

AMENDMENTS TO THE ENERGY AND WATER DEVELOPMENT AND
RELATED AGENCIES APPROPRIATIONS BILL FY2022

Full Committee Markup
House Appropriations Committee
July 16, 2021

Adopted vv

Kaptur #1
EW

House Committee on Appropriations
Subcommittee on Energy and Water Development and Related Agencies

Fiscal Year 2022 Energy and Water Development
and Related Agencies Appropriations Bill

MANAGER'S AMENDMENT

Offered by Ms. Kaptur of Ohio
(Kaptur #1)

In the REPORT:

On page 10, after the last paragraph, insert the following:

Lithium-ion Battery Technology.—The Committee recognizes that battery metals are a critical resource for domestic manufacturing and supporting the U.S. supply chain and that other countries are investing funds to grow their own lithium-ion battery supply chains. In order to effectively compete internationally, the United States must accelerate current lithium production and the pursuit of future production to support national security and other applications, including electric vehicle manufacturing. The Committee urges the Department of Energy and the Corps of Engineers to support the expeditious development and production of lithium-ion battery technology.

On page 29, strike the second full paragraph and replace with the following:

Salton Sea, California.—The Committee recognizes the role that the Corps plays in the restoration of the Salton Sea and encourages the Corps to be an active participant in restoration efforts involving federal participation, including the California Natural Resources Agency’s Salton Sea Management Plan. The Committee notes the Senate Environment and Public Works Committee Resolution dated April 25, 2016, authorizing the Imperial Stream Salton Sea study, an aquatic ecosystem restoration study on an inland lake with associated public health risks, and encourages the Corps to include appropriate funding in future budget submissions.

On page 30, after the first full paragraph, add the following:

Upper Mississippi River Basin and Northeast Iowa Flooding.—The Committee is aware that flooding is a consistent, recurring issue in Northeast Iowa and along the entire Upper Mississippi River. The repetitive flooding is causing extensive property damage, bank instability, and loss of agricultural and recreational value. Within its existing authorities, the Corps is encouraged to continue coordinating closely with affected communities in this region and to help these communities mitigate future flood disasters in this area.

On page 43, strike the second full paragraph and replace with the following:

Comprehensive Watershed Management Studies.—The Committee urges the Corps to move forward expeditiously to optimize Corps operational procedures by modernizing multi-state watershed management regimes, such as through efforts like the study described in section 213 of WRDA 2020. The section 213 study was authorized under the requirements, including cost share, of the Mississippi River and Tributaries project.

On page **100**, strike the last two lines of the page.

On page **101**, strike the first partial paragraph of the page.

On page **127**, strike the second full paragraph and insert the following:

The Committee believes it is critical that there is access to funding and support that helps to prevent future electricity disruptions, including support for local communities. The Department is encouraged to provide grants to entities for activities and infrastructure that ensure the electric grid is safe and secure from events that may disrupt it, including support for electric grid infrastructure such as transmission and distribution.

On page **134**, in the sixth full paragraph, strike “funds” and replace with “\$145,000,000”

On page **145**, strike the first full paragraph, and replace with the following:

The Committee understands that a third-party effort is underway to collect environmental samples in the area. When the sampling effort is complete, the Department is directed to consult with the Agency for Toxic Substances and Disease Registry (ATSDR) and provide to the Committee a briefing on the results. In the event that it is determined that updating the 1996 public health assessment is warranted, the Department is further directed to coordinate planning with the ATSDR, including an evaluation from ATSDR of whether an epidemiological study or comprehensive review of cancer rates in Pike and surrounding counties is warranted.

On page **147**, in the fifth full paragraph, strike “\$10,000,000” and replace with “\$15,000,000”

On page **151**, at the end of the first partial paragraph, after “community’s consensus process” add “and to conduct these activities in conjunction with university-led teams as appropriate”.

On page **157**, after the first full paragraph, insert the following new paragraph:

The Committee is concerned about the security and economic implications of America’s dependence on foreign nations to fulfill the rare earth mineral needs of America’s energy and defense sectors. The Committee is also concerned about the potential influence of foreign owned and controlled assets in the United States related to critical minerals. The Department, in coordination with relevant federal agencies, is directed to provide to the Committee not later than 60 days after enactment of this Act a report regarding any financial or technical support provided by the Department to domestic critical minerals assets and the status of such financial or technical support.

On page **166**, after the third full paragraph, insert the following:

The Committee notes that \$2,500,000 was provided in the fiscal year 2021 Act to develop plans for the permanent removal of SR-90 capsules from the Waste Encapsulation and Storage Facility. The Department is directed to utilize these funds to carry out an evaluation of removal of the capsules for possible future beneficial use. The evaluation shall include, at minimum, the specific actions necessary to prepare capsules for removal and transportation; the Department’s history with current and past transfer agreements, including the financial structure of those agreements; and the costs, benefits, and risks to the federal government of future removal actions.

