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[Report No. 117-____]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2023, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE --, 2022

Ms. KAPTUR, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2023, 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 the
5 fiscal year ending September 30, 2023, and for other pur-
6 poses, namely:

7 TITLE I

8 CORPS OF ENGINEERS—CIVIL

9 DEPARTMENT OF THE ARMY

10 CORPS OF ENGINEERS—CIVIL

11 The following appropriations shall be expended under
12 the direction of the Secretary of the Army and the super-
13 vision of the Chief of Engineers for authorized civil func-
14 tions of the Department of the Army pertaining to river
15 and harbor, flood and storm damage reduction, shore pro-
16 tection, aquatic ecosystem restoration, and related efforts.

17 INVESTIGATIONS

18 For expenses necessary where authorized by law for
19 the collection and study of basic information pertaining
20 to river and harbor, flood and storm damage reduction,
21 shore protection, aquatic ecosystem restoration, and re-
22 lated needs; for surveys and detailed studies, and plans
23 and specifications of proposed river and harbor, flood and
24 storm damage reduction, shore protection, and aquatic
25 ecosystem restoration projects, and related efforts prior to

1 construction; for restudy of authorized projects; and for
2 miscellaneous investigations, and, when authorized by law,
3 surveys and detailed studies, and plans and specifications
4 of projects prior to construction, \$160,000,000, to remain
5 available until expended: *Provided*, That the Secretary
6 shall not deviate from the work plan, once the plan has
7 been submitted to the Committees on Appropriations of
8 both Houses of Congress.

9 CONSTRUCTION

10 For expenses necessary for the construction of river
11 and harbor, flood and storm damage reduction, shore pro-
12 tection, aquatic ecosystem restoration, and related
13 projects authorized by law; for conducting detailed studies,
14 and plans and specifications, of such projects (including
15 those involving participation by States, local governments,
16 or private groups) authorized or made eligible for selection
17 by law (but such detailed studies, and plans and specifica-
18 tions, shall not constitute a commitment of the Govern-
19 ment to construction); \$2,475,152,000, to remain avail-
20 able until expended; of which \$43,011,000 shall be derived
21 from the Harbor Maintenance Trust Fund to cover the
22 Federal share of construction costs for facilities under the
23 Dredged Material Disposal Facilities program; and of
24 which such sums as are necessary to cover 35 percent of
25 the costs of construction, replacement, rehabilitation, and

1 expansion of inland waterways projects shall be derived
2 from the Inland Waterways Trust Fund, except as other-
3 wise specifically provided for in law: *Provided*, That the
4 Secretary shall not deviate from the work plan, once the
5 plan has been submitted to the Committees on Appropria-
6 tions of both Houses of Congress.

7 MISSISSIPPI RIVER AND TRIBUTARIES

8 For expenses necessary for flood damage reduction
9 projects and related efforts in the Mississippi River allu-
10 vial valley below Cape Girardeau, Missouri, as authorized
11 by law, \$350,000,000, to remain available until expended,
12 of which \$10,315,000 shall be derived from the Harbor
13 Maintenance Trust Fund to cover the Federal share of
14 eligible operation and maintenance costs for inland har-
15 bors: *Provided*, That the Secretary shall not deviate from
16 the work plan, once the plan has been submitted to the
17 Committees on Appropriations of both Houses of Con-
18 gress.

19 OPERATION AND MAINTENANCE

20 For expenses necessary for the operation, mainte-
21 nance, and care of existing river and harbor, flood and
22 storm damage reduction, aquatic ecosystem restoration,
23 and related projects authorized by law; providing security
24 for infrastructure owned or operated by the Corps, includ-
25 ing administrative buildings and laboratories; maintaining

1 harbor channels provided by a State, municipality, or
2 other public agency that serve essential navigation needs
3 of general commerce, where authorized by law; surveying
4 and charting northern and northwestern lakes and con-
5 necting waters; clearing and straightening channels; and
6 removing obstructions to navigation, \$5,150,000,000, to
7 remain available until expended, of which \$2,264,674,000
8 shall be derived from the Harbor Maintenance Trust Fund
9 to cover the Federal share of eligible operation and main-
10 tenance costs for coastal harbors and channels, and for
11 inland harbors; of which \$56,000,000, to be derived from
12 the general fund of the Treasury, shall be to carry out
13 section 2106(c) of Public Law 113–121 (33 U.S.C.
14 2238c(c)) and is designated as being for such purpose pur-
15 suant to section 14003(2)(B) of the CARES Act (Public
16 Law 116–136); of which such sums as become available
17 from the special account for the Corps of Engineers estab-
18 lished by the Land and Water Conservation Fund Act of
19 1965 shall be derived from that account for resource pro-
20 tection, research, interpretation, and maintenance activi-
21 ties related to resource protection in the areas at which
22 outdoor recreation is available; and of which such sums
23 as become available from fees collected under section 217
24 of Public Law 104–303 shall be used to cover the cost
25 of operation and maintenance of the dredged material dis-

1 posal facilities for which such fees have been collected:
2 *Provided*, That 1 percent of the total amount of funds pro-
3 vided for each of the programs, projects, or activities fund-
4 ed under this heading shall not be allocated to a field oper-
5 ating activity prior to the beginning of the fourth quarter
6 of the fiscal year and shall be available for use by the Chief
7 of Engineers to fund such emergency activities as the
8 Chief of Engineers determines to be necessary and appro-
9 priate, and that the Chief of Engineers shall allocate dur-
10 ing the fourth quarter any remaining funds which have
11 not been used for emergency activities proportionally in
12 accordance with the amounts provided for the programs,
13 projects, or activities: *Provided*, That the Secretary shall
14 not deviate from the work plan, once the plan has been
15 submitted to the Committees on Appropriations of both
16 Houses of Congress.

17 REGULATORY PROGRAM

18 For expenses necessary for administration of laws
19 pertaining to regulation of navigable waters and wetlands,
20 \$213,000,000, to remain available until September 30,
21 2024.

22 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

23 For expenses necessary to clean up contamination
24 from sites in the United States resulting from work per-

1 formed as part of the Nation's early atomic energy pro-
2 gram, \$278,338,000, to remain available until expended.

3 FLOOD CONTROL AND COASTAL EMERGENCIES

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

9 EXPENSES

10 For expenses necessary for the supervision and gen-
11 eral administration of the civil works program in the head-
12 quarters of the Corps of Engineers and the offices of the
13 Division Engineers; and for costs of management and op-
14 eration of the Humphreys Engineer Center Support Activ-
15 ity, the Institute for Water Resources, the United States
16 Army Engineer Research and Development Center, and
17 the United States Army Corps of Engineers Finance Cen-
18 ter allocable to the civil works program, \$215,000,000, to
19 remain available until September 30, 2024, of which not
20 to exceed \$5,000 may be used for official reception and
21 representation purposes and only during the current fiscal
22 year: *Provided*, That no part of any other appropriation
23 provided in this title shall be available to fund the civil
24 works activities of the Office of the Chief of Engineers
25 or the civil works executive direction and management ac-

1 tivities of the division offices: *Provided further*, That any
2 Flood Control and Coastal Emergencies appropriation
3 may be used to fund the supervision and general adminis-
4 tration of emergency operations, repairs, and other activi-
5 ties in response to any flood, hurricane, or other natural
6 disaster.

7 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY

8 FOR CIVIL WORKS

9 For the Office of the Assistant Secretary of the Army
10 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
11 \$5,000,000, to remain available until September 30, 2024:
12 *Provided*, That not more than 75 percent of such amount
13 may be obligated or expended until the Assistant Sec-
14 retary submits to the Committees on Appropriations of
15 both Houses of Congress the report required under section
16 101(d) of this Act and a work plan that allocates at least
17 95 percent of the additional funding provided under each
18 heading in this title, as designated under such heading in
19 the report accompanying this Act, to specific programs,
20 projects, or activities.

21 WATER INFRASTRUCTURE FINANCE AND INNOVATION

22 PROGRAM ACCOUNT

23 For administrative expenses to carry out the direct
24 and guaranteed loan programs authorized by the Water
25 Infrastructure Finance and Innovation Act of 2014, not-

1 withstanding subsections (b)(2) and (c) of section 5033
2 of such Act, \$7,200,000, to remain available until Sep-
3 tember 30, 2024.

