submit a report to
21 the House and Senate Committees on Appropriations to
22 establish the baseline for application of reprogramming
23 and transfer authorities for the current fiscal year which
24 shall include:

1 (1) A table for each appropriation with a separate
2 column to display the President's budget request,
3 adjustments made by Congress, adjustments
4 due to enacted rescissions, if applicable, and the fiscal
5 year enacted level; and

6 (2) A delineation in the table for each appropriation
7 both by object class and program, project
8 and activity as detailed in the budget appendix for
9 the respective appropriations; and

10 (3) An identification of items of special congressional
11 interest.

12 SEC. 102. The Secretary shall allocate funds made
13 available in this Act solely in accordance with the provisions
14 of this Act and the accompanying report, including
15 the determination and designation of new starts.

16 SEC. 103. None of the funds made available in this
17 title may be used to award or modify any contract that
18 commits funds beyond the amounts appropriated for that
19 program, project, or activity that remain unobligated, except
20 that such amounts may include any funds that have
21 been made available through reprogramming pursuant to
22 section 101.

23 SEC. 104. The Secretary of the Army may transfer
24 to the Fish and Wildlife Service, and the Fish and Wildlife
25 Service may accept and expend, up to \$5,400,000 of funds

1 provided in this title under the heading “Operation and
2 Maintenance” to mitigate for fisheries lost due to Corps
3 of Engineers projects.

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

18 SEC. 106. None of the funds made available in this
19 title may be used for any acquisition of buoy chain that
20 is not consistent with 48 CFR 225.7007, subsections
21 (a)(1) and (a)(2).

22 SEC. 107. None of the funds made available by this
23 Act may be used to carry out any water supply reallocation
24 study under the Wolf Creek Dam, Lake Cumberland, Ken-

1 tucky, project authorized under the Act of July 24, 1946
2 (60 Stat. 636, ch. 595).

3 SEC. 108. Not later than 30 days after the date of
4 enactment of this Act, the Secretary of the Army, acting
5 through the Chief of Engineers, shall publish in the Fed-
6 eral Register and make available for public comment the
7 interim report relating to the Tentatively Selected Plan
8 for the Great Lakes Mississippi River Interbasin Study
9 Brandon Road Study.

10 SEC. 109. Relative to the Rough River Lake Flowage
11 Easement Encroachment Resolution Plan, the Chief of
12 Engineers shall submit to the Committees on Appropria-
13 tions of both Houses of Congress, not later than 90 days
14 after the date of enactment of this Act, a report that in-
15 cludes an inventory of habitable structures and improve-
16 ments built, installed, or established in the flowage ease-
17 ment boundary; whether each such structure or improve-
18 ment in the inventory was built, installed or established
19 within the flowage easement boundary before or after the
20 surveys conducted by the Corps of Engineers in 2013,
21 2014, and 2015; and what notice landowners had of the
22 flowage easement boundary prior to those surveys.

23 SEC. 110. Section 2008 of the Water Resources De-
24 velopment Act of 2007 (33 U.S.C. 2340) is amended by
25 striking subsection (c).

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TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$10,500,000, to remain available until expended, of which \$898,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: *Provided*, That of the amount provided under this heading, \$1,450,000 shall be available until September 30, 2019, for expenses necessary in carrying out related responsibilities of the Secretary of the Interior: *Provided further*, That for fiscal year 2018, of the amount made available to the Commission under this Act or any other Act, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

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, \$1,150,349,000, to
11 remain available until expended, of which \$67,693,000
12 shall be available for transfer to the Upper Colorado River
13 Basin Fund and \$5,551,000 shall be available for transfer
14 to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund: *Provided*, That
17 such transfers may be increased or decreased within the
18 overall appropriation under this heading: *Provided further*,
19 That of the total appropriated, the amount for program
20 activities that can be financed by the Reclamation Fund
21 or the Bureau of Reclamation special fee account estab-
22 lished by 16 U.S.C. 6806 shall be derived from that Fund
23 or account: *Provided further*, That funds contributed
24 under 43 U.S.C. 395 are available until expended for the
25 purposes for which the funds were contributed: *Provided*

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

8 CENTRAL VALLEY PROJECT RESTORATION FUND

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

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

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

17 POLICY AND ADMINISTRATION

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

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

3 ADMINISTRATIVE PROVISION

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

7 GENERAL PROVISIONS—DEPARTMENT OF THE
8 INTERIOR

9 SEC. 201. (a) None of the funds provided in title II
10 of this Act for Water and Related Resources, or provided
11 by previous or subsequent appropriations Acts to the agen-
12 cies or entities funded in title II of this Act for Water
13 and Related Resources that remain available for obligation
14 or expenditure in fiscal year 2018, shall be available for
15 obligation or expenditure through a reprogramming of
16 funds that—

17 (1) initiates or creates a new program, project,
18 or activity;

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

20 (3) increases funds for any program, project, or
21 activity for which funds have been denied or re-
22 stricted by this Act, unless prior approval is received
23 from the Committees on Appropriations of the
24 House of Representatives and the Senate;

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

6 (5) transfers funds in excess of the following
7 limits, unless prior approval is received from the
8 Committees on Appropriations of the House of Rep-
9 resentatives and the Senate:

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

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

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

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

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

12 (d) The Bureau of Reclamation shall submit reports
13 on a quarterly basis to the Committees on Appropriations
14 of the House of Representatives and the Senate detailing
15 all the funds reprogrammed between programs, projects,
16 activities, or categories of funding. The first quarterly re-
17 port shall be submitted not later than 60 days after the
18 date of enactment of this Act.

