

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 ENERGY EFFICIENCY AND RENEWABLE ENERGY
5 (INCLUDING RESCISSION OF FUNDS)
6 For Department of Energy expenses including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment, and other expenses necessary for energy
9 efficiency and renewable energy activities in carrying out
10 the purposes of the Department of Energy Organization
11 Act (42 U.S.C. 7101 et seq.), including the acquisition or
12 condemnation of any real property or any facility or for
13 plant or facility acquisition, construction, or expansion,
14 \$2,850,240,000, to remain available until expended: *Pro-*
15 *vided*, That of such amount, \$161,000,000 shall be avail-
16 able until September 30, 2022, for program direction: *Pro-*
17 *vided further*, That of the unobligated balances available
18 from amounts appropriated in Public Law 111–8 under
19 this heading, \$806,831 is hereby rescinded: *Provided fur-*
20 *ther*, That of the unobligated balances available from
21 amounts appropriated in Public Law 111–85 under this
22 heading, \$1,433,463 is hereby rescinded: *Provided further*,
23 That no amounts may be rescinded under the previous two
24 provisos from amounts that were designated by the Con-
25 gress as an emergency requirement pursuant to the Con-

1 current Resolution on the Budget or the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
4 RESPONSE

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 sector cybersecurity, energy security, and emergency re-
9 sponse activities in carrying out the purposes of the De-
10 partment of Energy Organization Act (42 U.S.C. 7101 et
11 seq.), including the acquisition or condemnation of any
12 real property or any facility or for plant or facility acquisi-
13 tion, construction, or expansion, \$156,000,000, to remain
14 available until expended: *Provided*, That of such amount,
15 \$11,521,000 shall be available until September 30, 2022,
16 for program direction.

17 ELECTRICITY

18 For Department of Energy expenses including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment, and other expenses necessary for elec-
21 tricity activities in carrying out the purposes of the De-
22 partment of Energy Organization Act (42 U.S.C. 7101 et
23 seq.), including the acquisition or condemnation of any
24 real property or any facility or for plant or facility acquisi-
25 tion, construction, or expansion, \$223,000,000, to remain

1 available until expended: *Provided*, That of such amount,
2 \$18,000,000 shall be available until September 30, 2022,
3 for program direction.

4 NUCLEAR 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 nuclear
8 energy activities in carrying out the purposes of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including the acquisition or condemnation of any
11 real property or any facility or for plant or facility acquisi-
12 tion, construction, or expansion, \$1,505,300,000, to re-
13 main available until expended: *Provided*, That of such
14 amount, \$27,500,000 shall be derived from the Nuclear
15 Waste Fund and shall be available for expenses necessary
16 for activities to carry out the purposes of the Nuclear
17 Waste Policy Act of 1982, including interim storage activi-
18 ties: *Provided further*, That of such amount, \$75,131,000
19 shall be available until September 30, 2022, for program
20 direction.

21 URANIUM RESERVE PROGRAM

22 For Department of Energy expenses necessary for
23 Uranium Reserve activities to carry out the purposes of
24 the Department of Energy Organization Act (42 U.S.C.

1 7101 et seq., \$120,000,000 to remain available until ex-
2 pended.

3 Fossil Energy Research and Development

4 For Department of Energy expenses necessary in car-
5 rying out fossil energy research and development activi-
6 ties, under the authority of the Department of Energy Or-
7 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
8 quisition of interest, including defeasible and equitable in-
9 terests in any real property or any facility or for plant
10 or facility acquisition or expansion, and for conducting in-
11 quiries, technological investigations and research con-
12 cerning the extraction, processing, use, and disposal of
13 mineral substances without objectionable social and envi-
14 ronmental costs (30 U.S.C. 3, 1602, and 1603),
15 \$750,000,000, to remain available until expended: *Pro-*
16 *vided*, That of such amount \$61,500,000 shall be available
17 until September 30, 2022, for program direction.