4 GENERAL PROVISIONS—CORPS OF
5 ENGINEERS—CIVIL
6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 101. (a) None of the funds provided in title I
8 of this Act, or provided by previous appropriations Acts
9 to the agencies or entities funded in title I of this Act
10 that remain available for obligation or expenditure in fiscal
11 year 2023, shall be available for obligation or expenditure
12 through a reprogramming of funds that:

13 (1) creates or initiates a new program, project,
14 or activity;

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

16 (3) increases funds or personnel for any pro-
17 gram, project, or activity for which funds have been
18 denied or restricted by this Act, unless prior ap-
19 proval is received from the Committees on Appro-
20 priations of both Houses of Congress;

21 (4) proposes to use funds directed for a specific
22 activity for a different purpose, unless prior approval
23 is received from the Committees on Appropriations
24 of both Houses of Congress;

1 (5) augments or reduces existing programs,
2 projects, or activities in excess of the amounts con-
3 tained in paragraphs (6) through (10), unless prior
4 approval is received from the Committees on Appro-
5 priations of both Houses of Congress;

6 (6) INVESTIGATIONS.—For a base level over
7 \$100,000, reprogramming of 25 percent of the base
8 amount up to a limit of \$150,000 per project, study
9 or activity is allowed: Provided, That for a base level
10 less than \$100,000, the reprogramming limit is
11 \$25,000: Provided further, That up to \$25,000 may
12 be reprogrammed into any continuing study or activ-
13 ity that did not receive an appropriation for existing
14 obligations and concomitant administrative expenses;

15 (7) CONSTRUCTION.—For a base level over
16 \$2,000,000, reprogramming of 15 percent of the
17 base amount up to a limit of \$3,000,000 per project,
18 study or activity is allowed: Provided, That for a
19 base level less than \$2,000,000, the reprogramming
20 limit is \$300,000: Provided further, That up to
21 \$3,000,000 may be reprogrammed for settled con-
22 tractor claims, changed conditions, or real estate de-
23 ficiency judgments: Provided further, That up to
24 \$300,000 may be reprogrammed into any continuing
25 study or activity that did not receive an appropria-

1 tion for existing obligations and concomitant admin-
2 istrative expenses;

3 (8) OPERATION AND MAINTENANCE.—

4 Unlimited reprogramming authority is granted for
5 the Corps to be able to respond to emergencies: Pro-
6 vided, That the Chief of Engineers shall notify the
7 Committees on Appropriations of both Houses of
8 Congress of these emergency actions as soon there-
9 after as practicable: Provided further, That for a
10 base level over \$1,000,000, reprogramming of 15
11 percent of the base amount up to a limit of
12 \$5,000,000 per project, study, or activity is allowed:
13 Provided further, That for a base level less than
14 \$1,000,000, the reprogramming limit is \$150,000:
15 Provided further, That \$150,000 may be repro-
16 grammed into any continuing study or activity that
17 did not receive an appropriation;

18 (9) MISSISSIPPI RIVER AND TRIBU-
19 TARIES.—The reprogramming guidelines in para-
20 graphs (6), (7), and (8) shall apply to the Investiga-
21 tions, Construction, and Operation and Maintenance
22 portions of the Mississippi River and Tributaries Ac-
23 count, respectively; and

24 (10) FORMERLY UTILIZED SITES REME-
25 DIAL ACTION PROGRAM.— Reprogramming of

1 up to 15 percent of the base of the receiving project
2 is permitted.

3 (b) DE MINIMUS REPROGRAMMINGS.—In no
4 case should a reprogramming for less than \$50,000 be
5 submitted to the Committees on Appropriations of both
6 Houses of Congress.

7 (c) CONTINUING AUTHORITIES PROGRAM.—
8 Subsection (a)(1) shall not apply to any project or activity
9 funded under the continuing authorities program.

10 (d) Not later than 60 days after the date of enact-
11 ment of this Act, the Secretary shall submit a report to
12 the Committees on Appropriations of both Houses of Con-
13 gress to establish the baseline for application of re-
14 programming and transfer authorities for the current fis-
15 cal year which shall include:

16 (1) A table for each appropriation with a sepa-
17 rate column to display the President's budget re-
18 quest, adjustments made by Congress, adjustments
19 due to enacted rescissions, if applicable, and the fis-
20 cal year enacted level; and

21 (2) A delineation in the table for each appro-
22 priation both by object class and program, project
23 and activity as detailed in the budget appendix for
24 the respective appropriations; and

1 (3) An identification of items of special congres-
2 sional interest.

3 SEC. 102. The Secretary shall allocate funds made
4 available in this title solely in accordance with the provi-
5 sions of this Act and the report accompanying this Act.

6 SEC. 103. None of the funds made available in this
7 title may be used to award or modify any contract that
8 commits funds beyond the amounts appropriated for that
9 program, project, or activity that remain unobligated, ex-
10 cept that such amounts may include any funds that have
11 been made available through reprogramming pursuant to
12 section 101.

13 SEC. 104. The Secretary of the Army may transfer
14 to the Fish and Wildlife Service, and the Fish and Wildlife
15 Service may accept and expend, up to \$5,400,000 of funds
16 provided in this title under the heading “Operation and
17 Maintenance” to mitigate for fisheries lost due to Corps
18 of Engineers projects.

19 SEC. 105. None of the funds in this Act shall be used
20 for an open lake placement alternative for dredged mate-
21 rial, after evaluating the least costly, environmentally ac-
22 ceptable manner for the disposal or management of
23 dredged material originating from Lake Erie or tributaries
24 thereto, unless it is approved under a State water quality
25 certification pursuant to section 401 of the Federal Water

1 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
2 until an open lake placement alternative for dredged mate-
3 rial is approved under a State water quality certification,
4 the Corps of Engineers shall continue upland placement
5 of such dredged material consistent with the requirements
6 of section 101 of the Water Resources Development Act
7 of 1986 (33 U.S.C. 2211).

8 SEC. 106. None of the funds made available by this
9 Act may be used to carry out any water supply reallocation
10 study under the Wolf Creek Dam, Lake Cumberland, Ken-
11 tucky, project authorized under the Act of July 24, 1946
12 (60 Stat. 636, ch. 595).

13 SEC. 107. None of the funds made available by this
14 Act or any other Act may be used to reorganize or to
15 transfer the Civil Works functions or authority of the
16 Corps of Engineers or the Secretary of the Army to an-
17 other department or agency.

18 SEC. 108. Additional funding provided in this Act
19 shall be allocated only to projects determined to be eligible
20 by the Chief of Engineers.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT
4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT
5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$23,000,000, to remain
7 available until expended, of which \$5,000,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission: *Provided*, That of
11 the amount provided under this heading, \$1,600,000 shall
12 be available until September 30, 2024, for expenses nec-
13 essary in carrying out related responsibilities of the Sec-
14 retary of the Interior: *Provided further*, That for fiscal
15 year 2023, of the amount made available to the Commis-
16 sion under this Act or any other Act, the Commission may
17 use an amount not to exceed \$1,880,000 for administra-
18 tive expenses.

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

1 WATER AND RELATED RESOURCES

2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian tribes, and others, \$1,747,101,000, to
11 remain available until expended, of which \$22,165,000
12 shall be available for transfer to the Upper Colorado River
13 Basin Fund and \$7,584,000 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 \$500,000 shall be available for transfer into the Aging In-
18 frastructure Account established by section 9603(d)(1) of
19 the Omnibus Public Land Management Act of 2009, as
20 amended (43 U.S.C. 510b(d)(1)): *Provided further*, That
21 such transfers, except for the transfer authorized by the
22 preceding proviso, may be increased or decreased within
23 the overall appropriation under this heading: *Provided fur-*
24 *ther*, That of the total appropriated, the amount for pro-
25 gram activities that can be financed by the Reclamation

1 Fund, the Water Storage Enhancement Receipts account
2 established by section 4011(e) of Public Law 114–322, or
3 the Bureau of Reclamation special fee account established
4 by 16 U.S.C. 6806 shall be derived from that Fund or
5 account: *Provided further*, That funds contributed under
6 43 U.S.C. 395 are available until expended for the pur-
7 poses for which the funds were contributed: *Provided fur-*
8 *ther*, That funds advanced under 43 U.S.C. 397a shall be
9 credited to this account and are available until expended
10 for the same purposes as the sums appropriated under this
11 heading: *Provided further*, That of the amounts made
12 available under this heading, \$10,000,000 shall be depos-
13 ited in the San Gabriel Basin Restoration Fund estab-
14 lished by section 110 of title I of division B of appendix
15 D of Public Law 106–554: *Provided further*, That of the
16 amounts provided herein, funds may be used for high-pri-
17 ority projects which shall be carried out by the Youth Con-
18 servation Corps, as authorized by 16 U.S.C. 1706.