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

1 vironmental Protection Agency, to minimize any detri-
2 mental effect of the San Luis drainage waters.

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

19 SEC. 203. (a) Section 104(c) of the Reclamation
20 States Emergency Drought Relief Act of 1991 (43 U.S.C.
21 2214(c)) is amended by striking “2017” and inserting
22 “2022”.

23 (b) Section 301 of the Reclamation States Emergency
24 Drought Relief Act of 1991 (43 U.S.C. 2241) is amended
25 by—

- 1 (1) striking “2017” and inserting “2022”; and
2 (2) striking “\$90,000,000” and inserting
3 “\$120,000,000”.

4 USE OF WATER FOR INDUSTRIAL HEMP CULTIVATION

5 SEC. 204. (a) DEFINITION OF INDUSTRIAL HEMP.—

6 In this section, the term “industrial hemp” has the mean-
7 ing given the term in section 7606(b) of the Agricultural
8 Act of 2014 (7 U.S.C. 5940(b)).

9 (b) USE FOR INDUSTRIAL HEMP CULTIVATION.—

10 Notwithstanding the Controlled Substances Act (21
11 U.S.C. 801 et seq.), chapter 81 of title 41, United States
12 Code, or any other Federal law, an owner of an absolute
13 or conditional water right, or an entity that receives or
14 distributes water contracted from the Federal Govern-
15 ment, may, pursuant to State water law, use or sell for
16 use by another person the water subject to the water right
17 or the contract, as applicable, for the cultivation of indus-
18 trial hemp, regardless of whether the water has passed
19 through a Federal water project, if the growth or cultiva-
20 tion of industrial hemp is otherwise authorized under the
21 laws of the State in which such use occurs.

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 ENERGY EFFICIENCY AND RENEWABLE ENERGY
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 energy
8 efficiency and renewable energy activities in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 \$1,936,988,000, to remain available until expended: *Pro-*
14 *vided*, That of such amount, \$153,500,000 shall be avail-
15 able until September 30, 2019, for program direction.
16 ELECTRICITY DELIVERY AND ENERGY RELIABILITY
17 For Department of Energy expenses including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment, and other expenses necessary for elec-
20 tricity delivery and energy reliability activities in carrying
21 out the purposes of the Department of Energy Organiza-
22 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
23 tion or condemnation of any real property or any facility
24 or for plant or facility acquisition, construction, or expan-
25 sion, \$213,141,000, to remain available until expended:

1 *Provided*, That of such amount, \$27,000,000 shall be
2 available until September 30, 2019, 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 acqui-
11 sition, construction, or expansion, \$917,020,000, to remain
12 available until expended: *Provided*, That of such amount
13 the Secretary may obligate up to \$10,000,000 under exist-
14 ing authorities for contracting for the management of used
15 nuclear fuel to which the Secretary holds the title or has
16 a contract to accept title: *Provided further*, That of such
17 amount, \$74,218,000 shall be available until September
18 30, 2019, for program direction.

19 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

20 For Department of Energy expenses necessary in car-
21 rying out fossil energy research and development activi-
22 ties, under the authority of the Department of Energy Or-
23 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
24 quisition of interest, including defeasible and equitable in-
25 terests in any real property or any facility or for plant

1 or facility acquisition or expansion, and for conducting in-
2 quires, technological investigations and research con-
3 cerning the extraction, processing, use, and disposal of
4 mineral substances without objectionable social and envi-
5 ronmental costs (30 U.S.C. 3, 1602, and 1603),
6 \$572,701,000, to remain available until expended: *Pro-*
7 *vided*, That of such amount \$57,000,000 shall be available
8 until September 30, 2019, for program direction.

9 NAVAL PETROLEUM AND OIL SHALE RESERVES

10 For Department of Energy expenses necessary to
11 carry out naval petroleum and oil shale reserve activities,
12 \$4,900,000, to remain available until expended: *Provided*,
13 That notwithstanding any other provision of law, unobli-
14 gated funds remaining from prior years shall be available
15 for all naval petroleum and oil shale reserve activities.

16 STRATEGIC PETROLEUM RESERVE

17 For Department of Energy expenses necessary for
18 Strategic Petroleum Reserve facility development and op-
19 erations and program management activities pursuant to
20 the Energy Policy and Conservation Act (42 U.S.C. 6201
21 et seq.), \$180,000,000, to remain available until expended.

22 ENERGY SECURITY AND INFRASTRUCTURE

23 MODERNIZATION FUND

24 As authorized by section 404 of the Bipartisan Budg-
25 et Act of 2015 (Public Law 114–74; 42 U.S.C. 6239

1 note), the Secretary of Energy shall drawdown and sell
2 not to exceed \$350,000,000 of crude oil from the Strategic
3 Petroleum Reserve in fiscal year 2018: *Provided*, That the
4 proceeds from such drawdown and sale shall be deposited
5 in this account during fiscal year 2018: *Provided further*,
6 That such amounts shall remain available until expended
7 for necessary expenses to carry out modernization and op-
8 erations and maintenance activities for the Strategic Pe-
9 troleum Reserve.