Not Adopted
25-31

Rep. Ken Calvert
FY22 – Energy and Water
Amendment #1

WIIN Act Infrastructure Funding Levels

In the report:

On page 85, change House Recommended amount from “137,627” to “197,743” in the table under “Additional Funding for Ongoing Work: Water Conservation and Delivery”. Amend the report accordingly.

On page 87, change House Recommended amount from “15,500” to “20,884” in the table under “Research and Development: Desalination and Water Purification Program”. Amend the report accordingly.

On page 87, under the line titled “Subtotal, Regional Programs” insert “Use of Prior-Year Balances” and insert “-65,500” as the House Recommended amount. Amend the report accordingly.

On page 88, in the second paragraph under the header “Additional Funding for Water and Related Resources Work”, strike “\$67,000,000” and insert “\$127,116,000”.

On page 90, in the paragraph titled “Research and Development: Desalination and Water Purification Program”, strike “\$6,000,000” and insert “\$11,384,000”.

On page 91, in the paragraph titled “WaterSMART Program: Title XVI Water Reclamation & Reuse Program”, strike “\$10,000,000” and insert “\$18,973,000”.

Diaz-Balart
FY22 E+W

Withdrawn

**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. DIAZ-BALART OF FLORIDA**

Page 3, line 16, after the dollar amount, insert “(increased by \$375,000,000)”.

Page 27, line 1, after the dollar amount, insert “(reduced by \$375,000,000)”.

In the report, on page 33, in the line titled “Environmental Restoration or Compliance”, strike “\$73,632” and insert “\$448,632”.



Not Adopted
VV

Rep. David Valadao
FY22 – Energy & Water
#3

**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. VALADAO OF CALIFORNIA**

At the end of title V (before the short title), add the following:

SEC. __. CRITICALLY DESIGNATED PROJECTS.

(a) IN GENERAL. – There is authorized to be appropriated to the Secretary of the Interior, \$100,000,000 for each of the fiscal years 2022 through 2025 for a grant program for the acceleration and completion of repairs to canal infrastructure facilities in Reclamation States.

(b) ELIGIBILITY – A project eligible for funding under this section is a project where:

(1) Repairs are major, non-recurring maintenance; and

(2) In the case of repairs to conveyance assets, the Secretary, or the Governor of a state, determines that the canal facility has lost 10 percent or more of its designed carrying capacity along some portion of the facility, as a result of land subsidence; and

(3) Restoring carrying capacity of a conveyance asset would assist in meeting groundwater sustainability goals defined under state law; or

(4) Is a facility owned or operated by a state and meets the requirements of subparagraphs (1), (2), and (3) above.

(c) COST SHARING. –

(1) FEDERAL SHARE – The Federal share of the cost of carrying out an activity described in this section shall not be more than 50 percent.

(2) NON-FEDERAL SHARE – The non-federal share of the cost of carrying out an activity described in the section

(A) shall be not less than 50 percent and:

(B) may be provided in cash or in kind.

(d) RESTRICTIONS – Funds authorized to be appropriated under this section may not be used to build new surface storage or raise existing reservoirs.

(e) SAVINGS – Federal funds provided under this Section shall be in addition to any and all Federal funding authorized in statute for such purposes, and shall be non-reimbursable.

(f) DEFINITIONS – In this section:

(1) Reclamation State. – The term “Reclamation State” has the meaning given such term in section 4014 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note; Public Law 114-322).

Withdrawn

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Rep. Henry Cuellar
FY22 – Energy & Water
Amendment #1

**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. CUELLAR OF TEXAS**

At the end of the bill (before the short title), insert
the following:

1 SEC. _____. Except for a facility located at an exist-
2 ing Department of Energy site, or a facility authorized
3 by the Nuclear Waste Policy Act of 1982, none of the
4 funds made available by this Act or any other Act, with
5 respect to any fiscal year, may be used for any costs of
6 storage of spent nuclear fuel at, or transportation of spent
7 nuclear fuel to, a consolidated, away-from-reactor, storage
8 facility that is not in operation on or before the date of
9 the enactment of this Act.



Rep. Ken Calvert
FY22 Energy + Water
Amendment #2

Not Adopted W

**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. CALVERT OF CALIFORNIA**

Page 19, line 22, strike the period and insert the following “: *Provided further*, That in accordance with section 4007 of Public Law 114-322, and as recommended by the Secretary of the Interior in letters dated February 13, 2019, June 22, 2020, and December 3, 2020, funding provided for such purposes in prior fiscal years may be made available to the Shasta Dam and Reservoir Enlargement Project.”.