19 CENTRAL VALLEY PROJECT RESTORATION FUND

20 For carrying out the programs, projects, plans, habi-
21 tat restoration, improvement, and acquisition provisions of
22 the Central Valley Project Improvement Act, such sums
23 as may be collected in fiscal year 2023 in the Central Val-
24 ley Project Restoration Fund pursuant to sections
25 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575,

1 to remain available until expended: *Provided*, That the Bu-
2 reau of Reclamation is directed to assess and collect the
3 full amount of the additional mitigation and restoration
4 payments authorized by section 3407(d) of Public Law
5 102–575: *Provided further*, That none of the funds made
6 available under this heading may be used for the acquisi-
7 tion or leasing of water for in-stream purposes if the water
8 is already committed to in-stream purposes by a court
9 adopted decree or order.

10 CALIFORNIA BAY-DELTA RESTORATION
11 (INCLUDING TRANSFERS OF FUNDS)

12 For carrying out activities authorized by the Water
13 Supply, Reliability, and Environmental Improvement Act,
14 consistent with plans to be approved by the Secretary of
15 the Interior, \$33,000,000, to remain available until ex-
16 pended, of which such amounts as may be necessary to
17 carry out such activities may be transferred to appropriate
18 accounts of other participating Federal agencies to carry
19 out authorized purposes: *Provided*, That funds appro-
20 priated herein may be used for the Federal share of the
21 costs of CALFED Program management: *Provided fur-*
22 *ther*, That CALFED implementation shall be carried out
23 in a balanced manner with clear performance measures
24 demonstrating concurrent progress in achieving the goals
25 and objectives of the Program.

1 POLICY AND ADMINISTRATION

2 For expenses necessary for policy, administration,
3 and related functions in the Office of the Commissioner,
4 the Denver office, and offices in the six regions of the Bu-
5 reau of Reclamation, to remain available until September
6 30, 2024, \$65,079,000, to be derived from the Reclama-
7 tion Fund and be nonreimbursable as provided in section
8 4(o) of the Act of December 5, 1924 (43 U.S.C. 377):
9 *Provided*, That no part of any other appropriation in this
10 Act shall be available for activities or functions budgeted
11 as policy and administration expenses.

12 ADMINISTRATIVE PROVISION

13 Appropriations for the Bureau of Reclamation shall
14 be available for purchase and replacement of not to exceed
15 30 motor vehicles, which are for replacement only.

16 GENERAL PROVISIONS—DEPARTMENT OF THE
17 INTERIOR

18 SEC. 201. (a) None of the funds provided in title II
19 of this Act for Water and Related Resources, or provided
20 by previous or subsequent appropriations Acts to the agen-
21 cies or entities funded in title II of this Act for Water
22 and Related Resources that remain available for obligation
23 or expenditure in fiscal year 2023, shall be available for
24 obligation or expenditure through a reprogramming of
25 funds that—

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

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

4 (3) increases funds for any program, project, or
5 activity for which funds have been denied or re-
6 stricted by this Act, unless prior approval is received
7 from the Committees on Appropriations of both
8 Houses of Congress;

9 (4) restarts or resumes any program, project or
10 activity for which funds are not provided in this Act,
11 unless prior approval is received from the Commit-
12 tees on Appropriations of both Houses of Congress;

13 (5) transfers funds in excess of the following
14 limits, unless prior approval is received from the
15 Committees on Appropriations of both Houses of
16 Congress:

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

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

23 (6) transfers more than \$500,000 from either
24 the Facilities Operation, Maintenance, and Rehabili-
25 tation category or the Resources Management and

1 Development category to any program, project, or
2 activity in the other category, unless prior approval
3 is received from the Committees on Appropriations
4 of both Houses of Congress; or

5 (7) transfers, where necessary to discharge legal
6 obligations of the Bureau of Reclamation, more than
7 \$5,000,000 to provide adequate funds for settled
8 contractor claims, increased contractor earnings due
9 to accelerated rates of operations, and real estate de-
10 ficiency judgments, unless prior approval is received
11 from the Committees on Appropriations of both
12 Houses of Congress.

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

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

19 (d) Except as provided in subsections (a) and (b), the
20 amounts made available in this title under the heading
21 “Bureau of Reclamation—Water and Related Resources”
22 shall be expended for the programs, projects, and activities
23 specified in the “House Recommended” columns in the
24 “Water and Related Resources” table included under the

1 heading “Title II—Department of the Interior” in the re-
2 port accompanying this Act.

3 (e) The Bureau of Reclamation shall submit reports
4 on a quarterly basis to the Committees on Appropriations
5 of both Houses of Congress detailing all the funds repro-
6 grammed between programs, projects, activities, or cat-
7 egories of funding. The first quarterly report shall be sub-
8 mitted not later than 60 days after the date of enactment
9 of this Act.

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

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

1 “Repayment Report, Kesterson Reservoir Cleanup Pro-
2 gram and San Joaquin Valley Drainage Program, Feb-
3 ruary 1995”, prepared by the Department of the Interior,
4 Bureau of Reclamation. Any future obligations of funds
5 by the United States relating to, or providing for, drainage
6 service or drainage studies for the San Luis Unit shall
7 be fully reimbursable by San Luis Unit beneficiaries of
8 such service or studies pursuant to Federal reclamation
9 law.

10 SEC. 203. Section 9504(e) of the Omnibus Public
11 Land Management Act of 2009 (Public Law 111–11; 42
12 U.S.C. 10364(e)) is amended by striking “\$750,000,000”
13 and inserting “\$820,000,000”.

14 SEC. 204. (a) Title I of Public Law 108–361 (the
15 Calfed Bay-Delta Authorization Act) is amended by strik-
16 ing “2022” each place it appears and inserting “2023”.

17 (b) Section 103(f)(4)(A) of Public Law 108–361 (the
18 Calfed Bay-Delta Authorization Act) is amended by strik-
19 ing “\$25,000,000” and inserting “\$30,000,000”.

20 SEC. 205. Section 9106(g)(2) of Public Law 111–11
21 (Omnibus Public Land Management Act of 2009) is
22 amended by striking “2022” and inserting “2023”.

23 SEC. 206. (a) Section 104(c) of the Reclamation
24 States Emergency Drought Relief Act of 1991 (Public

1 Law 102–250; 43 U.S.C. 2214(c)) is amended by striking
2 “2022” and inserting “2023”.

3 (b) Section 301 of the Reclamation States Emergency
4 Drought Relief Act of 1991 (Public Law 102–250; 43
5 U.S.C. 2241) is amended by striking “2022” and insert-
6 ing “2023” and by striking “\$120,000,000” and inserting
7 “\$130,000,000”.

8 SEC. 207. Section 529(b)(3) of the Water Resources
9 Development Act of 2000 (Public Law 106–541), as
10 amended, is amended by striking “\$30,000,000” and in-
11 serting “\$40,000,000”.

12 SEC. 208. None of the funds provided in this Act may
13 be used for the Shasta Dam and Reservoir Enlargement
14 Project.

15 TITLE III

16 DEPARTMENT OF ENERGY

17 ENERGY PROGRAMS

18 ENERGY EFFICIENCY AND RENEWABLE ENERGY

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 energy
22 efficiency and renewable energy activities in carrying out
23 the purposes of the Department of Energy Organization
24 Act (42 U.S.C. 7101 et seq.), including the acquisition or
25 condemnation of any real property or any facility or for

1 plant or facility acquisition, construction, or expansion,
2 \$4,000,000,000, to remain available until expended: *Pro-*
3 *vided*, That of such amount, \$245,000,000 shall be avail-
4 able until September 30, 2024, for program direction.

5 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
6 RESPONSE

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 energy
10 sector cybersecurity, energy security, and emergency re-
11 sponse activities in carrying out the purposes of the De-
12 partment of Energy Organization Act (42 U.S.C. 7101 et
13 seq.), including the acquisition or condemnation of any
14 real property or any facility or for plant or facility acqui-
15 sition, construction, or expansion, \$205,000,000, to remain
16 available until expended: *Provided*, That of such amount,
17 \$24,000,000 shall be available until September 30, 2024,
18 for program direction.