10 NORTHEAST HOME HEATING OIL RESERVE

11 For Department of Energy expenses necessary for
12 Northeast Home Heating Oil Reserve storage, operation,
13 and management activities pursuant to the Energy Policy
14 and Conservation Act (42 U.S.C. 6201 et seq.),
15 \$6,500,000, to remain available until expended.

16 ENERGY INFORMATION ADMINISTRATION

17 For Department of Energy expenses necessary in car-
18 rying out the activities of the Energy Information Admin-
19 istration, \$122,000,000, to remain available until ex-
20 pended.

21 NON-DEFENSE ENVIRONMENTAL CLEANUP

22 For Department of Energy expenses, including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment and other expenses necessary for non-de-
25 fense environmental cleanup activities in carrying out the

1 purposes of the Department of Energy Organization Act
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-
3 demnation of any real property or any facility or for plant
4 or facility acquisition, construction, or expansion,
5 \$266,000,000, to remain available until expended.

6 URANIUM ENRICHMENT DECONTAMINATION AND
7 DECOMMISSIONING FUND

8 For Department of Energy expenses necessary in car-
9 rying out uranium enrichment facility decontamination
10 and decommissioning, remedial actions, and other activi-
11 ties of title II of the Atomic Energy Act of 1954, and
12 title X, subtitle A, of the Energy Policy Act of 1992,
13 \$788,000,000, to be derived from the Uranium Enrich-
14 ment Decontamination and Decommissioning Fund, to re-
15 main available until expended, of which \$13,732,000 shall
16 be available in accordance with title X, subtitle A, of the
17 Energy Policy Act of 1992.

18 SCIENCE

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 science
22 activities in carrying out the purposes of the Department
23 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
24 cluding the acquisition or condemnation of any real prop-
25 erty or facility or for plant or facility acquisition, construc-

1 tion, or expansion, and purchase of not more than 17 pas-
2 senger motor vehicles for replacement only, including one
3 ambulance and one bus, \$5,550,000,000, to remain avail-
4 able until expended: *Provided*, That of such amount,
5 \$177,000,000 shall be available until September 30, 2019,
6 for program direction: *Provided further*, That funds made
7 available for Basic Energy Sciences shall be expended for
8 the programs, projects, and activities specified in the
9 “Committee recommendation” column in the “Basic En-
10 ergy Sciences” table in the report of the Committee on
11 Appropriations accompanying this Act.

12 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

13 For Department of Energy expenses necessary in car-
14 rying out the activities authorized by section 5012 of the
15 America COMPETES Act (Public Law 110–69),
16 \$330,000,000, to remain available until expended: *Pro-*
17 *vided*, That of such amount, \$29,250,000 shall be avail-
18 able until September 30, 2019, for program direction.

19 OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

20 For necessary expenses for Indian Energy activities
21 in carrying out the purposes of the Department of Energy
22 Organization Act (42 U.S.C. 7101 et seq.), \$16,000,000,
23 to remain available until expended: *Provided*, That, of the
24 amount appropriated under this heading, \$4,800,000 shall

1 U.S.C. 1511 et seq.): *Provided*, That such increases in
2 cost of work are offset by revenue increases of the same
3 or greater amount: *Provided further*, That moneys received
4 by the Department for miscellaneous revenues estimated
5 to total \$96,000,000 in fiscal year 2018 may be retained
6 and used for operating expenses within this account, as
7 authorized by section 201 of Public Law 95–238, notwith-
8 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
9 *ther*, That the sum herein appropriated shall be reduced
10 as collections are received during the fiscal year so as to
11 result in a final fiscal year 2018 appropriation from the
12 general fund estimated at not more than \$142,736,000.

13 OFFICE OF THE INSPECTOR GENERAL

14 For expenses necessary for the Office of the Inspector
15 General in carrying out the provisions of the Inspector
16 General Act of 1978, \$49,000,000, to remain available
17 until September 30, 2019.

18 ATOMIC ENERGY DEFENSE ACTIVITIES

19 NATIONAL NUCLEAR SECURITY

20 ADMINISTRATION

21 WEAPONS ACTIVITIES

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

1 the purposes of the Department of Energy Organization
2 Act (42 U.S.C. 7101 et seq.), including the acquisition or
3 condemnation of any real property or any facility or for
4 plant or facility acquisition, construction, or expansion,
5 \$10,000,071,000, to remain available until expended: *Pro-*
6 *vided*, That of such amount, \$105,600,000 shall be avail-
7 able until September 30, 2019, for program direction.

8 DEFENSE NUCLEAR NONPROLIFERATION

9 For Department of Energy expenses, including the
10 purchase, construction, and acquisition of plant and cap-
11 ital equipment and other incidental expenses necessary for
12 defense nuclear nonproliferation activities, in carrying out
13 the purposes of the Department of Energy Organization
14 Act (42 U.S.C. 7101 et seq.), including the acquisition or
15 condemnation of any real property or any facility or for
16 plant or facility acquisition, construction, or expansion,
17 \$1,852,310,000, to remain available until expended: *Pro-*
18 *vided*, That none of the funds provided under this heading,
19 or in prior Acts that remain unobligated, shall be available
20 for construction of Project 99–D–143, Mixed Oxide Fuel
21 Fabrication Facility.

22 NAVAL REACTORS

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

1 ing the acquisition (by purchase, condemnation, construc-
2 tion, or otherwise) of real property, plant, and capital
3 equipment, facilities, and facility expansion,
4 \$1,436,651,000, to remain available until expended: *Pro-*
5 *vided*, That of such amount, \$44,100,000 shall be avail-
6 able until September 30, 2019, for program direction.