18 Naval Petroleum and Oil Shale Reserves

19 For Department of Energy expenses necessary to
20 carry out naval petroleum and oil shale reserve activities,
21 \$13,006,000, to remain available until expended: *Pro-*
22 *vided*, That notwithstanding any other provision of law,
23 unobligated funds remaining from prior years shall be
24 available for all naval petroleum and oil shale reserve ac-
25 tivities.

1 STRATEGIC PETROLEUM RESERVE

2 For Department of Energy expenses necessary for
3 Strategic Petroleum Reserve facility development and op-
4 erations and program management activities pursuant to
5 the Energy Policy and Conservation Act (42 U.S.C. 6201
6 et seq.), \$187,081,000, to remain available until expended.

7 SPR PETROLEUM ACCOUNT

8 For the acquisition, transportation, and injection of
9 petroleum products, and for other necessary expenses pur-
10 suant to the Energy Policy and Conservation Act of 1975,
11 as amended (42 U.S.C. 6201 et seq.), sections 403 and
12 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
13 6241, 6239 note), and section 5010 of the 21st Century
14 Cures Act (Public Law 114–255), \$1,000,000, to remain
15 available until expended.

16 NORTHEAST HOME HEATING OIL RESERVE

17 For Department of Energy expenses necessary for
18 Northeast Home Heating Oil Reserve storage, operation,
19 and management activities pursuant to the Energy Policy
20 and Conservation Act (42 U.S.C. 6201 et seq.),
21 \$10,000,000, to remain available until expended.

22 ENERGY INFORMATION ADMINISTRATION

23 For Department of Energy expenses necessary in car-
24 rying out the activities of the Energy Information Admin-

1 istration, \$126,800,000, to remain available until ex-
2 pended.

3 NON-DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for non-de-
7 fense environmental cleanup activities in carrying out the
8 purposes of the Department of Energy Organization Act
9 (42 U.S.C. 7101 et seq.), including the acquisition or con-
10 demnation of any real property or any facility or for plant
11 or facility acquisition, construction, or expansion,
12 \$326,000,000, to remain available until expended: *Pro-*
13 *vided*, That, in addition, fees collected pursuant to sub-
14 section (b)(1) of section 6939f of title 42, United States
15 Code, and deposited under this heading in fiscal year 2021
16 pursuant to section 309 of title III of division C of Public
17 Law 116–94 are appropriated, to remain available until
18 expended, for mercury storage costs.

19 URANIUM ENRICHMENT DECONTAMINATION AND
20 DECOMMISSIONING FUND

21 For Department of Energy expenses necessary in car-
22 rying out uranium enrichment facility decontamination
23 and decommissioning, remedial actions, and other activi-
24 ties of title II of the Atomic Energy Act of 1954, and
25 title X, subtitle A, of the Energy Policy Act of 1992,

1 \$848,000,000, to be derived from the Uranium Enrich-
2 ment Decontamination and Decommissioning Fund, to re-
3 main available until expended, of which \$10,000,000 shall
4 be available in accordance with title X, subtitle A, of the
5 Energy Policy Act of 1992.

6 SCIENCE

7 For Department of Energy expenses including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment, and other expenses necessary for science
10 activities in carrying out the purposes of the Department
11 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
12 cluding the acquisition or condemnation of any real prop-
13 erty or any facility or for plant or facility acquisition, con-
14 struction, or expansion, and purchase of not more than
15 35 passenger motor vehicles for replacement only,
16 \$7,026,000,000, to remain available until expended: *Pro-*
17 *vided*, That of such amount, \$188,000,000 shall be avail-
18 able until September 30, 2022, for program direction.

19 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

20 For Department of Energy expenses necessary in car-
21 rying out the activities authorized by section 5012 of the
22 America COMPETES Act (Public Law 110–69),
23 \$430,000,000, to remain available until expended: *Pro-*
24 *vided*, That of such amount, \$35,000,000 shall be avail-
25 able until September 30, 2022, for program direction.