19 ELECTRICITY

20 For Department of Energy expenses including the
21 purchase, construction, and acquisition of plant and cap-
22 ital equipment, and other expenses necessary for elec-
23 tricity activities in carrying out the purposes of the De-
24 partment of Energy Organization Act (42 U.S.C. 7101 et
25 seq.), including the acquisition or condemnation of any

1 real property or any facility or for plant or facility acquisi-
2 tion, construction, or expansion, \$350,000,000, to remain
3 available until expended: *Provided*, That of such amount,
4 \$23,000,000 shall be available until September 30, 2024,
5 for program direction.

6 NUCLEAR ENERGY

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 nuclear
10 energy activities in carrying out the purposes of the De-
11 partment of Energy Organization Act (42 U.S.C. 7101 et
12 seq.), including the acquisition or condemnation of any
13 real property or any facility or for plant or facility acquisi-
14 tion, construction, or expansion, \$1,779,800,000, to re-
15 main available until expended: *Provided*, That of such
16 amount, \$85,000,000 shall be available until September
17 30, 2024, for program direction: *Provided further*, That
18 for the purpose of section 954(a)(6) of the Energy Policy
19 Act of 2005, as amended, the only amount available shall
20 be from the amount specified as including that purpose
21 in the “Bill” column in the “Department of Energy” table
22 included under the heading “Title III—Department of
23 Energy” in the report accompanying this Act.

1 FOSSIL ENERGY AND CARBON MANAGEMENT

2 For Department of Energy expenses necessary in car-
3 rying out fossil energy and carbon management research
4 and development activities, under the authority of the De-
5 partment of Energy Organization Act (42 U.S.C. 7101 et
6 seq.), including the acquisition of interest, including defea-
7 sible and equitable interests in any real property or any
8 facility or for plant or facility acquisition or expansion,
9 and for conducting inquiries, technological investigations
10 and research concerning the extraction, processing, use,
11 and disposal of mineral substances without objectionable
12 social and environmental costs (30 U.S.C. 3, 1602, and
13 1603), \$880,000,000, to remain available until expended:
14 *Provided*, That of such amount \$70,000,000 shall be avail-
15 able until September 30, 2024, for program direction.

16 ENERGY PROJECTS

17 For Department of Energy expenses necessary in car-
18 rying out the Department of Energy Organization Act (42
19 U.S.C. 7101 et seq.), \$117,326,652, to remain available
20 until expended, for the projects, and in the amounts, speci-
21 fied in the table titled “Community Project Funding De-
22 partment of Energy Projects” in the report accompanying
23 this Act.

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

2 For Department of Energy expenses necessary to
3 carry out naval petroleum and oil shale reserve activities,
4 \$13,004,000, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding any other provision of law,
6 unobligated funds remaining from prior years shall be
7 available for all naval petroleum and oil shale reserve ac-
8 tivities.

9 STRATEGIC PETROLEUM RESERVE

10 For Department of Energy expenses necessary for
11 Strategic Petroleum Reserve facility development and op-
12 erations and program management activities pursuant to
13 the Energy Policy and Conservation Act (42 U.S.C. 6201
14 et seq.), \$214,175,000, to remain available until expended.

15 SPR PETROLEUM ACCOUNT

16 For the acquisition, transportation, and injection of
17 petroleum products, and for other necessary expenses pur-
18 suant to the Energy Policy and Conservation Act of 1975,
19 as amended (42 U.S.C. 6201 et seq.), sections 403 and
20 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
21 6241, 6239 note), section 32204 of the Fixing America's
22 Surface Transportation Act (42 U.S.C. 6241 note), and
23 section 30204 of the Bipartisan Budget Act of 2018 (42
24 U.S.C. 6241 note), \$8,000,000, to remain available until
25 expended.

1 NORTHEAST HOME HEATING OIL RESERVE

2 For Department of Energy expenses necessary for
3 Northeast Home Heating Oil Reserve storage, operation,
4 and management activities pursuant to the Energy Policy
5 and Conservation Act (42 U.S.C. 6201 et seq.),
6 \$7,000,000, to remain available until expended.

7 ENERGY INFORMATION ADMINISTRATION

8 For Department of Energy expenses necessary in car-
9 rying out the activities of the Energy Information Admin-
10 istration, \$144,480,000, to remain available until ex-
11 pended.

12 NON-DEFENSE ENVIRONMENTAL CLEANUP

13 For Department of Energy expenses, including the
14 purchase, construction, and acquisition of plant and cap-
15 ital equipment and other expenses necessary for non-de-
16 fense environmental cleanup activities in carrying out the
17 purposes of the Department of Energy Organization Act
18 (42 U.S.C. 7101 et seq.), including the acquisition or con-
19 demnation of any real property or any facility or for plant
20 or facility acquisition, construction, or expansion, and the
21 purchase of one passenger motor vehicle, \$333,863,000,
22 to remain available until expended: *Provided*, That in ad-
23 dition, fees collected pursuant to subsection (b)(1) of sec-
24 tion 6939f of title 42, United States Code, and deposited
25 under this heading in fiscal year 2023 pursuant to section

1 309 of title III of division C of Public Law 116–94 are
2 appropriated, to remain available until expended, for mer-
3 cury storage costs.

4 URANIUM ENRICHMENT DECONTAMINATION AND
5 DECOMMISSIONING FUND

6 For Department of Energy expenses necessary in car-
7 rying out uranium enrichment facility decontamination
8 and decommissioning, remedial actions, and other activi-
9 ties of title II of the Atomic Energy Act of 1954, and
10 title X, subtitle A, of the Energy Policy Act of 1992,
11 \$823,321,000, to be derived from the Uranium Enrich-
12 ment Decontamination and Decommissioning Fund, to re-
13 main available until expended, of which \$14,800,000 shall
14 be available in accordance with title X, subtitle A, of the
15 Energy Policy Act of 1992.

16 SCIENCE

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 science
20 activities in carrying out the purposes of the Department
21 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
22 cluding the acquisition or condemnation of any real prop-
23 erty or any facility or for plant or facility acquisition, con-
24 struction, or expansion, and purchase of not more than
25 35 passenger motor vehicles, including one ambulance, for

1 replacement only, \$8,000,000,000, to remain available
2 until expended: *Provided*, That of such amount,
3 \$211,211,000 shall be available until September 30, 2024,
4 for program direction.

5 NUCLEAR WASTE DISPOSAL

6 For Department of Energy expenses necessary for
7 nuclear waste disposal activities to carry out the purposes
8 of the Nuclear Waste Policy Act of 1982, Public Law 97–
9 425, as amended, \$10,205,000, to remain available until
10 expended, which shall be derived from the Nuclear Waste
11 Fund.

12 TECHNOLOGY TRANSITIONS

13 For Department of Energy expenses necessary for
14 carrying out the activities of technology transitions,
15 \$23,058,000, to remain available until expended: *Pro-*
16 *vided*, That of such amount, \$13,183,000 shall be avail-
17 able until September 30, 2024, for program direction.

18 CLEAN ENERGY DEMONSTRATIONS

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 clean en-
22 ergy demonstrations in carrying out the purposes of the
23 Department of Energy Organization Act (42 U.S.C. 7101
24 et seq.), including the acquisition or condemnation of any
25 real property or any facility or for plant or facility acquisi-

1 tion, construction, or expansion, \$189,000,000, to remain
2 available until expended: *Provided*, That of such amount,
3 \$25,000,000 shall be available until September 30, 2024,
4 for program direction.

5 DEFENSE PRODUCTION ACT DOMESTIC CLEAN ENERGY
6 ACCELERATOR

7 For activities by the Department of Energy pursuant
8 to titles I, III, and VII of the Defense Production Act of
9 1950 (50 U.S.C. subchapters I, II, and III), notwith-
10 standing the requirements of section 303(a)(1) through
11 (a)(6) of such Act, \$100,000,000, to remain available until
12 expended, which shall be obligated and expended by the
13 Secretary of Energy as if delegated the necessary authori-
14 ties conferred by the Defense Production Act of 1950, and
15 which shall be for expanding the domestic production ca-
16 pability for solar, transformers, electric grid components,
17 fuel cells, electrolyzers, heat pumps, and insulation, of
18 which up to \$5,000,000 shall be available until September
19 30, 2024, for administrative expenses.

20 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

21 For Department of Energy expenses necessary in car-
22 rying out the activities authorized by section 5012 of the
23 America COMPETES Act (Public Law 110–69),
24 \$550,000,000, to remain available until expended: *Pro-*

1 *vided*, That of such amount, \$45,000,000 shall be avail-
2 able until September 30, 2024, for program direction.