7 FEDERAL SALARIES AND EXPENSES

8 For expenses necessary for Federal Salaries and Ex-
9 penses in the National Nuclear Security Administration,
10 \$396,000,000, to remain available until September 30,
11 2019, including official reception and representation ex-
12 penses not to exceed \$12,000.

13 ENVIRONMENTAL AND OTHER DEFENSE

14 ACTIVITIES

15 DEFENSE ENVIRONMENTAL CLEANUP

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 environmental cleanup activities in car-
20 rying out the purposes of the Department of Energy Orga-
21 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
22 sition or condemnation of any real property or any facility
23 or for plant or facility acquisition, construction, or expan-
24 sion, \$5,579,968,000, to remain available until expended:
25 *Provided*, That of such amount, \$290,150,000 shall be

1 available until September 30, 2019, for program direction:
2 *Provided further*, That of such amount, \$55,000,000 shall
3 be available for the deactivation and decommissioning of
4 high-risk excess facilities that are not in the current
5 project inventory of the Environmental Management pro-
6 gram.

7 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
8 AND DECOMMISSIONING
9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for atomic energy defense
11 environmental cleanup activities for Department of En-
12 ergy contributions for uranium enrichment decontamina-
13 tion and decommissioning activities, \$788,000,000, to be
14 deposited into the Defense Environmental Cleanup ac-
15 count which shall be transferred to the “Uranium Enrich-
16 ment Decontamination and Decommissioning Fund”.

17 URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

18 The unappropriated receipts currently in the Ura-
19 nium Supply and Enrichment Activities account shall be
20 transferred to and merged with the Uranium Enrichment
21 Decontamination and Decommissioning Fund and shall be
22 available only to the extent provided in advance in appro-
23 priations Acts.

1 OTHER DEFENSE ACTIVITIES

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 atomic
5 energy defense, other defense activities, and classified ac-
6 tivities, in carrying out the purposes of the Department
7 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
8 cluding the acquisition or condemnation of any real prop-
9 erty or any facility or for plant or facility acquisition, con-
10 struction, or expansion, \$784,000,000, to remain available
11 until expended: *Provided*, That of such amount,
12 \$257,116,000 shall be available until September 30, 2019,
13 for program direction.

14 POWER MARKETING ADMINISTRATIONS

15 BONNEVILLE POWER ADMINISTRATION FUND

16 Expenditures from the Bonneville Power Administra-
17 tion Fund, established pursuant to Public Law 93-454,
18 are approved for official reception and representation ex-
19 penses in an amount not to exceed \$5,000: *Provided*, That
20 during fiscal year 2018, no new direct loan obligations
21 may be made.

22 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
23 ADMINISTRATION

24 For expenses necessary for operation and mainte-
25 nance of power transmission facilities and for marketing

1 electric power and energy, including transmission wheeling
2 and ancillary services, pursuant to section 5 of the Flood
3 Control Act of 1944 (16 U.S.C. 825s), as applied to the
4 southeastern power area, \$6,379,000, including official re-
5 ception and representation expenses in an amount not to
6 exceed \$1,500, to remain available until expended: *Pro-*
7 *vided*, That notwithstanding 31 U.S.C. 3302 and section
8 5 of the Flood Control Act of 1944, up to \$6,379,000 col-
9 lected by the Southeastern Power Administration from the
10 sale of power and related services shall be credited to this
11 account as discretionary offsetting collections, to remain
12 available until expended for the sole purpose of funding
13 the annual expenses of the Southeastern Power Adminis-
14 tration: *Provided further*, That the sum herein appro-
15 priated for annual expenses shall be reduced as collections
16 are received during the fiscal year so as to result in a final
17 fiscal year 2018 appropriation estimated at not more than
18 \$0: *Provided further*, That notwithstanding 31 U.S.C.
19 3302, up to \$51,000,000 collected by the Southeastern
20 Power Administration pursuant to the Flood Control Act
21 of 1944 to recover purchase power and wheeling expenses
22 shall be credited to this account as offsetting collections,
23 to remain available until expended for the sole purpose
24 of making purchase power and wheeling expenditures:
25 *Provided further*, That for purposes of this appropriation,

1 annual expenses means expenditures that are generally re-
2 covered in the same year that they are incurred (excluding
3 purchase power and wheeling expenses).

4 OPERATION AND MAINTENANCE, SOUTHWESTERN
5 POWER ADMINISTRATION

6 For expenses necessary for operation and mainte-
7 nance of power transmission facilities and for marketing
8 electric power and energy, for construction and acquisition
9 of transmission lines, substations and appurtenant facili-
10 ties, and for administrative expenses, including official re-
11 ception and representation expenses in an amount not to
12 exceed \$1,500 in carrying out section 5 of the Flood Con-
13 trol Act of 1944 (16 U.S.C. 825s), as applied to the
14 Southwestern Power Administration, \$30,288,000, to re-
15 main available until expended: *Provided*, That notwith-
16 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
17 trol Act of 1944 (16 U.S.C. 825s), up to \$18,888,000 col-
18 lected by the Southwestern Power Administration from
19 the sale of power and related services shall be credited to
20 this account as discretionary offsetting collections, to re-
21 main available until expended, for the sole purpose of
22 funding the annual expenses of the Southwestern Power
23 Administration: *Provided further*, That the sum herein ap-
24 propriated for annual expenses shall be reduced as collec-
25 tions are received during the fiscal year so as to result

1 in a final fiscal year 2018 appropriation estimated at not
2 more than \$11,400,000: *Provided further*, That notwith-
3 standing 31 U.S.C. 3302, up to \$10,000,000 collected by
4 the Southwestern Power Administration pursuant to the
5 Flood Control Act of 1944 to recover purchase power and
6 wheeling expenses shall be credited to this account as off-
7 setting collections, to remain available until expended for
8 the sole purpose of making purchase power and wheeling
9 expenditures: *Provided further*, That for purposes of this
10 appropriation, annual expenses means expenditures that
11 are generally recovered in the same year that they are in-
12 curred (excluding purchase power and wheeling expenses).