1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
2 PROGRAM

3 Such sums as are derived from amounts received
4 from borrowers pursuant to section 1702(b) of the Energy
5 Policy Act of 2005 under this heading in prior Acts, shall
6 be collected in accordance with section 502(7) of the Con-
7 gressional Budget Act of 1974: *Provided*, That for nec-
8 essary administrative expenses of the Title 17 Innovative
9 Technology Loan Guarantee Program, as authorized,
10 \$32,000,000 is appropriated, to remain available until
11 September 30, 2022: *Provided further*, That up to
12 \$32,000,000 of fees collected in fiscal year 2021 pursuant
13 to section 1702(h) of the Energy Policy Act of 2005 shall
14 be credited as offsetting collections under this heading and
15 used for necessary administrative expenses in this appro-
16 priation and shall remain available until September 30,
17 2022: *Provided further*, That to the extent that fees col-
18 lected in fiscal year 2021 exceed \$32,000,000, those ex-
19 cess amounts shall be credited as offsetting collections
20 under this heading and available in future fiscal years only
21 to the extent provided in advance in appropriations Acts:
22 *Provided further*, That the sum herein appropriated from
23 the general fund shall be reduced (1) as such fees are re-
24 ceived during fiscal year 2021 (estimated at \$3,000,000)
25 and (2) to the extent that any remaining general fund ap-

1 appropriations can be derived from fees collected in previous
2 fiscal years that are not otherwise appropriated, so as to
3 result in a final fiscal year 2021 appropriation from the
4 general fund estimated at \$0: *Provided further*, That the
5 Department of Energy shall not subordinate any loan obli-
6 gation to other financing in violation of section 1702 of
7 the Energy Policy Act of 2005 or subordinate any Guar-
8 teed Obligation to any loan or other debt obligations in
9 violation of section 609.10 of title 10, Code of Federal
10 Regulations.

11 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
12 LOAN PROGRAM

13 For Department of Energy administrative expenses
14 necessary in carrying out the Advanced Technology Vehi-
15 cles Manufacturing Loan Program, \$5,000,000, to remain
16 available until September 30, 2022.

17 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

18 For Department of Energy administrative expenses
19 necessary in carrying out the Tribal Energy Loan Guar-
20 antee Program, \$2,000,000, to remain available until Sep-
21 tember 30, 2022.

22 OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

23 For necessary expenses for Indian Energy activities
24 in carrying out the purposes of the Department of Energy
25 Organization Act (42 U.S.C. 7101 et seq.), \$22,000,000,

1 to remain available until expended: *Provided*, That, of the
2 amount appropriated under this heading, \$5,000,000 shall
3 be available until September 30, 2022, for program direc-
4 tion.

5 DEPARTMENTAL ADMINISTRATION

6 For salaries and expenses of the Department of En-
7 ergy necessary for departmental administration in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), \$254,378,000, to
10 remain available until September 30, 2022, including the
11 hire of passenger motor vehicles and official reception and
12 representation expenses not to exceed \$30,000, plus such
13 additional amounts as necessary to cover increases in the
14 estimated amount of cost of work for others notwith-
15 standing the provisions of the Anti-Deficiency Act (31
16 U.S.C. 1511 et seq.): *Provided*, That such increases in
17 cost of work are offset by revenue increases of the same
18 or greater amount: *Provided further*, That moneys received
19 by the Department for miscellaneous revenues estimated
20 to total \$93,378,000 in fiscal year 2021 may be retained
21 and used for operating expenses within this account, as
22 authorized by section 201 of Public Law 95–238, notwith-
23 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
24 *ther*, That the sum herein appropriated shall be reduced
25 as collections are received during the fiscal year so as to

1 result in a final fiscal year 2021 appropriation from the
2 general fund estimated at not more than \$161,000,000.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses necessary for the Office of the Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$57,739,000, to remain available
7 until September 30, 2022.