3 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
4 PROGRAM

5 Such sums as are derived from amounts received
6 from borrowers pursuant to section 1702(b) of the Energy
7 Policy Act of 2005 under this heading in prior Acts, shall
8 be collected in accordance with section 502(7) of the Con-
9 gressional Budget Act of 1974: *Provided*, That for nec-
10 essary administrative expenses of the Title 17 Innovative
11 Technology Loan Guarantee Program, as authorized,
12 \$66,206,000 is appropriated, to remain available until
13 September 30, 2024: *Provided further*, That up to
14 \$66,206,000 of fees collected in fiscal year 2023 pursuant
15 to section 1702(h) of the Energy Policy Act of 2005 shall
16 be credited as offsetting collections under this heading and
17 used for necessary administrative expenses in this appro-
18 priation and shall remain available until September 30,
19 2024: *Provided further*, That to the extent that fees col-
20 lected in fiscal year 2023 exceed \$66,206,000, those ex-
21 cess amounts shall be credited as offsetting collections
22 under this heading and available in future fiscal years only
23 to the extent provided in advance in appropriations Acts:
24 *Provided further*, That the sum herein appropriated from
25 the general fund shall be reduced (1) as such fees are re-

1 ceived during fiscal year 2023 (estimated at \$35,000,000)
 2 and (2) to the extent that any remaining general fund ap-
 3 propriations can be derived from fees collected in previous
 4 fiscal years that are not otherwise appropriated, so as to
 5 result in a final fiscal year 2023 appropriation from the
 6 general fund estimated at \$0: *Provided further*, That the
 7 Department of Energy shall not subordinate any loan obli-
 8 gation to other financing in violation of section 1702 of
 9 the Energy Policy Act of 2005 or subordinate any Guarant-
 10 eed Obligation to any loan or other debt obligations in
 11 violation of section 609.10 of title 10, Code of Federal
 12 Regulations.

13 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
 14 LOAN PROGRAM

15 For Department of Energy administrative expenses
 16 necessary in carrying out the Advanced Technology Vehi-
 17 cles Manufacturing Loan Program, \$9,800,000, to remain
 18 available until September 30, 2024.

19 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

20 For the cost of direct and guaranteed loans for the
 21 Tribal Energy Loan Guarantee Program under section
 22 2602(c) of the Energy Policy Act of 1992 (25 U.S.C.
 23 3502(c)), \$8,000,000, to remain available until expended:
 24 *Provided*, That such costs, including the cost of modifying
 25 such loans, shall be as defined in section 502 of the Con-

1 gressional Budget Act of 1974 (2 U.S.C. 661a): *Provided*
2 *further*, That in this fiscal year and subsequent fiscal
3 years, under section 2602(c) of the Energy Policy Act of
4 1992 (25 U.S.C. 3502(c)), the Secretary of Energy may
5 also provide direct loans, as defined in section 502 of the
6 Congressional Budget Act of 1974 (2 U.S.C. 661a): *Pro-*
7 *vided further*, That such direct loans shall be made
8 through the Federal Financing Bank, with the full faith
9 and credit of the United States Government on the prin-
10 cipal and interest: *Provided further*, That any funds pre-
11 viously appropriated for the cost of loan guarantees under
12 section 2602(c) of the Energy Policy Act of 1992 (25
13 U.S.C. 3502(c)) may also be used, in this fiscal year and
14 subsequent fiscal years, for the cost of direct loans pro-
15 vided under such section of such Act.

16 In addition, for Department of Energy administrative
17 expenses necessary in carrying out the Tribal Energy
18 Loan Guarantee Program, \$2,000,000, to remain avail-
19 able until September 30, 2024.

20 INDIAN ENERGY POLICY AND PROGRAMS

21 For necessary expenses for Indian Energy activities
22 in carrying out the purposes of the Department of Energy
23 Organization Act (42 U.S.C. 7101 et seq.), \$75,000,000,
24 to remain available until expended: *Provided*, That of the
25 amount appropriated under this heading, \$15,000,000

1 shall be available until September 30, 2024, for program
2 direction.

3 DEPARTMENTAL ADMINISTRATION

4 For salaries and expenses of the Department of En-
5 ergy necessary for departmental administration in car-
6 rying out the purposes of the Department of Energy Orga-
7 nization Act (42 U.S.C. 7101 et seq.), \$407,715,000, to
8 remain available until September 30, 2024, including the
9 hire of passenger motor vehicles and official reception and
10 representation expenses not to exceed \$30,000, plus such
11 additional amounts as necessary to cover increases in the
12 estimated amount of cost of work for others notwith-
13 standing the provisions of the Anti-Deficiency Act (31
14 U.S.C. 1511 et seq.): *Provided*, That such increases in
15 cost of work are offset by revenue increases of the same
16 or greater amount: *Provided further*, That moneys received
17 by the Department for miscellaneous revenues estimated
18 to total \$100,578,000 in fiscal year 2023 may be retained
19 and used for operating expenses within this account, as
20 authorized by section 201 of Public Law 95-238, notwith-
21 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
22 *ther*, That the sum herein appropriated shall be reduced
23 as collections are received during the fiscal year so as to
24 result in a final fiscal year 2023 appropriation from the
25 general fund estimated at not more than \$307,137,000.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses necessary for the Office of the Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$92,000,000, to remain available
5 until September 30, 2024.

6 ATOMIC ENERGY DEFENSE ACTIVITIES

7 NATIONAL NUCLEAR SECURITY

8 ADMINISTRATION

9 WEAPONS ACTIVITIES

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other incidental expenses necessary for
13 atomic energy defense weapons activities in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion,
18 \$16,333,065,000, to remain available until expended: *Pro-*
19 *vided*, That of such amount, \$130,070,000 shall be avail-
20 able until September 30, 2024, for program direction.

21 DEFENSE NUCLEAR NONPROLIFERATION

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 defense nuclear nonproliferation 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 \$2,424,000,000, to remain available until expended.

6 NAVAL REACTORS

7 (INCLUDING TRANSFER OF FUNDS)

8 For Department of Energy expenses necessary for
9 naval reactors activities to carry out the Department of
10 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
11 ing the acquisition (by purchase, condemnation, construc-
12 tion, or otherwise) of real property, plant, and capital
13 equipment, facilities, and facility expansion,
14 \$2,000,000,000, to remain available until expended, of
15 which, \$99,747,000 shall be transferred to “Department
16 of Energy—Energy Programs—Nuclear Energy”, for the
17 Advanced Test Reactor: *Provided*, That of such amount,
18 \$58,525,000 shall be available until September 30, 2024,
19 for program direction.

20 FEDERAL SALARIES AND EXPENSES

21 For expenses necessary for Federal Salaries and Ex-
22 penses in the National Nuclear Security Administration,
23 \$475,000,000, to remain available until September 30,
24 2024, including official reception and representation ex-
25 penses not to exceed \$17,000.

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for atomic
7 energy defense environmental cleanup activities in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
10 sition or condemnation of any real property or any facility
11 or for plant or facility acquisition, construction, or expan-
12 sion, \$6,722,521,000, to remain available until expended:
13 *Provided*, That of such amount, \$317,002,000 shall be
14 available until September 30, 2024, for program direction.

15 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
16 AND DECOMMISSIONING
17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for atomic energy defense
19 environmental cleanup activities for Department of En-
20 ergy contributions for uranium enrichment decontamina-
21 tion and decommissioning activities, \$823,321,000, to be
22 deposited into the Defense Environmental Cleanup ac-
23 count, which shall be transferred to the Uranium Enrich-
24 ment Decontamination and Decommissioning Fund.

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, \$1,027,554,000, to remain avail-
11 able until expended: *Provided*, That of such amount,
12 \$359,734,000 shall be available until September 30, 2024,
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 the Colville Tribes Residents Fish Hatch-
19 ery Expansion, Chief Joseph Hatchery Water Quality
20 Project, and Umatilla Hatchery Facility Project and, in
21 addition, for official reception and representation expenses
22 in an amount not to exceed \$5,000: *Provided*, That during
23 fiscal year 2023, no new direct loan obligations may be
24 made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For expenses necessary for operation and mainte-
4 nance of power transmission facilities and for marketing
5 electric power and energy, including transmission wheeling
6 and ancillary services, pursuant to section 5 of the Flood
7 Control Act of 1944 (16 U.S.C. 825s), as applied to the
8 southeastern power area, \$8,173,000, including official re-
9 ception and representation expenses in an amount not to
10 exceed \$1,500, to remain available until expended: *Pro-*
11 *vided*, That notwithstanding 31 U.S.C. 3302 and section
12 5 of the Flood Control Act of 1944, up to \$8,173,000 col-
13 lected by the Southeastern Power Administration from the
14 sale of power and related services shall be credited to this
15 account as discretionary offsetting collections, to remain
16 available until expended for the sole purpose of funding
17 the annual expenses of the Southeastern Power Adminis-
18 tration: *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 2023 appropriation estimated at not more than
22 \$0: *Provided further*, That notwithstanding 31 U.S.C.
23 3302, up to \$78,696,000 collected by the Southeastern
24 Power Administration pursuant to the Flood Control Act
25 of 1944 to recover purchase power and wheeling expenses

1 shall be credited to this account as offsetting collections,
2 to remain available until expended for the sole purpose
3 of making purchase power and wheeling expenditures:
4 *Provided further*, That for purposes of this appropriation,
5 annual expenses means expenditures that are generally re-
6 covered in the same year that they are incurred (excluding
7 purchase power and wheeling expenses).