13 CONSTRUCTION, REHABILITATION, OPERATION AND
14 MAINTENANCE, WESTERN AREA POWER ADMINIS-
15 TRATION

16 For carrying out the functions authorized by title III,
17 section 302(a)(1)(E) of the Act of August 4, 1977 (42
18 U.S.C. 7152), and other related activities including con-
19 servation and renewable resources programs as author-
20 ized, \$232,276,000, including official reception and rep-
21 resentation expenses in an amount not to exceed \$1,500,
22 to remain available until expended, of which \$232,276,000
23 shall be derived from the Department of the Interior Rec-
24 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
25 3302, section 5 of the Flood Control Act of 1944 (16

1 U.S.C. 825s), and section 1 of the Interior Department
2 Appropriation Act, 1939 (43 U.S.C. 392a), up to
3 \$138,904,000 collected by the Western Area Power Ad-
4 ministration from the sale of power and related services
5 shall be credited to this account as discretionary offsetting
6 collections, to remain available until expended, for the sole
7 purpose of funding the annual expenses of the Western
8 Area Power Administration: *Provided further*, That the
9 sum herein appropriated for annual expenses shall be re-
10 duced as collections are received during the fiscal year so
11 as to result in a final fiscal year 2018 appropriation esti-
12 mated at not more than \$93,372,000, of which
13 \$88,179,000 is derived from the Reclamation Fund: *Pro-*
14 *vided further*, That notwithstanding 31 U.S.C. 3302, up
15 to \$179,000,000 collected by the Western Area Power Ad-
16 ministration pursuant to the Flood Control Act of 1944
17 and the Reclamation Project Act of 1939 to recover pur-
18 chase power and wheeling expenses shall be credited to
19 this account as offsetting collections, to remain available
20 until expended for the sole purpose of making purchase
21 power and wheeling expenditures: *Provided further*, That
22 for purposes of this appropriation, annual expenses means
23 expenditures that are generally recovered in the same year
24 that they are incurred (excluding purchase power and
25 wheeling expenses).

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

3 For operation, maintenance, and emergency costs for
4 the hydroelectric facilities at the Falcon and Amistad
5 Dams, \$4,176,000, to remain available until expended,
6 and to be derived from the Falcon and Amistad Operating
7 and Maintenance Fund of the Western Area Power Ad-
8 ministration, as provided in section 2 of the Act of June
9 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
10 the provisions of that Act and of 31 U.S.C. 3302, up to
11 \$3,948,000 collected by the Western Area Power Adminis-
12 tration from the sale of power and related services from
13 the Falcon and Amistad Dams shall be credited to this
14 account as discretionary offsetting collections, to remain
15 available until expended for the sole purpose of funding
16 the annual expenses of the hydroelectric facilities of these
17 Dams and associated Western Area Power Administration
18 activities: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2018 appropriation estimated at not more than
22 \$228,000: *Provided further*, That for purposes of this ap-
23 propriation, annual expenses means expenditures that are
24 generally recovered in the same year that they are in-
25 curred: *Provided further*, That for fiscal year 2018, the

1 Administrator of the Western Area Power Administration
2 may accept up to \$872,000 in funds contributed by United
3 States power customers of the Falcon and Amistad Dams
4 for deposit into the Falcon and Amistad Operating and
5 Maintenance Fund, and such funds shall be available for
6 the purpose for which contributed in like manner as if said
7 sums had been specifically appropriated for such purpose:
8 *Provided further*, That any such funds shall be available
9 without further appropriation and without fiscal year limi-
10 tation for use by the Commissioner of the United States
11 Section of the International Boundary and Water Com-
12 mission for the sole purpose of operating, maintaining, re-
13 pairing, rehabilitating, replacing, or upgrading the hydro-
14 electric facilities at these Dams in accordance with agree-
15 ments reached between the Administrator, Commissioner,
16 and the power customers.

17 FEDERAL ENERGY REGULATORY COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Energy Regu-
20 latory Commission to carry out the provisions of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including services as authorized by 5 U.S.C. 3109,
23 official reception and representation expenses not to ex-
24 ceed \$3,000, and the hire of passenger motor vehicles,
25 \$367,600,000, to remain available until expended: *Pro-*

1 at least 3 full business days in advance, none of the funds
2 made available in this title may be used to—

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

5 (B) make a discretionary contract award or
6 Other Transaction Agreement totaling \$1,000,000
7 or more, including a contract covered by the Federal
8 Acquisition Regulation;

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

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

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

21 (3) The notification required by paragraph (1) and
22 the report required by paragraph (2) shall include the re-
23 cipient of the award, the amount of the award, the fiscal
24 year for which the funds for the award were appropriated,
25 the account and program, project, or activity from which

1 the funds are being drawn, the title of the award, and
2 a brief description of the activity for which the award is
3 made.