8 ATOMIC ENERGY DEFENSE ACTIVITIES NA-
9 TIONAL NUCLEAR SECURITY ADMINISTRA-
10 TION

11 WEAPONS ACTIVITIES

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other incidental expenses necessary for
15 atomic energy defense weapons activities in carrying out
16 the purposes of the Department of Energy Organization
17 Act (42 U.S.C. 7101 et seq.), including the acquisition or
18 condemnation of any real property or any facility or for
19 plant or facility acquisition, construction, or expansion,
20 and the purchase of not to exceed one ambulance for re-
21 placement only, \$15,602,000,000, to remain available
22 until expended: *Provided*, That of such amount,
23 \$123,684,000 shall be available until September 30, 2022,
24 for program direction.

1 DEFENSE NUCLEAR NONPROLIFERATION

2 For Department of Energy expenses, including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment and other incidental expenses necessary for
5 defense nuclear nonproliferation activities, in carrying out
6 the purposes of the Department of Energy Organization
7 Act (42 U.S.C. 7101 et seq.), including the acquisition or
8 condemnation of any real property or any facility or for
9 plant or facility acquisition, construction, or expansion,
10 and the purchase of not to exceed two aircraft,
11 \$2,095,000,000, to remain available until expended: *Pro-*
12 *vided*, That of such amount, \$30,000,000 shall be for the
13 Uranium Reserve Program.

14 NAVAL REACTORS

15 (INCLUDING TRANSFER OF FUNDS)

16 For Department of Energy expenses necessary for
17 naval reactors activities to carry out the Department of
18 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
19 ing the acquisition (by purchase, condemnation, construc-
20 tion, or otherwise) of real property, plant, and capital
21 equipment, facilities, and facility expansion,
22 \$1,684,000,000, to remain available until expended, of
23 which, \$87,275,000 shall be transferred to “Department
24 of Energy—Energy Programs—Nuclear Energy”, for the
25 Advanced Test Reactor: *Provided*, That of such amount,

1 \$51,700,000 shall be available until September 30, 2022,
2 for program direction.

3 FEDERAL SALARIES AND EXPENSES

4 For expenses necessary for Federal Salaries and Ex-
5 penses in the National Nuclear Security Administration,
6 \$443,200,000, to remain available until September 30,
7 2022, including official reception and representation ex-
8 penses not to exceed \$17,000.

9 ENVIRONMENTAL AND OTHER DEFENSE

10 ACTIVITIES

11 DEFENSE ENVIRONMENTAL CLEANUP

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other expenses necessary for atomic
15 energy defense environmental cleanup activities in car-
16 rying out the purposes of the Department of Energy Orga-
17 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
18 sition or condemnation of any real property or any facility
19 or for plant or facility acquisition, construction, or expan-
20 sion, \$6,360,000,000, to remain available until expended:
21 *Provided*, That of such amount, \$289,000,000 shall be
22 available until September 30, 2022, for program direction.

23 OTHER DEFENSE ACTIVITIES

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

1 Control Act of 1944 (16 U.S.C. 825s), as applied to the
2 southeastern power area, \$7,246,000, including official re-
3 ception and representation expenses in an amount not to
4 exceed \$1,500, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding 31 U.S.C. 3302 and section
6 5 of the Flood Control Act of 1944, up to \$7,246,000 col-
7 lected by the Southeastern Power Administration from the
8 sale of power and related services shall be credited to this
9 account as discretionary offsetting collections, to remain
10 available until expended for the sole purpose of funding
11 the annual expenses of the Southeastern Power Adminis-
12 tration: *Provided further*, That the sum herein appro-
13 priated for annual expenses shall be reduced as collections
14 are received during the fiscal year so as to result in a final
15 fiscal year 2021 appropriation estimated at not more than
16 \$0: *Provided further*, That notwithstanding 31 U.S.C.
17 3302, up to \$52,000,000 collected by the Southeastern
18 Power Administration pursuant to the Flood Control Act
19 of 1944 to recover purchase power and wheeling expenses
20 shall be credited to this account as offsetting collections,
21 to remain available until expended for the sole purpose
22 of making purchase power and wheeling expenditures:
23 *Provided further*, That for purposes of this appropriation,
24 annual expenses means expenditures that are generally re-

1 covered in the same year that they are incurred (excluding
2 purchase power and wheeling expenses).