8 OPERATION AND MAINTENANCE, SOUTHWESTERN
9 POWER ADMINISTRATION

10 For expenses necessary for operation and mainte-
11 nance of power transmission facilities and for marketing
12 electric power and energy, for construction and acquisition
13 of transmission lines, substations and appurtenant facili-
14 ties, and for administrative expenses, including official re-
15 ception and representation expenses in an amount not to
16 exceed \$1,500 in carrying out section 5 of the Flood Con-
17 trol Act of 1944 (16 U.S.C. 825s), as applied to the
18 Southwestern Power Administration, \$53,488,000, to re-
19 main available until expended: *Provided*, That notwith-
20 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
21 trol Act of 1944 (16 U.S.C. 825s), up to \$42,880,000 col-
22 lected by the Southwestern Power Administration from
23 the sale of power and related services shall be credited to
24 this account as discretionary offsetting collections, to re-
25 main available until expended, for the sole purpose of

1 funding the annual expenses of the Southwestern Power
2 Administration: *Provided further*, That the sum herein ap-
3 propriated for annual expenses shall be reduced as collec-
4 tions are received during the fiscal year so as to result
5 in a final fiscal year 2023 appropriation estimated at not
6 more than \$10,608,000: *Provided further*, That notwith-
7 standing 31 U.S.C. 3302, up to \$70,000,000 collected by
8 the Southwestern Power Administration pursuant to the
9 Flood Control Act of 1944 to recover purchase power and
10 wheeling expenses shall be credited to this account as off-
11 setting collections, to remain available until expended for
12 the sole purpose of making purchase power and wheeling
13 expenditures: *Provided further*, That for purposes of this
14 appropriation, annual expenses means expenditures that
15 are generally recovered in the same year that they are in-
16 curred (excluding purchase power and wheeling expenses).

17 CONSTRUCTION, REHABILITATION, OPERATION AND
18 MAINTENANCE, WESTERN AREA POWER ADMINIS-
19 TRATION

20 For carrying out the functions authorized by title III,
21 section 302(a)(1)(E) of the Act of August 4, 1977 (42
22 U.S.C. 7152), and other related activities including con-
23 servation and renewable resources programs as author-
24 ized, \$299,573,000, including official reception and rep-
25 resentation expenses in an amount not to exceed \$1,500,

1 to remain available until expended, of which \$299,573,000
2 shall be derived from the Department of the Interior Rec-
3 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
4 3302, section 5 of the Flood Control Act of 1944 (16
5 U.S.C. 825s), and section 1 of the Interior Department
6 Appropriation Act, 1939 (43 U.S.C. 392a), up to
7 \$200,841,000 collected by the Western Area Power Ad-
8 ministration from the sale of power and related services
9 shall be credited to this account as discretionary offsetting
10 collections, to remain available until expended, for the sole
11 purpose of funding the annual expenses of the Western
12 Area Power Administration: *Provided further*, That the
13 sum herein appropriated for annual expenses shall be re-
14 duced as collections are received during the fiscal year so
15 as to result in a final fiscal year 2023 appropriation esti-
16 mated at not more than \$98,732,000, of which
17 \$98,732,000 is derived from the Reclamation Fund: *Pro-*
18 *vided further*, That notwithstanding 31 U.S.C. 3302, up
19 to \$350,083,000 collected by the Western Area Power Ad-
20 ministration pursuant to the Flood Control Act of 1944
21 and the Reclamation Project Act of 1939 to recover pur-
22 chase power and wheeling expenses shall be credited to
23 this account as offsetting collections, to remain available
24 until expended for the sole purpose of making purchase
25 power and wheeling expenditures: *Provided further*, That

1 for purposes of this appropriation, annual expenses means
2 expenditures that are generally recovered in the same year
3 that they are incurred (excluding purchase power and
4 wheeling expenses).

5 FALCON AND AMISTAD OPERATING AND MAINTENANCE
6 FUND

7 For operation, maintenance, and emergency costs for
8 the hydroelectric facilities at the Falcon and Amistad
9 Dams, \$6,330,000, to remain available until expended,
10 and to be derived from the Falcon and Amistad Operating
11 and Maintenance Fund of the Western Area Power Ad-
12 ministration, as provided in section 2 of the Act of June
13 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
14 the provisions of that Act and of 31 U.S.C. 3302, up to
15 \$6,102,000 collected by the Western Area Power Adminis-
16 tration from the sale of power and related services from
17 the Falcon and Amistad Dams shall be credited to this
18 account as discretionary offsetting collections, to remain
19 available until expended for the sole purpose of funding
20 the annual expenses of the hydroelectric facilities of these
21 Dams and associated Western Area Power Administration
22 activities: *Provided further*, That the sum herein appro-
23 priated for annual expenses shall be reduced as collections
24 are received during the fiscal year so as to result in a final
25 fiscal year 2023 appropriation estimated at not more than

1 \$228,000: *Provided further*, That for purposes of this ap-
2 propriation, annual expenses means expenditures that are
3 generally recovered in the same year that they are in-
4 curred: *Provided further*, That for fiscal year 2023, the
5 Administrator of the Western Area Power Administration
6 may accept up to \$1,598,000 in funds contributed by
7 United States power customers of the Falcon and Amistad
8 Dams for deposit into the Falcon and Amistad Operating
9 and Maintenance Fund, and such funds shall be available
10 for the purpose for which contributed in like manner as
11 if said sums had been specifically appropriated for such
12 purpose: *Provided further*, That any such funds shall be
13 available without further appropriation and without fiscal
14 year limitation for use by the Commissioner of the United
15 States Section of the International Boundary and Water
16 Commission for the sole purpose of operating, maintain-
17 ing, repairing, rehabilitating, replacing, or upgrading the
18 hydroelectric facilities at these Dams in accordance with
19 agreements reached between the Administrator, Commis-
20 sioner, and the power customers.

21 FEDERAL ENERGY REGULATORY COMMISSION

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Energy Regu-
24 latory Commission to carry out the provisions of the De-
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 seq.), including services as authorized by 5 U.S.C. 3109,
2 official reception and representation expenses not to ex-
3 ceed \$3,000, and the hire of passenger motor vehicles,
4 \$508,400,000, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding any other provision of law,
6 not to exceed \$508,400,000 of revenues from fees and an-
7 nual charges, and other services and collections in fiscal
8 year 2023 shall be retained and used for expenses nec-
9 essary in this account, and shall remain available until ex-
10 pended: *Provided further*, That the sum herein appro-
11 priated from the general fund shall be reduced as revenues
12 are received during fiscal year 2023 so as to result in a
13 final fiscal year 2023 appropriation from the general fund
14 estimated at not more than \$0.

15 GENERAL PROVISIONS—DEPARTMENT OF

16 ENERGY

17 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

18 SEC. 301. (a) No appropriation, funds, or authority
19 made available by this title for the Department of Energy
20 shall be used to initiate or resume any program, project,
21 or activity or to prepare or initiate Requests For Proposals
22 or similar arrangements (including Requests for
23 Quotations, Requests for Information, and Funding Op-
24 portunity Announcements) for a program, project, or ac-

1 tivity if the program, project, or activity has not been
2 funded by Congress.

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

7 (A) make or modify a grant allocation or discre-
8 tionary grant award totaling \$1,000,000 or more;

9 (B) make or modify a discretionary contract
10 award or Other Transaction Agreement totaling
11 \$1,000,000 or more, including a contract covered by
12 the Federal Acquisition Regulation;

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

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

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

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

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

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

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

24 (d) Except as provided in subsections (e), (f), and (g),
25 the amounts made available by this title shall be expended

1 as authorized by law for the programs, projects, and ac-
2 tivities specified in the “Bill” column in the “Department
3 of Energy” table included under the heading “Title III—
4 Department of Energy” in the report accompanying this
5 Act.