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

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

13 (2) the contract, grant, or cooperative agree-
14 ment includes a clause conditioning the Federal Gov-
15 ernment’s obligation on the availability of future
16 year budget authority and the Secretary notifies the
17 Committees on Appropriations of both Houses of
18 Congress at least 3 days in advance.

19 (d) Except as provided in subsections (e), (f), and (g),
20 the amounts made available by this title shall be expended
21 as authorized by law for the programs, projects, and ac-
22 tivities specified in the “Committee recommendation” col-
23 umn in the “Department of Energy” table included under
24 the heading “Title III—Department of Energy” in the re-

1 port of the Committee on Appropriations accompanying
2 this Act.

3 (e) The amounts made available by this title may be
4 reprogrammed for any program, project, or activity, and
5 the Department shall notify, and obtain the prior approval
6 of, the Committees on Appropriations of both Houses of
7 Congress at least 30 days prior to the use of any proposed
8 reprogramming that would cause any program, project, or
9 activity funding level to increase or decrease by more than
10 \$500,000 or 1 percent, whichever is less, during the time
11 period covered by this Act.

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

15 (1) creates, initiates, or eliminates a program,
16 project, or activity;

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

20 (3) reduces funds that are directed to be used
21 for a specific program, project, or activity by this
22 Act.

23 (g)(1) The Secretary of Energy may waive any re-
24 quirement or restriction in this section that applies to the
25 use of funds made available for the Department of Energy

1 if compliance with such requirement or restriction would
2 pose a substantial risk to human health, the environment,
3 welfare, or national security.

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

11 (h) The unexpended balances of prior appropriations
12 provided for activities in this Act may be available to the
13 same appropriation accounts for such activities established
14 pursuant to this title. Available balances may be merged
15 with funds in the applicable established accounts and
16 thereafter may be accounted for as one fund for the same
17 time period as originally enacted.

18 SEC. 302. Funds appropriated by this or any other
19 Act, or made available by the transfer of funds in this
20 Act, for intelligence activities are deemed to be specifically
21 authorized by the Congress for purposes of section 504
22 of the National Security Act of 1947 (50 U.S.C. 3094)
23 during fiscal year 2018 until the enactment of the Intel-
24 ligence Authorization Act for fiscal year 2018.

1 SEC. 303. None of the funds made available in this
2 title shall be used for the construction of facilities classi-
3 fied as high-hazard nuclear facilities under 10 CFR Part
4 830 unless independent oversight is conducted by the Of-
5 fice of Enterprise Assessments to ensure the project is in
6 compliance with nuclear safety requirements.

7 SEC. 304. None of the funds made available in this
8 title may be used to approve critical decision-2 or critical
9 decision-3 under Department of Energy Order 413.3B, or
10 any successive departmental guidance, for construction
11 projects where the total project cost exceeds
12 \$100,000,000, until a separate independent cost estimate
13 has been developed for the project for that critical deci-
14 sion.

15 SEC. 305. Notwithstanding section 301(c) of this Act,
16 none of the funds made available under the heading “De-
17 partment of Energy—Energy Programs—Science” in this
18 or any subsequent Energy and Water Development and
19 Related Agencies Appropriations Act for any fiscal year
20 may be used for a multiyear contract, grant, cooperative
21 agreement, or Other Transaction Agreement of
22 \$1,000,000 or less unless the contract, grant, cooperative
23 agreement, or Other Transaction Agreement is funded for
24 the full period of performance as anticipated at the time
25 of award.

1 SEC. 306. Uranium Lease and Take-Back Fund.
2 There is hereby established in the Treasury of the United
3 States a fund to be known as the “Uranium Lease and
4 Take-Back Fund” (the Fund) for the costs necessary to
5 service the lease and take-back contracts entered into by
6 the Department of Energy pursuant to section 3173 of
7 the National Defense Authorization Act for Fiscal Year
8 2013, including the costs of production and packaging of
9 low enriched uranium for delivery and the costs of taking
10 back target residue or spent nuclear fuel for final dispo-
11 sition. For initial capitalization, there is appropriated
12 \$1,000,000 to the Fund, to remain available until ex-
13 pended. Notwithstanding 31 U.S.C. 3302, revenues re-
14 ceived under section 3173 of such Act in this and subse-
15 quent fiscal years shall be credited to the Fund as discre-
16 tionary offsetting collections and shall not be available
17 until appropriated.

18 SEC. 307. (a) DEFINITIONS.—In this section:

19 (1) AFFECTED INDIAN TRIBE.—The term “af-
20 fected Indian tribe” has the meaning given the term
21 in section 2 of the Nuclear Waste Policy Act of 1982
22 (42 U.S.C. 10101).

23 (2) HIGH-LEVEL RADIOACTIVE WASTE.—The
24 term “high-level radioactive waste” has the meaning

1 given the term in section 2 of the Nuclear Waste
2 Policy Act of 1982 (42 U.S.C. 10101).

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

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of Energy.

