

**GENERAL PROVISIONS—DEPARTMENT OF ENERGY**  
**(INCLUDING TRANSFER OF FUNDS)**

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.

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

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

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

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

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

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

(3) The notification required by paragraph (1) and the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, the account and program, project, or activity from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

(c) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multiyear contract, award a multiyear grant, or enter into a multiyear cooperative agreement unless—

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future year budget authority and the Secretary notifies the Committees on Appropriations of both Houses of Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g), the amounts made available by this title shall be expended as authorized by law for the programs, projects, and activities specified in the "Conference" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the joint explanatory statement accompanying this Act.

(e) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify, and obtain the prior approval of, 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, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

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

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

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

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

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

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

SEC. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year [2019]2020 until the enactment of the Intelligence Authorization Act for fiscal year [2019]2020.

SEC. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

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

[SEC. 305. The Secretary of Energy may not transfer more than \$274,833,000 from the amounts made available under this title to the working capital fund established under section 653 of the Department of Energy Organization Act (42 U.S.C. 7263): *Provided*, That the Secretary may transfer additional amounts to the working capital fund after the Secretary provides notification in advance of any such transfer to the Committees on Appropriations of both Houses of Congress: *Provided further*, That any such notification shall identify the sources of funds by program, project, or activity: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress before adding or removing any activities from the fund.]

SEC. [306]305. (a) None of the funds made available in this or any prior Act under the heading "Defense Nuclear Nonproliferation" may be made available to enter into new contracts with, or new agreements for Federal assistance to, the Russian Federation. (b) The Secretary of Energy may waive the prohibition in subsection (a) if the Secretary determines that such activity is in the national security interests of the United States. This waiver authority may not be delegated. (c) A waiver under subsection (b) shall not be effective until 15 days after the date on which the Secretary submits to the Committees on Appropriations of both Houses of Congress, in classified form if necessary, a report on the justification for the waiver.

[SEC. 307. (a) NEW REGIONAL RESERVES.—The Secretary of Energy may not establish any new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explicitly requested in advance in an annual budget submission and approved by the Congress in an appropriations Act.

(b) The budget request or notification shall include—

(1) the justification for the new reserve;

(2) a cost estimate for the establishment, operation, and maintenance of the reserve, including funding sources;

(3) a detailed plan for operation of the reserve, including the conditions upon which the products may be released;

(4) the location of the reserve; and

(5) the estimate of the total inventory of the reserve.]

SEC. [308]306. Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), upon a determination by the President in this fiscal year that a regional supply shortage of refined petroleum product of significant scope and duration exists, that a severe increase in the price of refined petroleum product will likely result from such shortage, and that a draw down and sale of refined petroleum product would assist directly and

significantly in reducing the adverse impact of such shortage, the Secretary of Energy may draw down and sell refined petroleum product from the Strategic Petroleum Reserve. Proceeds from a sale under this section shall be deposited into the SPR Petroleum Account established in section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247), and such amounts shall be available for obligation, without fiscal year limitation, consistent with that section.

*SEC. 307. Section 310 of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 50 U.S.C. 2743a note) and section 306 of the Consolidated Appropriations Act, 2012 (Public Law 112–74; 50 U.S.C. 2743a) are repealed.*

*SEC. 308. Not to exceed 5 percent of any appropriation made available for Department of Energy activities funded in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 percent by any such transfers, and notification of any such transfers shall be submitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.*

*SEC. 309. (a) Allowable Costs.— (1) Section 4801(b) of the Atomic Energy Defense Act (50 U.S.C. 2781(b)) is amended— (A) by striking "(1)" and all that follows through "the Secretary" and inserting "The Secretary"; and (B) by striking paragraph (2). (2) Section 305 of the Energy and Water Development Appropriation Act, 1988, as contained in section 101(d) of Public Law 100–202 (101 Stat. 1329–125), is repealed. (b) Regulations Revised.—The Secretary of Energy shall revise existing regulations consistent with the repeal of 50 U.S.C. 2781(b)(2) and section 305 of Public Law 100–202 and shall issue regulations to implement 50 U.S.C. 2781(b), as amended by subsection (a), no later than 150 days after the date of the enactment of this Act. Such regulations shall be consistent with the Federal Acquisition Regulation 48 C.F.R. 31.205–22.*

*SEC. 310. Notwithstanding provisions of title 5, United States Code, the Southeastern Power Administration shall pay power system dispatchers at basic pay and premium pay rates that are based on those prevailing for similar occupations in the electric power industry. Pay may not be paid, by reason of this section, at a rate in excess of the rate of basic pay for level V of the Executive Schedule.*

*SEC. 311. Section 3131 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2701 note) is amended by striking "or the defense activities of the Department of Energy".*

*(Energy and Water Development and Related Agencies Appropriations Act, 2019.)*

## TITLE V – GENERAL PROVISIONS

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 joint explanatory statement 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 appropriations Act for any fiscal year, transfer authority referenced in the joint explanatory statement 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. (c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of both Houses of Congress a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not replace or modify existing notification requirements for each authority.

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

SEC. 504. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. (b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

*SEC. 505. Section 611 of the Energy and Water Development Appropriations Act, 2000 (P.L. 106–60; 10 U.S.C. 2701 note) is amended as follows: (a) In subsection (a), by striking "the Army, acting through the Chief of Engineers" and inserting "Energy". (b) In subsection (a)(6), by striking "by the Secretary of the Army, acting through the Chief of Engineers" and striking ", which may be transferred upon completion of remediation to the administrative jurisdiction of the Secretary of Energy". (c) In subsection (a), by adding after paragraph (6) the following undesignated matter: "Upon completion of remediation of a site acquired by the Secretary of the Army prior to fiscal year 2020, the Secretary of the Army may transfer administrative jurisdiction of such site to the Secretary of Energy.". (d) In subsection (b), by striking "the Army, acting through the Chief of Engineers," and inserting "Energy". (e) In subsection (c), by striking "amounts made available to carry out that program and shall be available until expended for costs of response actions for any eligible site" and inserting "'Other Defense Activities' appropriation account or successor appropriation account and shall be available until expended for costs of response actions for any eligible Formerly Utilized Sites Remedial Action Program Site". (f) By redesignating subsection (f) as subsection (g). (g) By inserting after subsection (e) the following new subsection: "(f) The Secretary of Energy, in carrying out subsection (a), shall enter into an agreement with the Secretary of the Army to carry out the functions and activities described in subsections (a)(1) through (a)(6).".*

[SEC. 505. For an additional amount for "Department of the Interior—Bureau of Reclamation—Water and Related Resources", \$21,400,000, to remain available until expended, for transfer to Reclamation's Upper Colorado River Basin Fund to carry out environmental stewardship and endangered species recovery efforts pursuant to the Grand

Canyon Protection Act of 1992 (Public Law 102–575), Public Law 106–392, the Colorado River Basin Project Act (43 U.S.C. 1551(b)), and the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620n). This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2019".]

*(Energy and Water Development and Related Agencies Appropriations Act, 2019.)*