6 (e) The amounts made available by this title may be
7 reprogrammed for any program, project, or activity, and
8 the Department shall notify, and obtain the prior approval
9 of, the Committees on Appropriations of both Houses of
10 Congress at least 30 days prior to the use of any proposed
11 reprogramming that would cause any program, project, or
12 activity funding level to increase or decrease by more than
13 \$5,000,000 or 10 percent, whichever is less, during the
14 time period covered by this Act.

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

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

20 (2) increases funds or personnel for any pro-
21 gram, project, or activity for which funds are denied
22 or restricted by this Act; or

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

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

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

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

21 SEC. 302. Funds appropriated by this or any other
22 Act, or made available by the transfer of funds in this
23 Act, for intelligence activities are deemed to be specifically
24 authorized by the Congress for purposes of section 504
25 of the National Security Act of 1947 (50 U.S.C. 3094)

1 during fiscal year 2023 until the enactment of the Intel-
2 ligence Authorization Act for fiscal year 2023.

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

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

17 SEC. 305. Notwithstanding section 161 of the Energy
18 Policy and Conservation Act (42 U.S.C. 6241), upon a
19 determination by the President in this fiscal year that a
20 regional supply shortage of refined petroleum product of
21 significant scope and duration exists, that a severe in-
22 crease in the price of refined petroleum product will likely
23 result from such shortage, and that a draw down and sale
24 of refined petroleum product would assist directly and sig-
25 nificantly in reducing the adverse impact of such shortage,

1 the Secretary of Energy may draw down and sell refined
2 petroleum product from the Strategic Petroleum Reserve.
3 Proceeds from a sale under this section shall be deposited
4 into the SPR Petroleum Account established in section
5 167 of the Energy Policy and Conservation Act (42 U.S.C.
6 6247), and such amounts shall be available for obligation,
7 without fiscal year limitation, consistent with that section.

8 SEC. 306. No funds shall be transferred directly from
9 “Department of Energy—Power Marketing Administra-
10 tion—Colorado River Basins Power Marketing Fund,
11 Western Area Power Administration” to the general fund
12 of the Treasury in the current fiscal year.

13 SEC. 307. All unavailable collections currently in the
14 United States Enrichment Corporation Fund shall be
15 transferred to and merged with the Uranium Enrichment
16 Decontamination and Decommissioning Fund and shall be
17 available only to the extent provided in advance in appro-
18 priations Acts.

19 SEC. 308. Subparagraphs (B) and (C) of section
20 40401(a)(2) of Public Law 117–58, paragraph (3) of sec-
21 tion 1702(r) of the Energy Policy Act of 2005 (42 U.S.C.
22 16512(r)(3)) as added by section 40401(c)(2)(C) of Public
23 Law 117–58, and subsection (l) of section 136 of the En-
24 ergy Independence and Security Act of 2007 (42 U.S.C.
25 17013(l)), are hereby repealed.

1 SEC. 309. Of the unobligated balances from amounts
2 made available in the first proviso of section 1425 of the
3 Department of Defense and Full-Year Continuing Appro-
4 priations Act, 2011 (Public Law 112–10) for the cost of
5 loan guarantees under section 1703 of the Energy Policy
6 Act of 2005, \$150,000,000 are hereby rescinded: *Pro-*
7 *vided*, That, subject to section 502 of the Congressional
8 Budget Act of 1974, commitments to guarantee loans for
9 eligible projects under title XVII of the Energy Policy Act
10 of 2005, shall not exceed a total principal amount of
11 \$15,000,000,000, to remain available until committed:
12 *Provided further*, That the amounts provided in this sec-
13 tion are in addition to those provided in any other Act:
14 *Provided further*, That for amounts collected pursuant to
15 section 1702(b)(2) of the Energy Policy Act of 2005, the
16 source of such payment received from borrowers may not
17 be a loan or other debt obligation that is guaranteed by
18 the Federal Government: *Provided further*, That none of
19 such loan guarantee authority made available by this sec-
20 tion shall be available for commitments to guarantee loans
21 for any projects where funds, personnel, or property (tan-
22 gible or intangible) of any Federal agency, instrumen-
23 tality, personnel, or affiliated entity are expected be used
24 (directly or indirectly) through acquisitions, contracts,
25 demonstrations, exchanges, grants, incentives, leases, pro-

1 curements, sales, other transaction authority, or other ar-
2 rangements, to support the project or to obtain goods or
3 services from the project: *Provided further*, That the pre-
4 ceding proviso shall not be interpreted as precluding the
5 use of the loan guarantee authority provided by this sec-
6 tion for commitments to guarantee loans for: (1) projects
7 as a result of such projects benefitting from otherwise al-
8 lowable Federal income tax benefits; (2) projects as a re-
9 sult of such projects benefitting from being located on
10 Federal land pursuant to a lease or right-of-way agree-
11 ment for which all consideration for all uses is: (A) paid
12 exclusively in cash; (B) deposited in the Treasury as off-
13 setting receipts; and (C) equal to the fair market value
14 as determined by the head of the relevant Federal agency;
15 (3) projects as a result of such projects benefitting from
16 Federal insurance programs, including under section 170
17 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; com-
18 monly known as the “Price-Anderson Act”); or (4) electric
19 generation projects using transmission facilities owned or
20 operated by a Federal Power Marketing Administration
21 or the Tennessee Valley Authority that have been author-
22 ized, approved, and financed independent of the project
23 receiving the guarantee: *Provided further*, That none of the
24 loan guarantee authority made available by this section
25 shall be available for any project unless the Director of

1 the Office of Management and Budget has certified in ad-
2 vance in writing that the loan guarantee and the project
3 comply with the provisions under this section.

4 SEC. 310. (a) Hereafter, for energy development,
5 demonstration, and deployment programs funded under
6 Department of Energy appropriations (other than those
7 for the National Nuclear Security Administration and Of-
8 fice of Environmental Management) provided for fiscal
9 year 2022, the current fiscal year, or any fiscal year there-
10 after (including by Acts other than appropriations Acts),
11 the Secretary may vest unconditional title or other prop-
12 erty interests acquired under projects in an award recipi-
13 ent, subrecipient, or successor in interest, including the
14 United States, at the conclusion of the award period for
15 projects receiving an initial award in fiscal year 2022 or
16 later.

17 (b) Upon vesting unconditional title pursuant to sub-
18 section (a) in an award recipient, subrecipient, or suc-
19 cessor in interest other than the United States, the United
20 States shall have no liabilities or obligations to the prop-
21 erty.

22 (c) For purposes of this section, the term “property
23 interest” does not include any interest in intellectual prop-
24 erty developed using funding provided under a project.

1 SEC. 311. None of the funds made available in this
 2 title may be used to support a grant allocation award, dis-
 3 cretionary grant award, or cooperative agreement that ex-
 4 ceeds \$100,000,000 in Federal funding unless the project
 5 is carried out through internal independent project man-
 6 agement procedures.

7 TITLE IV

8 INDEPENDENT AGENCIES

9 APPALACHIAN REGIONAL COMMISSION

10 For expenses necessary to carry out the programs au-
 11 thorized by the Appalachian Regional Development Act of
 12 1965, as amended, and for expenses necessary for the
 13 Federal Co-Chairman and the Alternate on the Appa-
 14 lachian Regional Commission, for payment of the Federal
 15 share of the administrative expenses of the Commission,
 16 including services as authorized by 5 U.S.C. 3109, and
 17 hire of passenger motor vehicles, \$220,000,000, to remain
 18 available until expended.

19 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

20 SALARIES AND EXPENSES

21 For expenses necessary for the Defense Nuclear Fa-
 22 cilities Safety Board in carrying out activities authorized
 23 by the Atomic Energy Act of 1954, as amended by Public
 24 Law 100–456, section 1441, \$41,401,000, to remain
 25 available until September 30, 2024, of which not to exceed

1 \$1,000 shall be available for official reception and rep-
2 resentation expenses.

3 DELTA REGIONAL AUTHORITY

4 SALARIES AND EXPENSES

5 For expenses necessary for the Delta Regional Au-
6 thority and to carry out its activities, as authorized by
7 the Delta Regional Authority Act of 2000, notwith-
8 standing sections 382F(d), 382M, and 382N of said Act,
9 \$30,100,000, to remain available until expended.