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

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

23 (c) REQUESTS FOR PROPOSALS.—Not later than 120
24 days after the date of enactment of this Act, the Secretary

1 shall issue a request for proposals for cooperative agree-
2 ments—

3 (1) to obtain any license necessary from the
4 Nuclear Regulatory Commission for the construction
5 of 1 or more consolidated storage facilities;

6 (2) to demonstrate the safe transportation of
7 spent nuclear fuel and high-level radioactive waste,
8 as applicable; and

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

15 (d) CONSENT-BASED APPROVAL.—Prior to siting a
16 consolidated storage facility pursuant to this section, the
17 Secretary shall enter into an agreement to host the facility
18 with—

19 (1) the Governor of the State;

20 (2) each unit of local government within the ju-
21 risdiction of which the facility is proposed to be lo-
22 cated; and

23 (3) each affected Indian tribe.

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

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

3 (2) all other applicable laws (including regula-
4 tions).

5 (f) PILOT PROGRAM PLAN.—Not later than 120 days
6 after the date on which the Secretary issues the request
7 for proposals under subsection (c), the Secretary shall sub-
8 mit to Congress a plan to carry out this section that in-
9 cludes—

10 (1) an estimate of the cost of licensing, con-
11 structing, and operating a consolidated storage facil-
12 ity, including the transportation costs, on an annual
13 basis, over the expected lifetime of the facility;

14 (2) a schedule for—

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

18 (B) constructing the facility;

19 (C) transporting spent fuel to the facility;

20 and

21 (D) removing the spent fuel and decom-
22 missioning the facility;

23 (3) an estimate of the cost of any financial as-
24 sistance, compensation, or incentives proposed to be

1 paid to the host State, Indian tribe, or local govern-
2 ment;

3 (4) an estimate of any future reductions in the
4 damages expected to be paid by the United States
5 for the delay of the Department of Energy in accept-
6 ing spent fuel expected to result from the pilot pro-
7 gram;

8 (5) recommendations for any additional legisla-
9 tion needed to authorize and implement the pilot
10 program; and

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

20 (g) PUBLIC PARTICIPATION.—Prior to choosing a
21 site for the construction of a consolidated storage facility
22 under this section, the Secretary shall conduct 1 or more
23 public hearings in the vicinity of each potential site and
24 in at least 1 other location within the State in which the

1 site is located to solicit public comments and recommenda-
2 tions.

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

6 SEC. 308. Of the amounts made available by the act
7 for the “National Nuclear Security Administration—
8 Weapons Activities”, up to \$40,000,000 may be repro-
9 grammed within such account for the Stockpile Respon-
10 siveness Program, subject to the notice requirement in sec-
11 tion 301(e).

12 SEC. 309. (a) Of the authority provided in prior year
13 appropriations Acts for commitments to guarantee loans
14 under title XVII of the Energy Policy Act of 2005,
15 \$23,670,000,000 is hereby rescinded.

16 (b) Of the subsidy amounts provided by section 1425
17 of the Department of Defense and Full-Year Continuing
18 Appropriations Act, 2011 (Public Law 112–10; 125 Stat.
19 126), for the cost of loan guarantees for renewable energy
20 or efficient end-use energy technologies under section
21 1703 of the Energy Policy Act of 2005 (42 U.S.C. 15513),
22 \$160,660,000 is hereby rescinded.

23 (c) No amounts may be rescinded by this section from
24 amounts that were designated by the Congress as an
25 emergency requirement pursuant to a concurrent resolu-

1 tion on the budget or the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 SEC. 310. (a) From unobligated balances available
4 from amounts appropriated in prior fiscal years for “De-
5 partment of Energy—Atomic Energy Defense Activities—
6 National Nuclear Security Administration—Weapons Ac-
7 tivities”, \$64,000,000 is hereby rescinded.

8 (b) No amounts may be rescinded by this section
9 from amounts that were designated by the Congress as
10 an emergency requirement pursuant to a concurrent reso-
11 lution on the budget or the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 SEC. 311. (a) From unobligated balances available
14 from amounts appropriated in prior fiscal years for “De-
15 partment of Energy—Atomic Energy Defense Activities—
16 National Nuclear Security Administration—Defense Nu-
17 clear Nonproliferation”, \$49,000,000 is hereby rescinded.

18 (b) No amounts may be rescinded by this section
19 from amounts that were designated by the Congress as
20 an emergency requirement pursuant to a concurrent reso-
21 lution on the budget or the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

23 SEC. 312. Notwithstanding section 161 of the Energy
24 Policy and Conservation Act (42 U.S.C. 6241), the Sec-
25 retary of Energy shall draw down and sell one million bar-

1 rels of refined petroleum product from the Strategic Pe-
2 troleum Reserve during fiscal year 2018. Proceeds from
3 sales under this section shall be deposited into the general
4 fund of the Treasury during fiscal year 2018.

5 SEC. 313. Not later than 90 days after the date of
6 enactment of this Act, the Secretary of the Department
7 of Energy, in consultation with the Office of Management
8 and Budget, shall submit a report to the Committees on
9 Appropriations of both Houses of Congress that provides
10 a detailed explanation, using specific receipts data and
11 legal authorities, of how each of the Western Area Power
12 Administration, the Southwestern Area Power Adminis-
13 tration, and the Southeastern Power Administration are
14 executing current receipt authority provided in this and
15 prior year appropriations Acts to create carryover of unob-
16 ligated balances for purchase power and wheeling expendi-
17 tures.