3 OPERATION AND MAINTENANCE, SOUTHWESTERN
4 POWER ADMINISTRATION

5 For expenses necessary for operation and mainte-
6 nance of power transmission facilities and for marketing
7 electric power and energy, for construction and acquisition
8 of transmission lines, substations and appurtenant facili-
9 ties, and for administrative expenses, including official re-
10 ception and representation expenses in an amount not to
11 exceed \$1,500 in carrying out section 5 of the Flood Con-
12 trol Act of 1944 (16 U.S.C. 825s), as applied to the
13 Southwestern Power Administration, \$47,540,000, to re-
14 main available until expended: *Provided*, That notwith-
15 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
16 trol Act of 1944 (16 U.S.C. 825s), up to \$37,140,000 col-
17 lected by the Southwestern Power Administration from
18 the sale of power and related services shall be credited to
19 this account as discretionary offsetting collections, to re-
20 main available until expended, for the sole purpose of
21 funding the annual expenses of the Southwestern Power
22 Administration: *Provided further*, That the sum herein ap-
23 propriated for annual expenses shall be reduced as collec-
24 tions are received during the fiscal year so as to result
25 in a final fiscal year 2021 appropriation estimated at not

1 more than \$10,400,000: *Provided further*, That notwith-
2 standing 31 U.S.C. 3302, up to \$15,000,000 collected by
3 the Southwestern Power Administration pursuant to the
4 Flood Control Act of 1944 to recover purchase power and
5 wheeling expenses shall be credited to this account as off-
6 setting collections, to remain available until expended for
7 the sole purpose of making purchase power and wheeling
8 expenditures: *Provided further*, That for purposes of this
9 appropriation, annual expenses means expenditures that
10 are generally recovered in the same year that they are in-
11 curred (excluding purchase power and wheeling expenses).

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

15 For carrying out the functions authorized by title III,
16 section 302(a)(1)(E) of the Act of August 4, 1977 (42
17 U.S.C. 7152), and other related activities including con-
18 servation and renewable resources programs as author-
19 ized, \$259,126,000, including official reception and rep-
20 resentation expenses in an amount not to exceed \$1,500,
21 to remain available until expended, of which \$259,126,000
22 shall be derived from the Department of the Interior Rec-
23 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
24 3302, section 5 of the Flood Control Act of 1944 (16
25 U.S.C. 825s), and section 1 of the Interior Department

1 Appropriation Act, 1939 (43 U.S.C. 392a), up to
2 \$169,754,000 collected by the Western Area Power Ad-
3 ministration from the sale of power and related services
4 shall be credited to this account as discretionary offsetting
5 collections, to remain available until expended, for the sole
6 purpose of funding the annual expenses of the Western
7 Area Power Administration: *Provided further*, That the
8 sum herein appropriated for annual expenses shall be re-
9 duced as collections are received during the fiscal year so
10 as to result in a final fiscal year 2021 appropriation esti-
11 mated at not more than \$89,372,000, of which
12 \$89,372,000 is derived from the Reclamation Fund: *Pro-*
13 *vided further*, That notwithstanding 31 U.S.C. 3302, up
14 to \$172,000,000 collected by the Western Area Power Ad-
15 ministration pursuant to the Flood Control Act of 1944
16 and the Reclamation Project Act of 1939 to recover pur-
17 chase power and wheeling expenses shall be credited to
18 this account as offsetting collections, to remain available
19 until expended for the sole purpose of making purchase
20 power and wheeling expenditures: *Provided further*, That
21 for purposes of this appropriation, annual expenses means
22 expenditures that are generally recovered in the same year
23 that they are incurred (excluding purchase power and
24 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, \$5,776,000, 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 \$5,548,000 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 2021 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 2021, the