Strike section 208.



Not Adopted
25-32

Rep. David Valadao
FY22 – Energy & Water
#1
Version 2

**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. VALADAO OF CALIFORNIA**

At the end of title V (before the short title), add the following:

SEC. __. EXTENSION OF AUTHORITY.

Title III, Subtitle J of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322) is amended—

(1) in section 4007(i) (43 U.S.C. 390(b) note), by striking “January 1, 2021” and inserting “January 1, 2022”; and

(2) in section 4013 (43 U.S.C. 390(b) note)—

(A) in the first sentence, by striking “the date that is 5 years after the date of its enactment” and inserting “December 16, 2022”.

Not Adopted
24-33

Rep. David Valadao
FY22 – Energy & Water
#2

**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. VALADAO OF CALIFORNIA**

At the end of title V (before the short title), add the following:

SEC. __. BIOLOGICAL OPINION IN COMPLIANCE WITH APPLICABLE LAW.

(a) IN GENERAL.—

(1) It is the sense of Congress that the Central Valley Project and the State Water Project shall be operated, notwithstanding any other law, in a manner consistent with the Salmonid Biological Opinion and Smelt Biological Opinion.

(2) The Congress finds that the Biological Opinion on the Long-Term Operational Criteria and Plan for coordination of the Central Valley Project and State Water Project issued by the United States Fish and Wildlife Service on December 15, 2008, and the Biological Opinion on the Long-Term Operations of the Central Valley Project and State Water Project issued by the National Marine Fisheries Service on June 4, 2009, no longer reflect the best available science and are not in compliance with the Endangered Species Act of 1973.

(3) In future consultations for the coordinated operations of the Central Valley Project and State Water Project under the Endangered Species Act of 1973, the Secretaries shall follow the consultation process in section 4004 of the Water Infrastructure Improvements for the Nation Act.

(b) DEFINITIONS.—In this section—

(1) the term “Central Valley Project” has the meaning given the term in section 3403 of the Central Valley Project Improvement Act (106 Stat. 4707);

(2) the term “Salmonid Biological Opinion” means the Biological Opinion issued by the National Marine Fisheries Service for long-term operations of the Central Valley Project and State Water Project on October 21, 2019;

(3) the term “Secretaries” means—

(A) the Secretary of Commerce; and

(B) the Secretary of the Interior;

(4) the term “Smelt Biological Opinion” means the Biological Opinion issued by the United States Fish and Wildlife Service for long-term operations of the Central Valley Project and State Water Project on October 21, 2019;

(5) the term “State” means the State of California; and

(6) the term “State Water Project” means the water project described by California Water Code section 11550 et seq. and operated by the California Department of Water Resources.

Not Adopted
24-33

Rep. Ben Cline
FY22 - E+W

**AMENDMENT TO ENERGY AND WATER
APPROPRIATIONS BILL
OFFERED BY MR. CLINE OF VIRGINIA**

At the end of the bill (before the short title), insert
the following:

1 STATE-OWNED ENTERPRISES PROHIBITION

2 SEC. ____ . (a) INNOVATE IN AMERICA.—None of the
3 funds made available by this Act may be used by the Sec-
4 retary of Energy to award a contract, subcontract, grant,
5 or loan to an entity that—

6 (1) is owned or controlled by, is a subsidiary of,
7 or is otherwise related legally or financially to a cor-
8 poration based in a country that—

9 (A) is identified as a nonmarket economy
10 country (as defined in section 771(18) of the
11 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
12 the date of enactment of this Act;

13 (B) was identified by the United States
14 Trade Representative in the most recent report
15 required by section 182 of the Trade Act of
16 1974 (19 U.S.C. 2242) as a priority foreign
17 country under subsection (a)(2) of that section;
18 and

1 (C) is subject to monitoring by the Trade
2 Representative under section 306 of the Trade
3 Act of 1974 (19 U.S.C. 2416); or

4 (2) is listed pursuant to section 9(b)(3) of the
5 Uyghur Human Rights Policy Act of 2020 (Public
6 Law 116–145).

7 (b) EXCEPTION.—For purposes of subsection (a), the
8 Secretary of Energy may issue a waiver, to be made pub-
9 licly available, to an entity in which the legal or financial
10 connection to a corporation is a minority relationship or
11 investment.

12 (c) INTERNATIONAL AGREEMENTS.—This section
13 shall be applied in a manner consistent with the obliga-
14 tions of the United States under applicable international
15 agreements.