18 TITLE IV

19 INDEPENDENT AGENCIES

20 APPALACHIAN REGIONAL COMMISSION

21 For expenses necessary to carry out the programs au-
22 thorized by the Appalachian Regional Development Act of
23 1965, and for expenses necessary for the Federal Co-
24 Chairman and the Alternate on the Appalachian Regional
25 Commission, for payment of the Federal share of the ad-

1 ministrative expenses of the Commission, including serv-
 2 ices as authorized by 5 U.S.C. 3109, and hire of passenger
 3 motor vehicles, \$142,000,000, to remain available until ex-
 4 pended.

5 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

6 SALARIES AND EXPENSES

7 For expenses necessary for the Defense Nuclear Fa-
 8 cilities Safety Board in carrying out activities authorized
 9 by the Atomic Energy Act of 1954, as amended by Public
 10 Law 100–456, section 1441, \$30,000,000, to remain
 11 available until September 30, 2019.

12 DELTA REGIONAL AUTHORITY

13 SALARIES AND EXPENSES

14 For expenses necessary for the Delta Regional Au-
 15 thority and to carry out its activities, as authorized by
 16 the Delta Regional Authority Act of 2000, notwith-
 17 standing sections 382F(d), 382M, and 382N of said Act,
 18 \$25,000,000, to remain available until expended.

19 DENALI COMMISSION

20 For expenses necessary for the Denali Commission
 21 including the purchase, construction, and acquisition of
 22 plant and capital equipment as necessary and other ex-
 23 penses, \$15,000,000, to remain available until expended,
 24 notwithstanding the limitations contained in section
 25 306(g) of the Denali Commission Act of 1998: *Provided,*

1 That funds shall be available for construction projects in
2 an amount not to exceed 80 percent of total project cost:
3 *Provided further*, That, notwithstanding any other provi-
4 sion of law regarding payment of a non-Federal share in
5 connection with a grant-in-aid program, amounts under
6 this heading shall be available for the payment of such
7 a non-Federal share for programs undertaken to carry out
8 the purposes of the Commission.

9 NORTHERN BORDER REGIONAL COMMISSION

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

17 NUCLEAR REGULATORY COMMISSION

18 SALARIES AND EXPENSES

19 (INCLUDING RESCISSION OF FUNDS)

20 For expenses necessary for the Commission in car-
21 rying out the purposes of the Energy Reorganization Act
22 of 1974 and the Atomic Energy Act of 1954,
23 \$914,137,000, including official representation expenses
24 not to exceed \$25,000, to remain available until expended:
25 *Provided*, That of the amount appropriated herein, not

1 more than \$7,500,000 may be made available for salaries,
2 travel, and other support costs for the Office of the Com-
3 mission, to remain available until September 30, 2019, of
4 which, notwithstanding section 201(a)(2)(c) of the Energy
5 Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)),
6 the use and expenditure shall only be approved by a major-
7 ity vote of the Commission: *Provided further*, That reve-
8 nues from licensing fees, inspection services, and other
9 services and collections estimated at \$807,848,000 in fis-
10 cal year 2018 shall be retained and used for necessary
11 salaries and expenses in this account, notwithstanding 31
12 U.S.C. 3302, and shall remain available until expended:
13 *Provided further*, That the sum herein appropriated shall
14 be reduced by the amount of revenues received during fis-
15 cal year 2018 so as to result in a final fiscal year 2018
16 appropriation estimated at not more than \$106,221,000:
17 *Provided further*, That of the amounts appropriated under
18 this heading, \$10,000,000 shall be for university research
19 and development in areas relevant to the Commission's
20 mission, and \$5,000,000 shall be for a Nuclear Science
21 and Engineering Grant Program that will support
22 multiyear projects that do not align with programmatic
23 missions but are critical to maintaining the discipline of
24 nuclear science and engineering: *Provided further*, That
25 \$68,076.04 of unobligated balances from the funds trans-

1 ferred to the Nuclear Regulatory Commission from the
2 United States Agency for International Development pur-
3 suant to section 632(a) of the Foreign Assistance Act of
4 1961 are rescinded: *Provided further*, That no amounts in
5 the previous proviso shall be rescinded from amounts that
6 were designated by Congress as an emergency requirement
7 pursuant to a concurrent resolution on the budget or the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 OFFICE OF INSPECTOR GENERAL

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

1 Defense Nuclear Facilities Safety Board, which shall not
2 be available from fee revenues.

3 NUCLEAR WASTE TECHNICAL REVIEW BOARD

4 SALARIES AND EXPENSES

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

10 GENERAL PROVISIONS—INDEPENDENT

11 AGENCIES

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

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

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

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

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

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

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

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

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

11 TITLE V

12 GENERAL PROVISIONS

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

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

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

5 (b) None of the funds made available for any depart-
6 ment, agency, or instrumentality of the United States
7 Government may be transferred to accounts funded in title
8 III of this Act, except pursuant to a transfer made by or
9 transfer authority provided in this Act or any other appro-
10 priations Act for any fiscal year, transfer authority ref-
11 erenced in the explanatory statement described in section
12 4 (in the matter preceding division A of this consolidated
13 Act), or any authority whereby a department, agency, or
14 instrumentality of the United States Government may
15 provide goods or services to another department, agency,
16 or instrumentality.

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

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

5 This division may be cited as the “Energy and Water
6 Development and Related Agencies Appropriations Act,
7 2018”.

Calendar No. 178

115TH CONGRESS
1ST Session

S. 1609

[Report No. 115-132]

A BILL

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

JULY 20, 2017

Read twice and placed on the calendar