1 Administrator of the Western Area Power Administration
2 may accept up to \$1,526,000 in funds contributed by
3 United States power customers of the Falcon and Amistad
4 Dams for deposit into the Falcon and Amistad Operating
5 and Maintenance Fund, and such funds shall be available
6 for the purpose for which contributed in like manner as
7 if said sums had been specifically appropriated for such
8 purpose: *Provided further*, That any such funds shall be
9 available without further appropriation and without fiscal
10 year limitation for use by the Commissioner of the United
11 States Section of the International Boundary and Water
12 Commission for the sole purpose of operating, maintain-
13 ing, repairing, rehabilitating, replacing, or upgrading the
14 hydroelectric facilities at these Dams in accordance with
15 agreements reached between the Administrator, Commis-
16 sioner, 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 \$404,350,000, to remain available until expended: *Pro-*

1 *vided*, That notwithstanding any other provision of law,
2 not to exceed \$404,350,000 of revenues from fees and an-
3 nual charges, and other services and collections in fiscal
4 year 2021 shall be retained and used for expenses nec-
5 essary in this account, and shall remain available until ex-
6 pended: *Provided further*, That the sum herein appro-
7 priated from the general fund shall be reduced as revenues
8 are received during fiscal year 2021 so as to result in a
9 final fiscal year 2021 appropriation from the general fund
10 estimated at not more than \$0.

11 GENERAL PROVISIONS—DEPARTMENT OF

12 ENERGY

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 301. (a) No appropriation, funds, or authority
15 made available by this title for the Department of Energy
16 shall be used to initiate or resume any program, project,
17 or activity or to prepare or initiate Requests For Proposals
18 or similar arrangements (including Requests for
19 Quotations, Requests for Information, and Funding Op-
20 portunity Announcements) for a program, project, or ac-
21 tivity if the program, project, or activity has not been
22 funded by Congress.

23 (b)(1) Unless the Secretary of Energy notifies the
24 Committees on Appropriations of both Houses of Congress

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 discre-
4 tionary grant award totaling \$1,000,000 or
5 more;

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

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

13 (D) announce publicly the intention to
14 make an allocation, award, or Agreement in ex-
15 cess of the limits in subparagraph (A) or (B).

16 (2) The Secretary of Energy shall submit to the
17 Committees on Appropriations of both Houses of
18 Congress within 15 days of the conclusion of each
19 quarter a report detailing each grant allocation or
20 discretionary grant award totaling less than
21 \$1,000,000 provided during the previous quarter.

22 (3) The notification required by paragraph (1)
23 and the report required by paragraph (2) shall in-
24 clude the recipient of the award, the amount of the
25 award, the fiscal year for which the funds for the

1 award were appropriated, the account and program,
2 project, or activity from which the funds are being
3 drawn, the title of the award, and a brief description
4 of the activity for which the award is made.

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

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

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

20 (d) Except as provided in subsections (e), (f), and (g),
21 the amounts made available by this title shall be expended
22 as authorized by law for the programs, projects, and ac-
23 tivities specified in the “Final Bill” column in the “De-
24 partment of Energy” table included under the heading

1 “Title III—Department of Energy” in the explanatory
2 statement accompanying 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 \$5,000,000 or 10 percent, whichever is less, during the
11 time 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
5 Committees on Appropriations of both Houses of
6 Congress of any waiver under paragraph (1) as soon
7 as practicable, but not later than 3 days after the
8 date of the activity to which a requirement or re-
9 striction would otherwise have applied. Such notice
10 shall include an explanation of the substantial risk
11 under paragraph (1) that permitted such waiver.

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

19 SEC. 302. Funds appropriated by this or any other
20 Act, or made available by the transfer of funds in this
21 Act, for intelligence activities are deemed to be specifically
22 authorized by the Congress for purposes of section 504
23 of the National Security Act of 1947 (50 U.S.C. 3094)
24 during fiscal year 2021 until the enactment of the Intel-
25 ligence Authorization Act for fiscal year 2021.

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. (a) Of the offsetting collections, including
16 unobligated balances of such collections, in the “Depart-
17 ment of Energy—Power Marketing Administration—Col-
18 orado River Basins Power Marketing Fund, Western Area
19 Power Administration”, \$21,400,000 shall be transferred
20 to the “Department of Interior—Bureau of Reclama-
21 tion—Upper Colorado River Basin Fund” for the Bureau
22 of Reclamation to carry out environmental stewardship
23 and endangered species recovery efforts.

24 (b) No funds shall be transferred directly from “De-
25 partment of Energy—Power Marketing Administration—

1 Colorado River Basins Power Marketing Fund, Western
2 Area Power Administration” to the general fund of the
3 Treasury in the current fiscal year.

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

5 (1) AFFECTED INDIAN TRIBE.—The term “af-
6 fected Indian tribe” has the meaning given the term
7 in section 2 of the Nuclear Waste Policy Act of 1982
8 (42 U.S.C. 10101).

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

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

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Energy.

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

23 (b) PILOT PROGRAM.—Notwithstanding any provi-
24 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
25 10101 et seq.), the Secretary is authorized, in the current

1 fiscal year and subsequent fiscal years, to conduct a pilot
2 program to license, construct, and operate 1 or more Fed-
3 eral consolidated storage facilities to provide interim stor-
4 age as needed for spent nuclear fuel and high-level radio-
5 active waste, with priority for storage given to spent nu-
6 clear fuel located on sites without an operating nuclear
7 reactor.

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

12 (1) to obtain any license necessary from the
13 Nuclear Regulatory Commission for the construction
14 of 1 or more consolidated storage facilities;

15 (2) to demonstrate the safe transportation of
16 spent nuclear fuel and high-level radioactive waste,
17 as applicable; and

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

24 (d) CONSENT-BASED APPROVAL.—Prior to siting a
25 consolidated storage facility pursuant to this section, the

1 Secretary shall enter into an agreement to host the facility
2 with—

3 (1) the Governor of the State;

4 (2) each unit of local government within the ju-
5 risdiction of which the facility is proposed to be lo-
6 cated; and

7 (3) each affected Indian tribe.

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

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

12 (2) all other applicable laws (including regula-
13 tions).

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

19 (1) an estimate of the cost of licensing, con-
20 structing, and operating a consolidated storage facil-
21 ity, including the transportation costs, on an annual
22 basis, over the expected lifetime of the facility;

23 (2) a schedule for—

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

4 (B) constructing the facility;

5 (C) transporting spent fuel to the facility;

6 and

7 (D) removing the spent fuel and decom-
8 missioning the facility;

9 (3) an estimate of the cost of any financial as-
10 sistance, compensation, or incentives proposed to be
11 paid to the host State, Indian tribe, or local govern-
12 ment;

13 (4) an estimate of any future reductions in the
14 damages expected to be paid by the United States
15 for the delay of the Department of Energy in accept-
16 ing spent fuel expected to result from the pilot pro-
17 gram;

18 (5) recommendations for any additional legisla-
19 tion needed to authorize and implement the pilot
20 program; and

21 (6) recommendations for a mechanism to en-
22 sure that any spent nuclear fuel or high-level radio-
23 active waste stored at a consolidated storage facility
24 pursuant to this section shall move to deep geologic
25 disposal capacity, following a consent-based approval

1 process for that deep geologic disposal capacity con-
2 sistent with subsection (d), within a reasonable time
3 after the issuance of a license to construct and oper-
4 ate the consolidated storage facility.

5 (g) PUBLIC PARTICIPATION.—Prior to choosing a
6 site for the construction of a consolidated storage facility
7 under this section, the Secretary shall conduct 1 or more
8 public hearings in the vicinity of each potential site and
9 in at least 1 other location within the State in which the
10 site is located to solicit public comments and recommenda-
11 tions.

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

15 SEC. 307. Notwithstanding section 161 of the Energy
16 Policy and Conservation Act (42 U.S.C. 6241), upon a
17 determination by the President in this fiscal year that a
18 regional supply shortage of refined petroleum product of
19 significant scope and duration exists, that a severe in-
20 crease in the price of refined petroleum product will likely
21 result from such shortage, and that a draw down and sale
22 of refined petroleum product would assist directly and sig-
23 nificantly in reducing the adverse impact of such shortage,
24 the Secretary of Energy may draw down and sell refined
25 petroleum product from the Strategic Petroleum Reserve.

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