10 DENALI COMMISSION

11 For expenses necessary for the Denali Commission
12 including the purchase, construction, and acquisition of
13 plant and capital equipment as necessary and other ex-
14 penses, \$15,100,000, to remain available until expended,
15 notwithstanding the limitations contained in section
16 306(g) of the Denali Commission Act of 1998: *Provided*,
17 That funds shall be available for construction projects for
18 which the Denali Commission is the sole or primary fund-
19 ing source in an amount not to exceed 80 percent of total
20 project cost for distressed communities, as defined by sec-
21 tion 307 of the Denali Commission Act of 1998 (division
22 C, title III, Public Law 105–277), as amended by section
23 701 of appendix D, title VII, Public Law 106–113 (113
24 Stat. 1501A–280), and an amount not to exceed 50 per-
25 cent for non-distressed communities: *Provided further*,

1 That notwithstanding any other provision of law regarding
2 payment of a non-Federal share in connection with a
3 grant-in-aid program, amounts under this heading shall
4 be available for the payment of such a non-Federal share
5 for any project for which the Denali Commission is not
6 the sole or primary funding source, provided that such
7 project is consistent with the purposes of the Commission.

8 NORTHERN BORDER REGIONAL COMMISSION

9 For expenses necessary for the Northern Border Re-
10 gional Commission in carrying out activities authorized by
11 subtitle V of title 40, United States Code, \$38,000,000,
12 to remain available until expended: *Provided*, That such
13 amounts shall be available for administrative expenses,
14 notwithstanding section 15751(b) of title 40, United
15 States Code.

16 SOUTHEAST CRESCENT REGIONAL COMMISSION

17 For expenses necessary for the Southeast Crescent
18 Regional Commission in carrying out activities authorized
19 by subtitle V of title 40, United States Code, \$33,000,000,
20 to remain available until expended.

21 SOUTHWEST BORDER REGIONAL COMMISSION

22 For expenses necessary for the Southwest Border Re-
23 gional Commission in carrying out activities authorized by
24 subtitle V of title 40, United States Code, \$2,500,000, to
25 remain available until expended.

1 NUCLEAR REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For expenses necessary for the Commission in car-
4 rying out the purposes of the Energy Reorganization Act
5 of 1974 and the Atomic Energy Act of 1954,
6 \$911,384,000, including official representation expenses
7 not to exceed \$25,000, to remain available until expended:
8 *Provided*, That of the amount appropriated herein, not
9 more than \$9,500,000 may be made available for salaries,
10 travel, and other support costs for the Office of the Com-
11 mission, to remain available until September 30, 2024:
12 *Provided further*, That revenues from licensing fees, in-
13 spection services, and other services and collections esti-
14 mated at \$777,498,000 in fiscal year 2023 shall be re-
15 tained and used for necessary salaries and expenses in this
16 account, notwithstanding 31 U.S.C. 3302, and shall re-
17 main available until expended: *Provided further*, That the
18 sum herein appropriated shall be reduced by the amount
19 of revenues received during fiscal year 2023 so as to result
20 in a final fiscal year 2023 appropriation estimated at not
21 more than \$133,886,000.

22 OFFICE OF INSPECTOR GENERAL

23 For expenses necessary for the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, \$17,769,000, to remain available

1 until September 30, 2024: *Provided*, That revenues from
2 licensing fees, inspection services, and other services and
3 collections estimated at \$14,655,000 in fiscal year 2023
4 shall be retained and be available until September 30,
5 2024, for necessary salaries and expenses in this account,
6 notwithstanding section 3302 of title 31, United States
7 Code: *Provided further*, That the sum herein appropriated
8 shall be reduced by the amount of revenues received dur-
9 ing fiscal year 2023 so as to result in a final fiscal year
10 2023 appropriation estimated at not more than
11 \$3,114,000: *Provided further*, That of the amounts appro-
12 priated under this heading, \$1,520,000 shall be for In-
13 spector General services for the Defense Nuclear Facilities
14 Safety Board.

15 NUCLEAR WASTE TECHNICAL REVIEW BOARD

16 SALARIES AND EXPENSES

17 For expenses necessary for the Nuclear Waste Tech-
18 nical Review Board, as authorized by Public Law 100-
19 203, section 5051, \$3,945,000, to be derived from the Nu-
20 clear Waste Fund, to remain available until September 30,
21 2024.

22 GENERAL PROVISIONS—INDEPENDENT

23 AGENCIES

24 SEC. 401. (a) The amounts made available by this
25 title for the Nuclear Regulatory Commission may be re-

1 programmed for any program, project, or activity, and the
2 Commission shall notify the Committees on Appropria-
3 tions of both Houses of Congress at least 30 days prior
4 to the use of any proposed reprogramming that would
5 cause any program funding level to increase or decrease
6 by more than \$500,000 or 10 percent, whichever is less,
7 during the time period covered by this Act.

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

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

23 (c) Except as provided in subsections (a), (b), and
24 (d), the amounts made available by this title for “Nuclear

1 Regulatory Commission—Salaries and Expenses” shall be
2 expended as directed in the report accompanying this Act.

3 (d) None of the funds provided for the Nuclear Regu-
4 latory Commission shall be available for obligation or ex-
5 penditure through a reprogramming of funds that in-
6 creases funds or personnel for any program, project, or
7 activity for which funds are denied or restricted by this
8 Act.

9 (e) The Commission shall provide a monthly report
10 to the Committees on Appropriations of both Houses of
11 Congress, which includes the following for each program,
12 project, or activity, including any prior year appropria-
13 tions—

- 14 (1) total budget authority;
15 (2) total unobligated balances; and
16 (3) total unliquidated obligations.

17 TITLE V

18 GENERAL PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 501. None of the funds appropriated by this Act
21 may be used in any way, directly or indirectly, to influence
22 congressional action on any legislation or appropriation
23 matters pending before Congress, other than to commu-
24 nicate to Members of Congress as described in 18 U.S.C.
25 1913.

1 SEC. 502. (a) None of the funds made available in
2 title III of this Act may be transferred to any department,
3 agency, or instrumentality of the United States Govern-
4 ment, except pursuant to a transfer made by or transfer
5 authority provided in this Act or any other appropriations
6 Act for any fiscal year, transfer authority referenced in
7 the report accompanying this Act, or any authority where-
8 by a department, agency, or instrumentality of the United
9 States Government may provide goods or services to an-
10 other department, agency, or instrumentality.

11 (b) None of the funds made available for any depart-
12 ment, agency, or instrumentality of the United States
13 Government may be transferred to accounts funded in title
14 III of this Act, except pursuant to a transfer made by or
15 transfer authority provided in this Act or any other appro-
16 priations Act for any fiscal year, transfer authority ref-
17 erenced in the report accompanying this Act, or any au-
18 thority whereby a department, agency, or instrumentality
19 of the United States Government may provide goods or
20 services to another department, agency, or instrumen-
21 tality.

22 (c) The head of any relevant department or agency
23 funded in this Act utilizing any transfer authority shall
24 submit to the Committees on Appropriations of both
25 Houses of Congress a semiannual report detailing the

1 transfer authorities, except for any authority whereby a
2 department, agency, or instrumentality of the United
3 States Government may provide goods or services to an-
4 other department, agency, or instrumentality, used in the
5 previous 6 months and in the year-to-date. This report
6 shall include the amounts transferred and the purposes
7 for which they were transferred, and shall not replace or
8 modify existing notification requirements for each author-
9 ity.

10 SEC. 503. None of the funds made available by this
11 Act may be used in contravention of Executive Order No.
12 12898 of February 11, 1994 (Federal Actions to Address
13 Environmental Justice in Minority Populations and Low-
14 Income Populations).

15 SEC. 504. (a) None of the funds made available in
16 this Act may be used to maintain or establish a computer
17 network unless such network blocks the viewing,
18 downloading, and exchanging of pornography.

19 (b) Nothing in subsection (a) shall limit the use of
20 funds necessary for any Federal, State, Tribal, or local
21 law enforcement agency or any other entity carrying out
22 criminal investigations, prosecution, or adjudication activi-
23 ties.

1 This Act may be cited as the “Energy and Water De-
2 velopment and Related Agencies Appropriations Act,
3 2023”.

[FULL COMMITTEE PRINT]

Union Calendar No. _____

117TH CONGRESS
2ND SESSION

H. R. _____

[Report No. 117-____]

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2023, and for other purposes.

JUNE --, 2022

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed