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[Report No. 118-__]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

____ --, 2023

Mr. FLEISCHMANN, 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, 2024, and for other purposes.

1 of projects prior to construction, \$136,087,000, to remain
2 available until expended: *Provided*, That the Secretary
3 shall not deviate from the work plan, once the plan has
4 been submitted to the Committees on Appropriations of
5 both Houses of Congress.

6 CONSTRUCTION

7 For expenses necessary for the construction of river
8 and harbor, flood and storm damage reduction, shore pro-
9 tection, aquatic ecosystem restoration, and related
10 projects authorized by law; for conducting detailed studies,
11 and plans and specifications, of such projects (including
12 those involving participation by States, local governments,
13 or private groups) authorized or made eligible for selection
14 by law (but such detailed studies, and plans and specifica-
15 tions, shall not constitute a commitment of the Govern-
16 ment to construction); \$2,889,942,000, to remain avail-
17 able until expended; of which \$74,152,000, to be derived
18 from the Harbor Maintenance Trust Fund, shall be to
19 cover the Federal share of construction costs for facilities
20 under the Dredged Material Disposal Facilities program;
21 and of which such sums as are necessary to cover 35 per-
22 cent of the costs of construction, replacement, rehabilita-
23 tion, and expansion of inland waterways projects shall be
24 derived from the Inland Waterways Trust Fund, except
25 as otherwise specifically provided for in law: *Provided*,

1 That the Secretary shall not deviate from the work plan,
2 once the plan has been submitted to the Committees on
3 Appropriations of both Houses of Congress.

4 MISSISSIPPI RIVER AND TRIBUTARIES

5 For expenses necessary for flood damage reduction
6 projects and related efforts in the Mississippi River allu-
7 vial valley below Cape Girardeau, Missouri, as authorized
8 by law, \$364,349,000, to remain available until expended,
9 of which \$5,457,000, to be derived from the Harbor Main-
10 tenance Trust Fund, shall be to cover the Federal share
11 of eligible operation and maintenance costs for inland har-
12 bors: *Provided*, That the Secretary shall not deviate from
13 the work plan, once the plan has been submitted to the
14 Committees on Appropriations of both Houses of Con-
15 gress.

16 OPERATION AND MAINTENANCE

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

1 and charting northern and northwestern lakes and con-
2 necting waters; clearing and straightening channels; and
3 removing obstructions to navigation, \$5,496,622,000, to
4 remain available until expended, of which \$2,691,391,000,
5 to be derived from the Harbor Maintenance Trust Fund,
6 shall be to cover the Federal share of eligible operations
7 and maintenance costs for coastal harbors and channels,
8 and for inland harbors; of which such sums as become
9 available from the special account for the Corps of Engi-
10 neers established by the Land and Water Conservation
11 Fund Act of 1965 shall be derived from that account for
12 resource protection, research, interpretation, and mainte-
13 nance activities related to resource protection in the areas
14 at which outdoor recreation is available; of which such
15 sums as become available from fees collected under section
16 217 of Public Law 104–303 shall be used to cover the
17 cost of operation and maintenance of the dredged material
18 disposal facilities for which such fees have been collected;
19 and of which \$58,000,000, to be derived from the general
20 fund of the Treasury, shall be to carry out subsection (c)
21 of section 2106 of the Water Resources Reform and Devel-
22 opment Act of 2014 (33 U.S.C. 2238c) and shall be des-
23 ignated as being for such purpose pursuant to paragraph
24 (2) of section 14003 of division B of the Coronavirus Aid,
25 Relief, and Economic Security Act (Public Law 116–136):

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

16 REGULATORY PROGRAM

17 For expenses necessary for administration of laws
18 pertaining to regulation of navigable waters and wetlands,
19 \$218,000,000, to remain available until September 30,
20 2025.

21 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

22 For expenses necessary to clean up contamination
23 from sites in the United States resulting from work per-
24 formed as part of the Nation's early atomic energy pro-
25 gram, \$200,000,000, to remain available until expended.

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For expenses necessary to prepare for flood, hurri-
3 cane, and other natural disasters and support emergency
4 operations, repairs, and other activities in response to
5 such disasters as authorized by law, \$40,000,000, to re-
6 main available until expended.

7 EXPENSES

8 For expenses necessary for the supervision and gen-
9 eral administration of the civil works program in the head-
10 quarters of the Corps of Engineers and the offices of the
11 Division Engineers; and for costs of management and op-
12 eration of the Humphreys Engineer Center Support Activ-
13 ity, the Institute for Water Resources, the United States
14 Army Engineer Research and Development Center, and
15 the United States Army Corps of Engineers Finance Cen-
16 ter allocable to the civil works program, \$215,000,000, to
17 remain available until September 30, 2025, of which not
18 to exceed \$5,000 may be used for official reception and
19 representation purposes and only during the current fiscal
20 year: *Provided*, That no part of any other appropriation
21 provided in this title shall be available to fund the civil
22 works activities of the Office of the Chief of Engineers
23 or the civil works executive direction and management ac-
24 tivities of the division offices: *Provided further*, That any
25 Flood Control and Coastal Emergencies appropriation

1 may be used to fund the supervision and general adminis-
2 tration of emergency operations, repairs, and other activi-
3 ties in response to any flood, hurricane, or other natural
4 disaster.

5 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
6 FOR CIVIL WORKS

7 For the Office of the Assistant Secretary of the Army
8 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
9 \$5,000,000, to remain available until September 30, 2025:
10 *Provided*, That not more than 25 percent of such amount
11 may be obligated or expended until the Assistant Sec-
12 retary submits to the Committees on Appropriations of
13 both Houses of Congress the report required under section
14 101(d) of this Act and a work plan that allocates at least
15 95 percent of the additional funding provided under each
16 heading in the report accompanying this Act to specific
17 programs, projects, or activities.

18 WATER INFRASTRUCTURE FINANCE AND INNOVATION
19 PROGRAM ACCOUNT

20 For administrative expenses to carry out the direct
21 and guaranteed loan programs authorized by the Water
22 Infrastructure Finance and Innovation Act of 2014,
23 \$5,000,000, to remain available until September 30, 2025.

1 GENERAL PROVISIONS—CORPS OF
2 ENGINEERS—CIVIL
3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 101. (a) None of the funds provided in title I
5 of this Act, or provided by previous appropriations Acts
6 to the agencies or entities funded in title I of this Act
7 that remain available for obligation or expenditure in fiscal
8 year 2024, shall be available for obligation or expenditure
9 through a reprogramming of funds that:

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

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

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

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

22 (5) augments or reduces existing programs,
23 projects, or activities in excess of the amounts con-
24 tained in paragraphs (6) through (10), unless prior

1 approval is received from the Committees on Appro-
2 priations of both Houses of Congress;

3 (6) INVESTIGATIONS.—For a base level over
4 \$100,000, reprogramming of 25 percent of the base
5 amount up to a limit of \$150,000 per project, study
6 or activity is allowed: *Provided*, That for a base level
7 less than \$100,000, the reprogramming limit is
8 \$25,000: *Provided further*, That up to \$25,000 may
9 be reprogrammed into any continuing study or activ-
10 ity that did not receive an appropriation for existing
11 obligations and concomitant administrative expenses;

12 (7) CONSTRUCTION.—For a base level over
13 \$2,000,000, reprogramming of 15 percent of the
14 base amount up to a limit of \$3,000,000 per project,
15 study or activity is allowed: *Provided*, That for a
16 base level less than \$2,000,000, the reprogramming
17 limit is \$300,000: *Provided further*, That up to
18 \$3,000,000 may be reprogrammed for settled con-
19 tractor claims, changed conditions, or real estate de-
20 ficiency judgments: *Provided further*, That up to
21 \$300,000 may be reprogrammed into any continuing
22 study or activity that did not receive an appropria-
23 tion for existing obligations and concomitant admin-
24 istrative expenses;

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

16 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
17 The reprogramming guidelines in paragraphs (6),
18 (7), and (8) shall apply to the Investigations, Con-
19 struction, and Operation and Maintenance portions
20 of the Mississippi River and Tributaries Account, re-
21 spectively; and

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

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

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

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

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

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

23 (3) An identification of items of special congres-
24 sional interest.

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

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

11 SEC. 104. The Secretary of the Army may transfer
12 to the Fish and Wildlife Service, and the Fish and Wildlife
13 Service may accept and expend, up to \$8,200,000 of funds
14 provided in this title under the heading “Operation and
15 Maintenance” to mitigate for fisheries lost due to Corps
16 of Engineers projects.

17 SEC. 105. None of the funds in this Act shall be used
18 for an open lake placement alternative for dredged mate-
19 rial, after evaluating the least costly, environmentally ac-
20 ceptable manner for the disposal or management of
21 dredged material originating from Lake Erie or tributaries
22 thereto, unless it is approved under a State water quality
23 certification pursuant to section 401 of the Federal Water
24 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
25 until an open lake placement alternative for dredged mate-

1 rial is approved under a State water quality certification,
2 the Corps of Engineers shall continue upland placement
3 of such dredged material consistent with the requirements
4 of section 101 of the Water Resources Development Act
5 of 1986 (33 U.S.C. 2211).

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

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

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

19 SEC. 109. The rule submitted by the Department of
20 the Army, Corps of Engineers, Department of Defense,
21 and the Environmental Protection Agency relating to “Re-
22 vised Definition of ‘Waters of the United States’” (88
23 Fed. Reg. 3004 (January 18, 2023)) shall have no force
24 or effect.

1 SEC. 110. As of the date of enactment of this Act
2 and each fiscal year thereafter, the Secretary of the Army
3 shall not promulgate or enforce any regulation that pro-
4 hibits an individual from possessing a firearm, including
5 an assembled or functional firearm, at a water resources
6 development project covered under section 327.0 of title
7 36, Code of Federal Regulations (as in effect on the date
8 of enactment of this Act) if:

9 (1) the individual is not otherwise prohibited by
10 law from possessing a firearm; and

11 (2) the possession of the firearm is in compli-
12 ance with the law of the State in which the water
13 resources development project is located.

14 SEC. 111. None of the funds made available by this
15 Act or any other Act in any fiscal year may be used to
16 alter the eligibility requirements for assistance under sec-
17 tion 5 of the Act of August 18, 1941 (33 U.S.C. 701h)
18 in effect on November 14, 2022, without express author-
19 ization by Congress.

20 SEC. 112. Notwithstanding any other requirement,
21 unobligated balances from amounts made available under
22 the heading “Corps of Engineers—Civil—Construction”
23 in division J of the Infrastructure Investment and Jobs
24 Act (Public Law 117–58) for which spend plan allocations
25 have not been announced as of the date of enactment of

1 this Act may be made available for projects, regardless
2 of project purpose, that have previously received funds
3 under the heading “Corps of Engineers—Civil—Construc-
4 tion” in the Bipartisan Budget Act of 2018 (Public Law
5 115–123) and for which non-Federal interests have en-
6 tered into binding agreements with the Secretary as of the
7 date of enactment of this Act: *Provided*, That projects re-
8 ceiving Infrastructure Investment and Jobs Act (Public
9 Law 117–58) funding pursuant to this section shall be
10 subject only to the terms and conditions of the Bipartisan
11 Budget Act of 2018 (Public Law 115–123): *Provided fur-*
12 *ther*, That amounts repurposed pursuant to this section
13 that were previously designated by the Congress as an
14 emergency requirement pursuant to the Balanced Budget
15 and Emergency Deficit Control Act of 1985 or a concur-
16 rent resolution on the budget are designated by the Con-
17 gress as an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20

TITLE II

21

DEPARTMENT OF THE INTERIOR

22

CENTRAL UTAH PROJECT

23

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

24

For carrying out activities authorized by the Central

25

Utah Project Completion Act, \$23,000,000, to remain

1 available until expended, of which \$4,650,000 shall be de-
2 posited into the Utah Reclamation Mitigation and Con-
3 servation Account for use by the Utah Reclamation Miti-
4 gation and Conservation Commission: *Provided*, That of
5 the amount provided under this heading, \$1,750,000 shall
6 be available until September 30, 2025, for expenses nec-
7 essary in carrying out related responsibilities of the Sec-
8 retary of the Interior: *Provided further*, That for fiscal
9 year 2024, of the amount made available to the Commis-
10 sion under this Act or any other Act, the Commission may
11 use an amount not to exceed \$1,990,000 for administra-
12 tive expenses.

13 BUREAU OF RECLAMATION

14 The following appropriations shall be expended to
15 execute authorized functions of the Bureau of Reclama-
16 tion:

17 WATER AND RELATED RESOURCES

18 (INCLUDING TRANSFERS OF FUNDS)

19 For management, development, and restoration of
20 water and related natural resources and for related activi-
21 ties, including the operation, maintenance, and rehabilita-
22 tion of reclamation and other facilities, participation in
23 fulfilling related Federal responsibilities to Native Ameri-
24 cans, and related grants to, and cooperative and other
25 agreements with, State and local governments, federally

1 recognized Indian Tribes, and others, \$1,693,366,000, to
2 remain available until expended, of which \$1,051,000 shall
3 be available for transfer to the Upper Colorado River
4 Basin Fund and \$7,584,000 shall be available for transfer
5 to the Lower Colorado River Basin Development Fund;
6 of which such amounts as may be necessary may be ad-
7 vanced to the Colorado River Dam Fund: *Provided*, That
8 \$500,000 shall be available for transfer into the Aging In-
9 frastructure Account established by section 9603(d)(1) of
10 the Omnibus Public Land Management Act of 2009, as
11 amended (43 U.S.C. 510b(d)(1)): *Provided further*, That
12 such transfers, except for the transfer authorized by the
13 preceding proviso, may be increased or decreased within
14 the overall appropriation under this heading: *Provided fur-*
15 *ther*, That of the total appropriated, the amount for pro-
16 gram activities that can be financed by the Reclamation
17 Fund, the Water Storage Enhancement Receipts account
18 established by section 4011(e) of Public Law 114–322, or
19 the Bureau of Reclamation special fee account established
20 by 16 U.S.C. 6806 shall be derived from that Fund or
21 account: *Provided further*, That funds contributed under
22 43 U.S.C. 395 are available until expended for the pur-
23 poses for which the funds were contributed: *Provided fur-*
24 *ther*, That funds advanced under 43 U.S.C. 397a shall be
25 credited to this account and are available until expended

1 for the same purposes as the sums appropriated under this
2 heading: *Provided further*, That of the amounts made
3 available under this heading, \$5,500,000 shall be depos-
4 ited in the San Gabriel Basin Restoration Fund estab-
5 lished by section 110 of title I of division B of appendix
6 D of Public Law 106–554: *Provided further*, That of the
7 amounts provided herein, funds may be used for high-pri-
8 ority projects which shall be carried out by the Youth Con-
9 servation Corps, as authorized by 16 U.S.C. 1706: *Pro-*
10 *vided further*, That within available funds, \$250,000 shall
11 be for grants and financial assistance for educational ac-
12 tivities: *Provided further*, That in accordance with section
13 4007 of Public Law 114–322 and as recommended by the
14 Secretary in letters dated February 13, 2019, June 22,
15 2020, and December 3, 2020, funding provided for such
16 purpose in this and prior fiscal years shall be made avail-
17 able to the Shasta Dam and Reservoir Enlargement
18 Project.

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 2024 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 further*,
22 That Calfed implementation shall be carried out in a bal-
23 anced manner with clear performance measures dem-
24 onstrating concurrent progress in achieving the goals and
25 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, 2025, \$65,079,000, to be derived from the Reclama-
7 tion Fund and be nonreimbursable as provided in 43
8 U.S.C. 377, of which not to exceed \$5,000 may be used
9 for official reception and representation expenses: *Pro-*
10 *vided*, That no part of any other appropriation in this Act
11 shall be available for activities or functions budgeted as
12 policy and administration expenses.

13 ADMINISTRATIVE PROVISION

14 Appropriations for the Bureau of Reclamation shall
15 be available for purchase and replacement of not to exceed
16 30 motor vehicles, which are for replacement only.

17 GENERAL PROVISIONS—DEPARTMENT OF THE
18 INTERIOR

19 SEC. 201. (a) None of the funds provided in title II
20 of this Act for Water and Related Resources, or provided
21 by previous or subsequent appropriations Acts to the agen-
22 cies or entities funded in title II of this Act for Water
23 and Related Resources that remain available for obligation
24 or expenditure in fiscal year 2024, shall be available for

1 obligation or expenditure through a reprogramming of
2 funds that—

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

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

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

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

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

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

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

1 (6) transfers more than \$500,000 from either
2 the Facilities Operation, Maintenance, and Rehabili-
3 tation category or the Resources Management and
4 Development category to any program, project, or
5 activity in the other category, unless prior approval
6 is received from the Committees on Appropriations
7 of both Houses of Congress; or

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

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

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

22 (d) Except as provided in subsections (a) and (b), the
23 amounts made available in this title under the heading
24 “Bureau of Reclamation—Water and Related Resources”
25 shall be expended for the programs, projects, and activities

1 specified in the “House Recommended” columns in the
2 “Water and Related Resources” table included under the
3 heading “Title II—Department of the Interior” in the re-
4 port accompanying this Act.

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

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

21 (b) The costs of the Kesterson Reservoir Cleanup
22 Program and the costs of the San Joaquin Valley Drain-
23 age Program shall be classified by the Secretary of the
24 Interior as reimbursable or nonreimbursable and collected
25 until fully repaid pursuant to the “Cleanup Program—

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

12 TITLE III

13 DEPARTMENT OF ENERGY

14 ENERGY PROGRAMS

15 ENERGY EFFICIENCY AND RENEWABLE ENERGY

16 For Department of Energy expenses including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment, and other expenses necessary for energy
19 efficiency and renewable energy activities in carrying out
20 the purposes of the Department of Energy Organization
21 Act (42 U.S.C. 7101 et seq.), including the acquisition or
22 condemnation of any real property or any facility or for
23 plant or facility acquisition, construction, or expansion,
24 \$2,994,000,000, to remain available until expended: *Pro-*

1 *vided*, That of such amount, \$223,000,000 shall be avail-
2 able until September 30, 2025, for program direction.

3 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
4 RESPONSE

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for energy
8 sector cybersecurity, energy security, and emergency re-
9 sponse activities in carrying out the purposes of the De-
10 partment of Energy Organization Act (42 U.S.C. 7101 et
11 seq.), including the acquisition or condemnation of any
12 real property or any facility or for plant or facility acqui-
13 sition, construction, or expansion, \$200,000,000, to remain
14 available until expended: *Provided*, That of such amount,
15 \$25,143,000 shall be available until September 30, 2025,
16 for program direction.

17 ELECTRICITY

18 For Department of Energy expenses including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment, and other expenses necessary for elec-
21 tricity activities in carrying out the purposes of the De-
22 partment of Energy Organization Act (42 U.S.C. 7101 et
23 seq.), including the acquisition or condemnation of any
24 real property or any facility or for plant or facility acqui-
25 sition, construction, or expansion, \$315,600,000, to remain

1 available until expended: *Provided*, That of such amount,
2 \$23,000,000 shall be available until September 30, 2025,
3 for program direction.

4 NUCLEAR ENERGY

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for nuclear
8 energy activities in carrying out the purposes of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including the acquisition or condemnation of any
11 real property or any facility or for plant or facility acquisi-
12 tion, construction, or expansion, \$1,783,000,000, to re-
13 main available until expended. *Provided*, That of such
14 amount, \$85,500,000 shall be available until September
15 30, 2025, for program direction: *Provided further*, That
16 for the purpose of section 954(a)(6) of the Energy Policy
17 Act of 2005, as amended, the only amount available shall
18 be from the amount specified as including that purpose
19 in the “House Recommended” column in the “Department
20 of Energy” table included under the heading “Title III—
21 Department of Energy” in the report accompanying this
22 Act.

23 FOSSIL ENERGY AND CARBON MANAGEMENT

24 For Department of Energy expenses necessary in car-
25 rying out fossil energy and carbon management research

1 and development activities, under the authority of the De-
2 partment of Energy Organization Act (42 U.S.C. 7101 et
3 seq.), including the acquisition of interest, including defea-
4 sible and equitable interests in any real property or any
5 facility or for plant or facility acquisition or expansion,
6 and for conducting inquiries, technological investigations
7 and research concerning the extraction, processing, use,
8 and disposal of mineral substances without objectionable
9 social and environmental costs (30 U.S.C. 3, 1602, and
10 1603), \$857,904,000, to remain available until expended:
11 *Provided*, That of such amount \$70,000,000 shall be avail-
12 able until September 30, 2025, for program direction.

13 NAVAL PETROLEUM AND OIL SHALE RESERVES

14 For Department of Energy expenses necessary to
15 carry out naval petroleum and oil shale reserve activities,
16 \$13,010,000, to remain available until expended: *Pro-*
17 *vided*, That notwithstanding any other provision of law,
18 unobligated funds remaining from prior years shall be
19 available for all naval petroleum and oil shale reserve ac-
20 tivities.

21 STRATEGIC PETROLEUM RESERVE

22 For Department of Energy expenses necessary for
23 Strategic Petroleum Reserve facility development and op-
24 erations and program management activities pursuant to

1 the Energy Policy and Conservation Act (42 U.S.C. 6201
2 et seq.), \$280,969,000, to remain available until expended.

3 NORTHEAST HOME HEATING OIL RESERVE

4 For Department of Energy expenses necessary for
5 Northeast Home Heating Oil Reserve storage, operation,
6 and management activities pursuant to the Energy Policy
7 and Conservation Act (42 U.S.C. 6201 et seq.),
8 \$7,150,000, to remain available until expended.

9 ENERGY INFORMATION ADMINISTRATION

10 For Department of Energy expenses necessary in car-
11 rying out the activities of the Energy Information Admin-
12 istration, \$135,000,000, to remain available until ex-
13 pended.

14 NON-DEFENSE ENVIRONMENTAL CLEANUP

15 For Department of Energy expenses, including the
16 purchase, construction, and acquisition of plant and cap-
17 ital equipment and other expenses necessary for non-de-
18 fense environmental cleanup activities in carrying out the
19 purposes of the Department of Energy Organization Act
20 (42 U.S.C. 7101 et seq.), including the acquisition or con-
21 demnation of any real property or any facility or for plant
22 or facility acquisition, construction, or expansion,
23 \$341,700,000, to remain available until expended: *Pro-*
24 *vided*, That in addition, fees collected pursuant to sub-
25 section (b)(1) of section 6939f of title 42, United States

1 Code, and deposited under this heading in fiscal year 2024
2 pursuant to section 309 of title III of division C of Public
3 Law 116–94 are appropriated, to remain available until
4 expended, for mercury storage costs.

5 URANIUM ENRICHMENT DECONTAMINATION AND
6 DECOMMISSIONING FUND

7 For Department of Energy expenses necessary in car-
8 rying out uranium enrichment facility decontamination
9 and decommissioning, remedial actions, and other activi-
10 ties of title II of the Atomic Energy Act of 1954, and
11 title X, subtitle A, of the Energy Policy Act of 1992,
12 \$865,208,000, to be derived from the Uranium Enrich-
13 ment Decontamination and Decommissioning Fund, to re-
14 main available until expended, of which \$10,000,000 shall
15 be available in accordance with title X, subtitle A, of the
16 Energy Policy Act of 1992.

17 SCIENCE

18 For Department of Energy expenses including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment, and other expenses necessary for science
21 activities in carrying out the purposes of the Department
22 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
23 cluding the acquisition or condemnation of any real prop-
24 erty or any facility or for plant or facility acquisition, con-
25 struction, or expansion, and purchase of not more than

1 35 passenger motor vehicles, \$8,100,000,000, to remain
2 available until expended: *Provided*, That of such amount,
3 \$211,211,000 shall be available until September 30, 2025,
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, \$12,040,000, 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 \$22,098,000, to remain available until expended: *Pro-*
16 *vided*, That of such amount, \$13,183,000 shall be avail-
17 able until September 30, 2025, for program direction.

18 CLEAN ENERGY DEMONSTRATIONS

19 For Department of Energy expenses necessary to
20 carry out program direction of the Office of Clean Energy
21 Demonstrations, \$35,000,000, to remain available until
22 September 30, 2025.

23 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

24 For Department of Energy expenses necessary in car-
25 rying out the activities authorized by section 5012 of the

1 America COMPETES Act (Public Law 110–69),
2 \$470,000,000, to remain available until expended: *Pro-*
3 *vided*, That of such amount, \$37,000,000 shall be avail-
4 able until September 30, 2025, for program direction.

5 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
6 PROGRAM

7 Such sums as are derived from amounts received
8 from borrowers pursuant to section 1702(b) of the Energy
9 Policy Act of 2005 under this heading in prior Acts, shall
10 be collected in accordance with section 502(7) of the Con-
11 gressional Budget Act of 1974: *Provided*, That for nec-
12 essary administrative expenses of the Title 17 Innovative
13 Technology Loan Guarantee Program, as authorized,
14 \$70,000,000 is appropriated, to remain available until
15 September 30, 2025: *Provided further*, That up to
16 \$70,000,000 of fees collected in fiscal year 2024 pursuant
17 to section 1702(h) of the Energy Policy Act of 2005 shall
18 be credited as offsetting collections under this heading and
19 used for necessary administrative expenses in this appro-
20 priation and shall remain available until September 30,
21 2025: *Provided further*, That to the extent that fees col-
22 lected in fiscal year 2024 exceed \$70,000,000, those ex-
23 cess amounts shall be credited as offsetting collections
24 under this heading and available in future fiscal years only
25 to the extent provided in advance in appropriations Acts:

1 *Provided further*, That the sum herein appropriated from
2 the general fund shall be reduced (1) as such fees are re-
3 ceived during fiscal year 2024 (estimated at \$70,000,000)
4 and (2) to the extent that any remaining general fund ap-
5 propriations can be derived from fees collected in previous
6 fiscal years that are not otherwise appropriated, so as to
7 result in a final fiscal year 2024 appropriation from the
8 general fund estimated at \$0: *Provided further*, That the
9 Department of Energy shall not subordinate any loan obli-
10 gation to other financing in violation of section 1702 of
11 the Energy Policy Act of 2005 or subordinate any Guarant-
12 eed Obligation to any loan or other debt obligations in
13 violation of section 609.10 of title 10, Code of Federal
14 Regulations.

15 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
16 LOAN PROGRAM

17 For Department of Energy administrative expenses
18 necessary in carrying out the Advanced Technology Vehi-
19 cles Manufacturing Loan Program, \$13,000,000, to re-
20 main available until September 30, 2025.

21 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

22 For Department of Energy administrative expenses
23 necessary in carrying out the Tribal Energy Loan Guar-
24 antee Program, \$6,300,000, to remain available until Sep-
25 tember 30, 2025.

1 INDIAN ENERGY POLICY AND PROGRAMS

2 For necessary expenses for Indian Energy activities
3 in carrying out the purposes of the Department of Energy
4 Organization Act (42 U.S.C. 7101 et seq.), \$75,000,000,
5 to remain available until expended: *Provided*, That of the
6 amount appropriated under this heading, \$14,000,000
7 shall be available until September 30, 2025, for program
8 direction.

9 DEPARTMENTAL ADMINISTRATION

10 For salaries and expenses of the Department of En-
11 ergy necessary for departmental administration in car-
12 rying out the purposes of the Department of Energy Orga-
13 nization Act (42 U.S.C. 7101 et seq.), \$383,578,000, to
14 remain available until September 30, 2025, including the
15 hire of passenger motor vehicles and official reception and
16 representation expenses not to exceed \$30,000, plus such
17 additional amounts as necessary to cover increases in the
18 estimated amount of cost of work for others notwith-
19 standing the provisions of the Anti-Deficiency Act (31
20 U.S.C. 1511 et seq.): *Provided*, That such increases in cost
21 of work are offset by revenue increases of the same or
22 greater amount: *Provided further*, That moneys received
23 by the Department for miscellaneous revenues estimated
24 to total \$100,578,000 in fiscal year 2024 may be retained
25 and used for operating expenses within this account, as

1 authorized by section 201 of Public Law 95–238, notwith-
2 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
3 *ther*, That the sum herein appropriated shall be reduced
4 as collections are received during the fiscal year so as to
5 result in a final fiscal year 2024 appropriation from the
6 general fund estimated at not more than \$283,000,000.

7 OFFICE OF THE INSPECTOR GENERAL

8 For expenses necessary for the Office of the Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, \$92,000,000, to remain available
11 until September 30, 2025.

12 ATOMIC ENERGY DEFENSE ACTIVITIES

13 NATIONAL NUCLEAR SECURITY

14 ADMINISTRATION

15 WEAPONS ACTIVITIES

16 For Department of Energy expenses, including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment and other incidental expenses necessary for
19 atomic energy defense weapons activities in carrying out
20 the purposes of the Department of Energy Organization
21 Act (42 U.S.C. 7101 et seq.), including the acquisition or
22 condemnation of any real property or any facility or for
23 plant or facility acquisition, construction, or expansion,
24 \$19,114,167,000, to remain available until expended: *Pro-*

1 *vided*, That of such amount, \$118,056,000 shall be avail-
2 able until September 30, 2025, for program direction.

3 DEFENSE NUCLEAR NONPROLIFERATION

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other incidental expenses necessary for
7 defense nuclear nonproliferation activities, in carrying out
8 the purposes of the Department of Energy Organization
9 Act (42 U.S.C. 7101 et seq.), including the acquisition or
10 condemnation of any real property or any facility or for
11 plant or facility acquisition, construction, or expansion,
12 \$2,380,037,000, to remain available until expended.

13 NAVAL REACTORS

14 (INCLUDING TRANSFER OF FUNDS)

15 For Department of Energy expenses necessary for
16 naval reactors activities to carry out the Department of
17 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
18 ing the acquisition (by purchase, condemnation, construc-
19 tion, or otherwise) of real property, plant, and capital
20 equipment, facilities, and facility expansion,
21 \$1,946,049,000, to remain available until expended, of
22 which \$99,747,000 shall be transferred to “Department
23 of Energy—Energy Programs—Nuclear Energy”, for the
24 Advanced Test Reactor: *Provided*, That of such amount,

1 \$61,540,000 shall be available until September 30, 2025,
2 for program direction.

3 FEDERAL SALARIES AND EXPENSES

4 For expenses necessary for Federal Salaries and Ex-
5 penses in the National Nuclear Security Administration,
6 \$518,994,000, to remain available until September 30,
7 2025, including official reception and representation ex-
8 penses not to exceed \$17,000.

9 ENVIRONMENTAL AND OTHER DEFENSE

10 ACTIVITIES

11 DEFENSE ENVIRONMENTAL CLEANUP

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other expenses necessary for atomic
15 energy defense environmental cleanup activities in car-
16 rying out the purposes of the Department of Energy Orga-
17 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
18 sition or condemnation of any real property or any facility
19 or for plant or facility acquisition, construction, or expan-
20 sion, \$7,073,556,000, to remain available until expended:
21 *Provided*, That of such amount, \$326,893,000 shall be
22 available until September 30, 2025, for program direction.

23 OTHER DEFENSE ACTIVITIES

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

1 ital equipment and other expenses, necessary for atomic
2 energy defense, other defense activities, and classified ac-
3 tivities, in carrying out the purposes of the Department
4 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
5 cluding the acquisition or condemnation of any real prop-
6 erty or any facility or for plant or facility acquisition, con-
7 struction, or expansion, \$1,075,197,000, to remain avail-
8 able until expended: *Provided*, That of such amount,
9 \$381,460,000 shall be available until September 30, 2025,
10 for program direction.

11 POWER MARKETING ADMINISTRATIONS

12 BONNEVILLE POWER ADMINISTRATION FUND

13 Expenditures from the Bonneville Power Administra-
14 tion Fund, established pursuant to Public Law 93-454,
15 are approved for official reception and representation ex-
16 penses in an amount not to exceed \$5,000: *Provided*, That
17 during fiscal year 2024, no new direct loan obligations
18 may be made.

19 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
20 ADMINISTRATION

21 For expenses necessary for operation and mainte-
22 nance of power transmission facilities and for marketing
23 electric power and energy, including transmission wheeling
24 and ancillary services, pursuant to section 5 of the Flood
25 Control Act of 1944 (16 U.S.C. 825s), as applied to the

1 southeastern power area, \$8,449,000, including official re-
2 ception and representation expenses in an amount not to
3 exceed \$1,500, to remain available until expended: *Pro-*
4 *vided*, That notwithstanding 31 U.S.C. 3302 and section
5 5 of the Flood Control Act of 1944, up to \$8,449,000 col-
6 lected by the Southeastern Power Administration from the
7 sale of power and related services shall be credited to this
8 account as discretionary offsetting collections, to remain
9 available until expended for the sole purpose of funding
10 the annual expenses of the Southeastern Power Adminis-
11 tration: *Provided further*, That the sum herein appro-
12 priated for annual expenses shall be reduced as collections
13 are received during the fiscal year so as to result in a final
14 fiscal year 2024 appropriation estimated at not more than
15 \$0: *Provided further*, That notwithstanding 31 U.S.C.
16 3302, up to \$71,850,000 collected by the Southeastern
17 Power Administration pursuant to the Flood Control Act
18 of 1944 to recover purchase power and wheeling expenses
19 shall be credited to this account as offsetting collections,
20 to remain available until expended for the sole purpose
21 of making purchase power and wheeling expenditures:
22 *Provided further*, That for purposes of this appropriation,
23 annual expenses means expenditures that are generally re-
24 covered in the same year that they are incurred (excluding
25 purchase power and wheeling expenses).

1 OPERATION AND MAINTENANCE, SOUTHWESTERN
2 POWER ADMINISTRATION

3 For expenses necessary for operation and mainte-
4 nance of power transmission facilities and for marketing
5 electric power and energy, for construction and acquisition
6 of transmission lines, substations and appurtenant facili-
7 ties, and for administrative expenses, including official re-
8 ception and representation expenses in an amount not to
9 exceed \$1,500 in carrying out section 5 of the Flood Con-
10 trol Act of 1944 (16 U.S.C. 825s), as applied to the
11 Southwestern Power Administration, \$52,326,000, to re-
12 main available until expended: *Provided*, That notwith-
13 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
14 trol Act of 1944 (16 U.S.C. 825s), up to \$40,886,000 col-
15 lected by the Southwestern Power Administration from
16 the sale of power and related services shall be credited to
17 this account as discretionary offsetting collections, to re-
18 main available until expended, for the sole purpose of
19 funding the annual expenses of the Southwestern Power
20 Administration: *Provided further*, That the sum herein ap-
21 propriated for annual expenses shall be reduced as collec-
22 tions are received during the fiscal year so as to result
23 in a final fiscal year 2024 appropriation estimated at not
24 more than \$11,440,000: *Provided further*, That notwith-
25 standing 31 U.S.C. 3302, up to \$80,000,000 collected by

1 the Southwestern Power Administration pursuant to the
2 Flood Control Act of 1944 to recover purchase power and
3 wheeling expenses shall be credited to this account as off-
4 setting collections, to remain available until expended for
5 the sole purpose of making purchase power and wheeling
6 expenditures: *Provided further*, That for purposes of this
7 appropriation, annual expenses means expenditures that
8 are generally recovered in the same year that they are in-
9 curred (excluding purchase power and wheeling expenses).

10 CONSTRUCTION, REHABILITATION, OPERATION AND
11 MAINTENANCE, WESTERN AREA POWER ADMINIS-
12 TRATION

13 For carrying out the functions authorized by title III,
14 section 302(a)(1)(E) of the Act of August 4, 1977 (42
15 U.S.C. 7152), and other related activities including con-
16 servation and renewable resources programs as author-
17 ized, \$313,289,000, including official reception and rep-
18 resentation expenses in an amount not to exceed \$1,500,
19 to remain available until expended, of which \$313,289,000
20 shall be derived from the Department of the Interior Rec-
21 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
22 3302, section 5 of the Flood Control Act of 1944 (16
23 U.S.C. 825s), and section 1 of the Interior Department
24 Appropriation Act, 1939 (43 U.S.C. 392a), up to
25 \$213,417,000 collected by the Western Area Power Ad-

1 ministration from the sale of power and related services
2 shall be credited to this account as discretionary offsetting
3 collections, to remain available until expended, for the sole
4 purpose of funding the annual expenses of the Western
5 Area Power Administration: *Provided further*, That the
6 sum herein appropriated for annual expenses shall be re-
7 duced as collections are received during the fiscal year so
8 as to result in a final fiscal year 2023 appropriation esti-
9 mated at not more than \$99,872,000, of which
10 \$99,872,000 is derived from the Reclamation Fund: *Pro-*
11 *vided further*, That notwithstanding 31 U.S.C. 3302, up
12 to \$475,000,000 collected by the Western Area Power Ad-
13 ministration pursuant to the Flood Control Act of 1944
14 and the Reclamation Project Act of 1939 to recover pur-
15 chase power and wheeling expenses shall be credited to
16 this account as offsetting collections, to remain available
17 until expended for the sole purpose of making purchase
18 power and wheeling expenditures: *Provided further*, That
19 for purposes of this appropriation, annual expenses means
20 expenditures that are generally recovered in the same year
21 that they are incurred (excluding purchase power and
22 wheeling expenses).

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

3 For operation, maintenance, and emergency costs for
4 the hydroelectric facilities at the Falcon and Amistad
5 Dams, \$3,425,000, to remain available until expended,
6 and to be derived from the Falcon and Amistad Operating
7 and Maintenance Fund of the Western Area Power Ad-
8 ministration, as provided in section 2 of the Act of June
9 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
10 the provisions of that Act and of 31 U.S.C. 3302, up to
11 \$3,197,000 collected by the Western Area Power Adminis-
12 tration from the sale of power and related services from
13 the Falcon and Amistad Dams shall be credited to this
14 account as discretionary offsetting collections, to remain
15 available until expended for the sole purpose of funding
16 the annual expenses of the hydroelectric facilities of these
17 Dams and associated Western Area Power Administration
18 activities: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2024 appropriation estimated at not more than
22 \$228,000: *Provided further*, That for purposes of this ap-
23 propriation, annual expenses means expenditures that are
24 generally recovered in the same year that they are in-
25 curred: *Provided further*, That for fiscal year 2024, the

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

17 FEDERAL ENERGY REGULATORY COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Energy Regu-
20 latory Commission to carry out the provisions of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including services as authorized by 5 U.S.C. 3109,
23 official reception and representation expenses not to ex-
24 ceed \$3,000, and the hire of passenger motor vehicles,
25 \$520,000,000, to remain available until expended: *Pro-*

1 *vided*, That notwithstanding any other provision of law,
2 not to exceed \$520,000,000 of revenues from fees and an-
3 nual charges, and other services and collections in fiscal
4 year 2024 shall be retained and used for expenses nec-
5 essary in this account, and shall remain available until ex-
6 pended: *Provided further*, That the sum herein appro-
7 priated from the general fund shall be reduced as revenues
8 are received during fiscal year 2024 so as to result in a
9 final fiscal year 2024 appropriation from the general fund
10 estimated at not more than \$0.

11 GENERAL PROVISIONS—DEPARTMENT OF
12 ENERGY

13 (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (d) Except as provided in subsections (e), (f), and (g),
20 the amounts made available by this title shall be expended
21 as authorized by law for the programs, projects, and ac-
22 tivities specified in the “House Recommended” column in
23 the “Department of Energy” table included under the
24 heading “Title III—Department of Energy” in the report
25 accompanying this Act.

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

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

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

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

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

21 (g)(1) The Secretary of Energy may waive any re-
22 quirement or restriction in this section that applies to the
23 use of funds made available for the Department of Energy
24 if compliance with such requirement or restriction would

1 pose a substantial risk to human health, the environment,
2 welfare, or national security.

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

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

17 SEC. 302. Funds appropriated by this or any other
18 Act, or made available by the transfer of funds in this
19 Act, for intelligence activities are deemed to be specifically
20 authorized by the Congress for purposes of section 504
21 of the National Security Act of 1947 (50 U.S.C. 3094)
22 during fiscal year 2024 until the enactment of the Intel-
23 ligence Authorization Act for fiscal year 2024.

24 SEC. 303. None of the funds made available in this
25 title shall be used for the construction of facilities classi-

1 fied as high-hazard nuclear facilities under 10 CFR Part
2 830 unless independent oversight is conducted by the Of-
3 fice of Enterprise Assessments to ensure the project is in
4 compliance with nuclear safety requirements.

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

13 SEC. 305. None of the funds made available in this
14 title may be used to support a grant allocation award, dis-
15 cretionary grant award, or cooperative agreement that ex-
16 ceeds \$100,000,000 in Federal funding unless the project
17 is carried out through internal independent project man-
18 agement procedures.

19 SEC. 306. No funds shall be transferred directly from
20 “Department of Energy—Power Marketing Administra-
21 tion—Colorado River Basins Power Marketing Fund,
22 Western Area Power Administration” to the general fund
23 of the Treasury in the current fiscal year.

24 SEC. 307. None of the funds made available by this
25 Act may be used to finalize, implement, administer, or en-

1 force an energy efficiency standard that increases effi-
2 ciency standards on distribution transformers, including
3 the proposed rule entitled “Energy Conservation Program:
4 Energy Conservation Standards for Distribution Trans-
5 formers” published by the Department of Energy in the
6 Federal Register on January 11, 2023 (88 Fed. Reg.
7 1722) or any substantially similar rule.

8 SEC. 308. Notwithstanding section 301(c) of this Act,
9 none of the funds made available under the heading “De-
10 partment of Energy—Energy Programs—Science” may
11 be used for a multiyear contract, grant, cooperative agree-
12 ment, or Other Transaction Agreement of \$5,000,000 or
13 less unless the contract, grant, cooperative agreement, or
14 Other Transaction Agreement is funded for the full period
15 of performance as anticipated at the time of award.

16 SEC. 309. (a) Of the unobligated balances of amounts
17 made available to the Department of Energy under each
18 heading in title III of division J of Public Law 117–58,
19 an amount equal to the amount transferred from each
20 such heading as of the date of enactment of this Act pur-
21 suant to section 303 of Public Law 117–58 shall be trans-
22 ferred on October 1, 2023, to the Office of the Inspector
23 General of the Department of Energy to oversee the funds
24 made available to the Department of Energy in Public
25 Law 117–58: *Provided*, That any amounts so transferred

1 that were previously designated by the Congress as an
2 emergency requirement pursuant to the Balanced Budget
3 and Emergency Deficit Control Act of 1985 or a concur-
4 rent resolution on the budget are designated by the Con-
5 gress as an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 (b) Beginning on October 1, 2023, of the amounts
9 made available to the Department of Energy under each
10 of sections 50121, 50141, 50142, 50143, 50144, 50145,
11 50151, 50152, 50153, and 50161 of Public Law 117–169,
12 two-tenths of one percent of such amounts shall be trans-
13 ferred to the Office of the Inspector General of the De-
14 partment of Energy to oversee the funds made available
15 to the Department of Energy in Public Law 117–169:
16 *Provided*, That amounts so transferred shall be derived
17 from the unobligated balances of amounts under each such
18 section.

19 (c) Section 303 of Public Law 117–58 is amended
20 by—

21 (1) striking “One-tenth” and inserting “(a) Ex-
22 cept as provided in subsection (b), one-tenth”; and

23 (2) adding at the end the following new provi-
24 sion:

1 “(b) Beginning on October 1, 2023, of the
2 amounts made available to the Department of
3 Energy under each heading in this title in this
4 Act, two-tenths of one percent of such amounts
5 in each of fiscal years 2024 through 2026 shall
6 be transferred to the Office of the Inspector
7 General of the Department of Energy to over-
8 see the funds made available to the Department
9 of Energy in this title in this Act: *Provided*,
10 That any amounts so transferred that were pre-
11 viously designated by the Congress as an emer-
12 gency requirement pursuant to the Balanced
13 Budget and Emergency Deficit Control Act of
14 1985 or a concurrent resolution on the budget
15 are designated by the Congress as an emer-
16 gency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.”

19 SEC. 310. (a) Notwithstanding sections 161 and 167
20 of the Energy Policy and Conservation Act (42 U.S.C.
21 6241, 6247), the Secretary of Energy shall draw down and
22 sell one million barrels of refined petroleum product from
23 the Strategic Petroleum Reserve during fiscal year 2024.

24 (b) All proceeds from such sale shall be deposited into
25 the general fund of the Treasury during fiscal year 2024.

1 (c) Upon the completion of such sale, the Secretary
2 shall carry out the closure of the Northeast Gasoline Sup-
3 ply Reserve.

4 (d)(1) The Secretary of Energy may not establish any
5 new regional petroleum product reserve unless funding for
6 the proposed regional petroleum product reserve is explic-
7 itly requested in advance in an annual budget submission
8 and approved by the Congress in an appropriations Act.

9 (2) The budget request or notification shall in-
10 clude—

11 (A) the justification for the new reserve;

12 (B) a cost estimate for the establishment,
13 operation, and maintenance of the reserve, in-
14 cluding funding sources;

15 (C) a detailed plan for operation of the re-
16 serve, including the conditions upon which the
17 products may be released;

18 (D) the location of the reserve; and

19 (E) the estimate of the total inventory of
20 the reserve.

21 SEC. 311. Of the authority made available in Public
22 Law 117–328 for the Title 17 Innovative Technology
23 Loan Guarantee Program for commitments to guarantee
24 loans for eligible projects under title XVII of the Energy

1 Policy Act of 2005, a total principal of \$15,000,000,000
2 is hereby permanently rescinded.

3 SEC. 312. (a) Of the unobligated balances from
4 amounts made available in section 50131 of Public Law
5 117–169, \$1,000,000,000 are hereby permanently re-
6 scinded.

7 (b) Of the unobligated balances from amounts made
8 available in section 50122 of Public Law 117–169,
9 \$4,500,000,000 are hereby permanently rescinded.

10 (c) Of the unobligated balances from amounts made
11 available in section 50123 of Public Law 117–169,
12 \$200,000,000 are hereby permanently rescinded.

13 SEC. 313. None of the funds appropriated or other-
14 wise made available by this Act may be expended to sup-
15 port the Department of Energy Justice⁴⁰ initiative as de-
16 fined by or required by Executive Order 14008.

17 SEC. 314. None of the funds made available by this
18 Act may be used to draw down and sell petroleum prod-
19 ucts from the Strategic Petroleum Reserve (1) to any enti-
20 ty that is under the ownership, control, or influence of
21 the Chinese Communist Party; or (2) except on condition
22 that such petroleum products will not be exported to the
23 People’s Republic of China.

24 SEC. 315. The funds made available to the Depart-
25 ment of Energy in this Act shall be applied in a manner

1 consistent with subtitle D of title VI of the Research and
2 Development, Competition, and Innovation Act (enacted
3 as division B of the CHIPS Act of 2022 (Public Law 117–
4 167; 42 U.S.C. 19231 et seq.)).

5 SEC. 316. (a) Of the unobligated amounts available
6 under the heading “Department of Energy—Energy Pro-
7 grams—Nuclear Energy” in division J of the Infrastruc-
8 ture Investment and Jobs Act (Public Law 117–58) for
9 fiscal years 2024, 2025, and 2026, the following are avail-
10 able, in addition to amounts otherwise made available for
11 these purposes:

12 (1) (A) \$2,400,000,000 for Advanced Nuclear
13 Fuel Availability, of which \$800,000,000, to remain
14 available until expended, shall be available in each of
15 fiscal years 2024, 2025, 2026.

16 (B) Funds available under subparagraph
17 (A) shall only be available if a law is enacted
18 after May 1, 2023, that specifically authorizes
19 a program for the Secretary of Energy to sup-
20 port the availability of low-enriched uranium,
21 including high-assay low-enriched uranium, for
22 civilian domestic research, development, dem-
23 onstration, and commercial use.

24 (2) \$1,197,000,000 to carry out the ongoing
25 demonstration project under the Advanced Small

1 Modular Reactor RD&D program, of which
2 \$399,000,000, to remain available until expended,
3 shall be available in each of fiscal years 2024, 2025,
4 and 2026.

5 (b) Amounts repurposed pursuant to this paragraph
6 that were previously designated by the Congress as an
7 emergency requirement pursuant to the Balanced Budget
8 and Emergency Deficit Control Act of 1985 or a concur-
9 rent resolution on the budget are designated by the Con-
10 gress as an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 TITLE IV

14 INDEPENDENT AGENCIES

15 APPALACHIAN REGIONAL COMMISSION

16 For expenses necessary to carry out the programs au-
17 thorized by the Appalachian Regional Development Act of
18 1965, as amended, and for expenses necessary for the
19 Federal Co-Chairman and the Alternate on the Appa-
20 lachian Regional Commission, for payment of the Federal
21 share of the administrative expenses of the Commission,
22 including services as authorized by 5 U.S.C. 3109, and
23 hire of passenger motor vehicles, \$200,000,000, to remain
24 available until expended.

1 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the Defense Nuclear Fa-
4 cilities Safety Board in carrying out activities authorized
5 by the Atomic Energy Act of 1954, as amended by Public
6 Law 100–456, section 1441, \$45,000,000, to remain
7 available until September 30, 2025, of which not to exceed
8 \$1,000 shall be available for official reception and rep-
9 resentation expenses.

10 DELTA REGIONAL AUTHORITY

11 SALARIES AND EXPENSES

12 For expenses necessary for the Delta Regional Au-
13 thority and to carry out its activities, as authorized by
14 the Delta Regional Authority Act of 2000, notwith-
15 standing sections 382F(d), 382M, and 382N of said Act,
16 \$31,100,000, to remain available until expended.

17 DENALI COMMISSION

18 For expenses necessary for the Denali Commission
19 including the purchase, construction, and acquisition of
20 plant and capital equipment as necessary and other ex-
21 penses, \$17,000,000, to remain available until expended,
22 notwithstanding the limitations contained in section
23 306(g) of the Denali Commission Act of 1998: *Provided*,
24 That funds shall be available for construction projects for
25 which the Denali Commission is the sole or primary fund-

1 ing source in an amount not to exceed 80 percent of total
2 project cost for distressed communities, as defined by sec-
3 tion 307 of the Denali Commission Act of 1998 (division
4 C, title III, Public Law 105–277), as amended by section
5 701 of appendix D, title VII, Public Law 106–113 (113
6 Stat. 1501A–280), and an amount not to exceed 50 per-
7 cent for non-distressed communities: *Provided further*,
8 That notwithstanding any other provision of law regarding
9 payment of a non-Federal share in connection with a
10 grant-in-aid program, amounts under this heading shall
11 be available for the payment of such a non-Federal share
12 for any project for which the Denali Commission is not
13 the sole or primary funding source, provided that such
14 project is consistent with the purposes of the Commission.

15 NORTHERN BORDER REGIONAL COMMISSION

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

23 SOUTHEAST CRESCENT REGIONAL COMMISSION

24 For expenses necessary for the Southeast Crescent
25 Regional Commission in carrying out activities authorized

1 by subtitle V of title 40, United States Code, \$20,000,000,
2 to remain available until expended.

3 SOUTHWEST BORDER REGIONAL COMMISSION

4 For expenses necessary for the Southwest Border Re-
5 gional Commission in carrying out activities authorized by
6 subtitle V of title 40, United States Code, \$5,000,000, to
7 remain available until expended.

8 GREAT LAKES AUTHORITY

9 For expenses necessary for the Great Lakes Author-
10 ity in carrying out activities authorized by subtitle V of
11 title 40, United States Code, \$5,000,000, to remain avail-
12 able until expended.

13 NUCLEAR REGULATORY COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary for the Commission in car-
16 rying out the purposes of the Energy Reorganization Act
17 of 1974 and the Atomic Energy Act of 1954,
18 \$960,560,450, including official representation expenses
19 not to exceed \$30,000, to remain available until expended:
20 *Provided*, That of the amount appropriated herein, not
21 more than \$10,350,720 may be made available for sala-
22 ries, travel, and other support costs for the Office of the
23 Commission, to remain available until September 30,
24 2025: *Provided further*, That revenues from licensing fees,
25 inspection services, and other services and collections esti-

1 mated at \$807,727,130 in fiscal year 2024 shall be re-
2 tained and used for necessary salaries and expenses in this
3 account, notwithstanding 31 U.S.C. 3302, and shall re-
4 main available until expended: *Provided further*, That the
5 sum herein appropriated shall be reduced by the amount
6 of revenues received during fiscal year 2024 so as to result
7 in a final fiscal year 2024 appropriation estimated at not
8 more than \$152,833,320.

9 OFFICE OF INSPECTOR GENERAL

10 For expenses necessary for the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, \$18,648,340, to remain available
13 until September 30, 2025: *Provided*, That revenues from
14 licensing fees, inspection services, and other services and
15 collections estimated at \$15,481,566 in fiscal year 2024
16 shall be retained and be available until September 30,
17 2025, for necessary salaries and expenses in this account,
18 notwithstanding section 3302 of title 31, United States
19 Code: *Provided further*, That the sum herein appropriated
20 shall be reduced by the amount of revenues received dur-
21 ing fiscal year 2024 so as to result in a final fiscal year
22 2024 appropriation estimated at not more than
23 \$3,166,774: *Provided further*, That of the amounts appro-
24 priated under this heading, \$1,534,900 shall be for In-

1 spector General services for the Defense Nuclear Facilities
2 Safety Board.

3 NUCLEAR WASTE TECHNICAL REVIEW BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary for the Nuclear Waste Tech-
6 nical Review Board, as authorized by Public Law 100-
7 203, section 5051, \$4,064,000, to be derived from the Nu-
8 clear Waste Fund, to remain available until September 30,
9 2025.

10 GENERAL PROVISIONS—INDEPENDENT

11 AGENCIES

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

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

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

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

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

20 (d) None of the funds provided for the Nuclear Regu-
21 latory Commission shall be available for obligation or ex-
22 penditure through a reprogramming of funds that in-
23 creases funds or personnel for any program, project, or
24 activity for which funds are denied or restricted by this
25 Act.

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

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

9 TITLE V—WATER FOR CALIFORNIA

10 SEC. 501. DEFINITIONS.

11 In Subtitle A through Subtitle D, the following defini-
12 tions apply:

13 (1) CVP.—The term “CVP” means the Central
14 Valley Project.

15 (2) CVP CONTRACTOR.—The term “CVP con-
16 tractor” means any public water agency, water user
17 organization, or person that has entered into a con-
18 tract with the United States for water service from
19 the CVP, whether in the form of a water service
20 contract, repayment contract, water rights settle-
21 ment contract, exchange contract, or refuge con-
22 tract.

23 (3) FWS BIOLOGICAL OPINION.—The term
24 “FWS Biological Opinion” means the United States
25 Fish and Wildlife Service “Biological Opinion for the

1 Reinitiation of Consultation on the Coordinated Op-
2 erations of the Central Valley Project and State
3 Water Project” (Service File No. 08FBTD00–2019–
4 F–0164) signed on October 21, 2019.

5 (4) NOAA BIOLOGICAL OPINION.—The term
6 “NOAA Biological Opinion” means the National
7 Oceanic and Atmospheric Administration Fisheries
8 “Biological Opinion on the Long-term Operation of
9 the Central Valley Project and the State Water
10 Project” (Consultation Tracking Number: WCRO–
11 2016–00069) signed on October 21, 2019.

12 (5) PREFERRED ALTERNATIVE.—The term
13 “Preferred Alternative” means the Alternative 1
14 (Preferred Alternative), as described in the Final
15 Environmental Impact Statement on the Reinitiation
16 of Consultation on the Coordinated Long-Term Op-
17 eration of the Central Valley Project and the State
18 Water Project, issued by the Bureau of Reclamation,
19 and dated December 2019.

20 (6) SWP.—The term “SWP” means the Cali-
21 fornia State Water Project.

22 (7) SWP CONTRACTOR.—The term “SWP con-
23 tractor” means a public agency that has entered into
24 a long-term water supply contract with the Cali-

1 fornia Department of Water Resources for water
2 service from the SWP.

3 SEC. 502. TREATMENT OF FUNDS.

4 Amounts repurposed pursuant to this title that were
5 previously designated by the Congress as an emergency
6 requirement pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 or a concurrent resolu-
8 tion on the budget are designated by the Congress as an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 Subtitle A—CVP and SWP Operations

13 SEC. 511. OPERATION OF THE CVP AND SWP.

14 (a) CONGRESSIONAL DIRECTION REGARDING CVP
15 AND SWP OPERATIONS.—The CVP and the SWP shall be
16 operated, and reporting shall be done, in accordance with
17 the Preferred Alternative and FWS Biological Opinion
18 and NOAA Biological Opinion.

19 (b) EXCEPTIONS.—Operation of the CVP and SWP
20 shall proceed pursuant to subsection (a) of this section,
21 except:

22 (1) to the extent changes to operations are un-
23 dertaken pursuant to one or more agreements, which
24 are voluntarily entered into, approved, and imple-
25 mented by CVP contractors, for operations of the

1 CVP, and SWP contractors, for operations of the
2 SWP, with all applicable Federal departments and
3 the State of California, including any agency or
4 board of the State of California; or

5 (2) to the extent changes in operations of the
6 CVP, SWP, or both can be made while improving
7 the supply of water available to CVP contractors,
8 SWP contractors, or both.

9 (c) COSTS.—No cost, including water supply, finan-
10 cial, mitigation-related, or otherwise, associated with the
11 implementation of any agreement under subsection (b)(1)
12 or the implementation of any reoperation under subsection
13 (b)(2) shall be imposed by any Federal department or
14 agency or the State of California, including any agency
15 or board of the State of California, directly or indirectly
16 on any CVP contractor, SWP contractor, or any other per-
17 son or entity, unless such costs are incurred on a voluntary
18 basis.

19 (d) NO REDIRECTED ADVERSE IMPACTS.—The Sec-
20 retary of the Interior and Secretary of Commerce shall
21 not carry out any specific action authorized under the ap-
22 plicable provisions of this subtitle that would directly or
23 through State agency action indirectly result in the invol-
24 untary reduction of water supply to an individual, district,
25 or agency that has in effect a contract for water with the

1 SWP or the CVP, including settlement, exchange, and ref-
2 uge contracts, and Friant Division contracts.

3 (e) ENDANGERED SPECIES ACT.—Notwithstanding
4 subsection (b), implementation of subsection (a) shall not
5 conflict with the FWS Biological Opinion and the NOAA
6 Biological Opinion.

7 (f) NATIVE SPECIES PROTECTION.—The State of
8 California shall not impose any bag, catch, or size restric-
9 tion or limit on the take or harvest of striped bass or any
10 species of black bass, including largemouth bass,
11 smallmouth bass, and spotted bass, that occupy the Sac-
12 ramento-San Joaquin Rivers Delta or its tributaries.

13 SEC. 512. OPERATIONS AND REVIEWS.

14 In carrying out section 511(a), the Secretary of the
15 Interior and the Secretary of Commerce shall implement
16 their statutory authorities in a manner that improves
17 water supply reliability and enables the CVP and SWP
18 to provide the maximum quantity of water supplies prac-
19 ticable to CVP agricultural, municipal, and industrial con-
20 tractors, water service or repayment contractors, water
21 rights settlement contractors, exchange contractors, ref-
22 uge contractors, and SWP contractors, in accordance with
23 the Preferred Alternative, NOAA Biological Opinion, and
24 FWS Biological Opinion.

25 SEC. 513. APPLICATION OF STATE LAWS.

1 (a) REDUCED WATER SUPPLY.—If, as a result of the
2 application of applicable State law or regulation, the State
3 of California (including any agency or board of the State
4 of California) alters operation of the SWP in a manner
5 that directly or indirectly results in reduced water supply
6 to the SWP as compared with the water supply available
7 under the Preferred Alternative, and as a result, CVP
8 yield is greater than it otherwise would have been under
9 the Preferred Alternative, then that additional yield shall
10 be made available to the SWP for delivery to SWP Con-
11 tractors to offset that reduced water supply. If it is nec-
12 essary to reduce water supplies for any authorized uses
13 of the CVP or CVP Contractors to make available to the
14 SWP that additional yield, such reductions shall be ap-
15 plied proportionately to those authorized uses or CVP con-
16 tractors that benefit from that increased yield.

17 (b) NO RESTRICTION OF CERTAIN WATER
18 RIGHTS.—The State of California (including any agency
19 or board of the State of California) shall not restrict the
20 exercise of any water right obtained pursuant to State law,
21 including but not limited to a pre-1914 appropriative right
22 or riparian right in order to offset any impact resulting
23 from the implementation of this subtitle on any species
24 affected by operations of the CVP or the SWP.

1 (c) NO INVOLUNTARY WATER REDUCTION.—The
2 State of California (including any agency or board of the
3 State of California), the Secretary of the Interior and Sec-
4 retary of Commerce shall not take any action related to
5 operation of the CVP or SWP that would directly or indi-
6 rectly result in the involuntary reduction of water supply
7 to any CVP agricultural, municipal and industrial con-
8 tractor, water service or repayment contractor, water
9 rights settlement contractor, exchange contractor, refuge
10 contractor or any SWP contractor, as compared to the
11 water supply available under the Preferred Alternative;
12 and nothing in this section is intended to modify, amend,
13 or affect any of the rights and obligations of the parties
14 to such contracts.

15 SEC. 514. RECONSULTATION OF NOAA BIOLOGICAL
16 OPINION AND FWS BIOLOGICAL OPINION.

17 (a) REQUIREMENT FOR RECONSULTATION.—

18 (1) REQUIREMENT.—Unless action is taken
19 pursuant to section 101(b), neither the Secretary of
20 the Interior, acting through the Commissioner of the
21 Bureau of Reclamation, nor the Secretary of Com-
22 merce, or their designees shall commence, complete,
23 or request reinitiation of consultation on the coordi-
24 nated long-term operation of the Central Valley
25 Project and the State Water Project that will result

1 in changes to or the replacement of the documents
2 listed in paragraph (2) unless—

3 (A) more than 75 percent of California has
4 experienced 4 consecutive years of D3 or D4
5 level drought, as defined by the U.S. Drought
6 Monitor;

7 (B) the Commissioner of the Bureau of
8 Reclamation identifies one specific factor or
9 combination of factors under section 402.16 of
10 title 50, Code of Federal Regulations; and

11 (C) not fewer than 120 days before offi-
12 cially commencing or requesting reinitiation, the
13 Secretary of the Interior notifies the Committee
14 on Natural Resources of the House of Rep-
15 resentatives, and the Committee on Energy and
16 Natural Resources of the Senate, in writing,
17 of—

18 (i) the intent to commence or request
19 reinitiation under this section; and

20 (ii) the detailed justification for the
21 identification of the specific factor or com-
22 bination of factors under section 402.16 of
23 title 50, Code of Federal Regulations, that
24 was identified to satisfy the requirement in
25 subparagraph (B).

1 (2) DOCUMENTS.—The documents referred to
2 in paragraph (1) are the following:

3 (A) The FWS Biological Opinion.

4 (B) The NOAA Biological Opinion.

5 (C) The Record of Decision for the Reiniti-
6 ation of Consultation on the Coordinated Long-
7 Term Modified Operations of the Central Valley
8 Project and State Water Project, signed on
9 February 18, 2020.

10 (b) APPLICABLE PROCEDURES AND REVIEW.—For
11 the purposes of this Act, before reinitiating consultation
12 on the Long-Term Operation of the CVP and SWP, a re-
13 quest by the Secretary of the Interior, the Secretary of
14 the Commerce, or any other Federal employee, to reini-
15 tiate consultation shall be made in writing and considered
16 a rule under section 551 of title 5, United States Code,
17 and subject to the requirements of sections 801 through
18 808 of that title.

19 (c) COOPERATION.—In implementing this section, the
20 Secretary of the Interior and the Secretary of Commerce
21 shall comply with requirements included in section 4004
22 of the Water Infrastructure Improvements for the Nation
23 Act (Public Law 114–322).

1 (d) EXCLUSION.—Notwithstanding subsection (b), in
2 implementing this section, section 801(b)(2) of title 5,
3 United States Code, shall not apply.

4 SEC. 515. SUNSET.

5 Sections 511 through 514 shall have no force or ef-
6 fect on and after the date that is 7 years after the date
7 of the enactment of this Act.

8 SEC. 516. CONSULTATION ON COORDINATED OPER-
9 ATIONS.

10 The Water Infrastructure Improvements for the Na-
11 tion Act (Public Law 114–322) is amended—

12 (1) in section 4004(a)—

13 (A) in the matter preceding paragraph (1),
14 strike “public water agency that contracts” and
15 insert “contractor”;

16 (B) in paragraph (1), by inserting “or pro-
17 posed action” after “biological assessment,”;

18 (C) in paragraph (2), by inserting “or pro-
19 posed action” after “biological assessment,”;

20 (D) by redesignating paragraphs (3)
21 through (6) as paragraphs (4) through (7), re-
22 spectively;

23 (E) after paragraph (2), by inserting the
24 following new paragraph:

1 “(3) receive a copy of the draft proposed action
2 and have the opportunity to review that document
3 and provide comment to the action agency, which
4 comments shall be afforded due consideration during
5 development;”; and

6 (F) in paragraph (7), as redesignated by
7 subparagraph (C) of this paragraph—

8 (i) in the matter preceding subpara-
9 graph (A), by inserting “action agency pro-
10 poses a proposed action or” before “the
11 consulting agency”;

12 (ii) in subparagraph (A), by inserting
13 “proposed action or” before “alternative
14 will”; and

15 (iii) in subparagraph (B), by striking
16 “alternative actions” and insert “actions
17 or alternatives”; and

18 (2) in section 4013, by deleting “section 4004,
19 which shall expire 10 years after the date of its en-
20 actment;” and inserting “section 4004, which shall
21 expire on December 16, 2033;”.

22 Subtitle B—Allocations for Sacramento Valley

23 Contractors

24 SEC. 521. DEFINITIONS.

25 In this subtitle, the following definitions apply:

1 (1) The term “existing CVP agricultural water
2 service or repayment contractor within the Sac-
3 ramento River Watershed” means any water service
4 or repayment contractor within the Shasta, Trinity,
5 or Sacramento River division of the CVP that has
6 in effect a water service or repayment contract on
7 the date of enactment of this title that provides
8 water for irrigation.

9 (2) The terms “Above Normal”, “Below Nor-
10 mal”, “Dry”, and “Wet”, with respect to a year,
11 have the meanings given those terms in the Sac-
12 ramento Valley Water Year Type (40–30–30) Index.

13 SEC. 522. ALLOCATIONS OF WATER.

14 Subject to section 523, the Secretary of the Interior
15 shall make every reasonable effort in the operation of the
16 CVP to allocate water provided for irrigation purposes to
17 each existing CVP agricultural water service contractor
18 within the Sacramento River Watershed in accordance
19 with the following:

20 (1) Not less than 100 percent of the contract
21 quantity of the existing CVP agricultural water serv-
22 ice contractor within the Sacramento River Water-
23 shed in a Wet year.

24 (2) Not less than 100 percent of the contract
25 quantity of the existing CVP agricultural water serv-

1 ice contractor within the Sacramento River Water-
2 shed in an Above Normal year.

3 (3) Not less than 100 percent of the contract
4 quantity of the existing CVP agricultural water serv-
5 ice contractor within the Sacramento River Water-
6 shed in a Below Normal year that is preceded by an
7 Above Normal or Wet year.

8 (4) Not less than 50 percent of the contract
9 quantity of the existing CVP agricultural water serv-
10 ice contractor within the Sacramento River Water-
11 shed in a Dry year that is preceded by a Below Nor-
12 mal, Above Normal, or Wet year.

13 (5) In any other year not identified in para-
14 graphs (1) through (4), not less than twice the allo-
15 cation percentage to south-of-Delta CVP agricultural
16 water service contractors, up to 100 percent.

17 SEC. 523. PROTECTION OF REFUGE, MUNICIPAL AND
18 INDUSTRIAL, AND OTHER CONTRACTORS.

19 Nothing in section 522 shall—

20 (1) adversely affect any protections for the envi-
21 ronment, including the obligation of the Secretary of
22 the Interior to make water available to managed
23 wetlands pursuant to section 3406(d) of the Central
24 Valley Project Improvement Act (title XXXIV of
25 Public Law 102–575; 106 Stat. 4722);

1 (2) adversely affect any obligation of the Sec-
2 retary of the Interior or the Secretary of Commerce
3 under the FWS Biological Opinion or the NOAA Bi-
4 ological Opinion;

5 (3) modify any provision of a water service con-
6 tract that addresses municipal or industrial water
7 shortage policies of the Secretary of the Interior;

8 (4) affect or limit the authority of the Secretary
9 of the Interior to adopt or modify municipal and in-
10 dustrial water shortage policies;

11 (5) constrain, govern, or affect, directly or indi-
12 rectly, the operations of the American River division
13 of the CVP or any deliveries from that division or
14 a unit or facility of that division; or

15 (6) affect any allocation to a CVP municipal or
16 industrial water service contractor by increasing or
17 decreasing allocations to the contractor, as compared
18 to the allocation the contractor would have received
19 absent section 522.

20 SEC. 524. OTHER CONTRACTORS.

21 Nothing in section 522 shall—

22 (1) affect the priority of any individual or entity
23 with a Sacramento River settlement contract over
24 water service or repayment contractors;

1 (2) affect the United States ability to deliver
2 water to the San Joaquin River exchange contrac-
3 tors from the Sacramento River and the Delta via
4 the Delta-Mendota Canal or modify or amend the
5 rights and obligations under the Purchase Contract
6 between Miller and Lux and the United States and
7 the Second Amended Exchange Contract between
8 the United States, Department of the Interior, Bu-
9 reau of Reclamation and Central California Irriga-
10 tion District, San Luis Canal Company, Firebaugh
11 Canal Water District and Columbia Canal Company;

12 (3) affect the allocation of water to Friant divi-
13 sion contractors of the CVP;

14 (4) result in the involuntary reduction in con-
15 tract water allocations to individuals or entities with
16 contracts to receive water from the Friant division;

17 (5) result in the involuntary reduction in water
18 allocations to refuge contractors; or

19 (6) authorize any actions inconsistent with
20 State water rights law.

21 Subtitle C—Infrastructure

22 SEC. 531. SHASTA RESERVOIR ENLARGEMENT
23 PROJECT.

24 Section 40902(a)(2) of the Infrastructure Investment
25 and Jobs Act (Public Law 117–58) is amended—

1 (1) in subparagraph (B)—

2 (A) in the matter preceding clause (i), by
3 striking “this Act, except for any project for
4 which—” and inserting “this Act; or”; and

5 (B) by striking clauses (i) and (ii); and

6 (2) in subparagraph (C), by striking “(except
7 that projects described in clauses (i) and (ii) of sub-
8 paragraph (B) shall not be eligible)”.

9 SEC. 532. WATER SUPPLY PLAN; PROJECTS.

10 (a) PLAN.—Not later than 180 days after the date
11 of the enactment of this Act, the Commissioner of the Bu-
12 reau of Reclamation shall develop a water deficit report,
13 which shall identify—

14 (1) projected water supply shortages in the
15 State of California for irrigation water service, mu-
16 nicipal and industrial water service, water supply for
17 wildlife refuges supplied by the CVP or the SWP;
18 and

19 (2) infrastructure projects or actions which, if
20 taken, would—

21 (A) significantly reduce or eliminate the
22 projected water supply shortage; or

23 (B) fulfill water allocations consistent with
24 agricultural, municipal and industrial contrac-
25 tors, water service or repayment contractors,

1 water rights settlement contractors, exchange
2 contractors, and SWP contractors with water
3 delivery contractors on the CVP and SWP.

4 (b) REPORT TO CONGRESS.—The Commissioner of
5 the Bureau of Reclamation shall provide a report de-
6 scribed in subsection (a) to the House Committee on Ap-
7 propriations, the Senate Committee on Appropriations,
8 the House Committee on Natural Resources, the Senate
9 Committee on Energy, and the Senate Committee on Nat-
10 ural Resources upon its completion.

11 SEC. 533. CONSERVATION FISH HATCHERIES.

12 Section 4010(b)(5) of the Water Infrastructure Im-
13 provements for the Nation Act (Public Law 114–322) is
14 amended by adding at the end the following:

15 “(D) SEMI-ANNUAL REPORT.—The Sec-
16 retary of the Interior and the Secretary of
17 Commerce shall submit to the Committee on
18 Natural Resources of the House of Representa-
19 tives, and the Committee on Energy and Nat-
20 ural Resources of the Senate semi-annual re-
21 ports that detail activities carried out under
22 this paragraph.”.

23 SEC. 534. STORAGE; DURATION.

1 (a) STORAGE.—Section 4007 of the Water Infra-
2 structure Improvements for the Nation Act (Public Law
3 114–322) is amended—

4 (1) in subsection (b)(1), by striking “or any
5 public agency organized pursuant to State law” and
6 inserting “any public agency organized pursuant to
7 State law, or any stakeholder”; and

8 (2) in subsection (i), by striking “January 1,
9 2021” and inserting “January 1, 2028”.

10 (b) DURATION.—Section 4013 of the Water Infra-
11 structure Improvements for the Nation Act (Public Law
12 114–322) is amended—

13 (1) in paragraph (1), by striking “and”;

14 (2) by redesignating paragraph (2) as para-
15 graph (3); and

16 (3) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) section 4007, which (except as provided in
19 paragraph (3)), shall expire on December 31, 2028;
20 and”.

1 SEC. 535. SHASTA DAM ENLARGEMENT

2 No provision of State law shall preclude or otherwise
3 prevent any public water agency, including a public agency
4 of the State, that contracts for the delivery of CVP water
5 from assisting or cooperating with, whether by loan, grant,
6 license, or otherwise, the planning and construction of any
7 project undertaken by the Bureau of Reclamation to en-
8 large Shasta Dam.

9 Subtitle D—CVPIA Actions

10 SEC. 541. CVPIA RESTORATION ACTIONS.

11 (a) REFUGE WATER SUPPLY PROGRAM.—Not later
12 than 2 years after the date of enactment of this Act, the
13 Secretary of the Interior shall complete the refuge water
14 supply program under section 3406(d) of the Central Val-
15 ley Project Improvement Act (title XXXIV of Public Law
16 102–575; 106 Stat. 4722) and shall, within that 2-year
17 period, give priority to completing the refuge water supply
18 program when making funding decisions from the Central
19 Valley Project Restoration Fund established under section
20 3407 of the Central Valley Project Improvement Act (106
21 Stat. 4726), the Infrastructure Investment and Jobs Act
22 (Public Law 117–25), the Land and Water Conservation
23 Fund Act (Public Law 88–578), and other sources of
24 funding.

1 (b) RESTORATION ACTIONS DEEMED COMPLETE.—
2 Upon completion of the refuge water supply program pur-
3 suant to subsection (a), or September 30, 2025, whichever
4 occurs first, the Secretary of the Interior shall deem com-
5 plete the fish, wildlife, and habitat mitigation and restora-
6 tion actions mandated under section 3406 of the Central
7 Valley Project Improvement Act (title XXXIV of Public
8 Law 102–575; 106 Stat. 4714).

9 Subtitle E—Water Supply Permitting Coordination Act

10 SEC. 551. DEFINITIONS.

11 In this subtitle:

12 (1) BUREAU.—The term “Bureau” means the
13 Bureau of Reclamation.

14 (2) COOPERATING AGENCIES.—The term “co-
15 operating agency” means a Federal agency with ju-
16 risdiction over a review, analysis, opinion, statement,
17 permit, license, or other approval or decision re-
18 quired for a qualifying project under applicable Fed-
19 eral laws and regulations, or a State agency subject
20 to section 503(c).

21 (3) QUALIFYING PROJECTS.—The term “quali-
22 fying projects” means new surface water storage
23 projects in the States covered under the Act of June
24 17, 1902 (32 Stat. 388, chapter 1093), and Acts
25 supplemental to and amendatory of that Act (43

1 U.S.C. 371 et seq.) constructed on lands adminis-
2 tered by the Department of the Interior or the De-
3 partment of Agriculture, exclusive of any easement,
4 right-of-way, lease, or any private holding, if the
5 project applicant or sponsor elects to participate in
6 the process authorized by this title. Such term shall
7 also include State-led projects (as defined in section
8 4007(a)(2) of the WIIN Act) for new surface water
9 storage projects in the States covered under the Act
10 of June 17, 1902 (32 Stat. 388, chapter 1093), and
11 Acts supplemental to and amendatory of that Act
12 (43 U.S.C. 371 et seq.) constructed on lands admin-
13 istered by the Department of the Interior or the De-
14 partment of Agriculture, exclusive of any easement,
15 right-of-way, lease, or any private holding, unless the
16 project applicant elects not to participate in the
17 process authorized by this title.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior.

20 SEC. 552. ESTABLISHMENT OF LEAD AGENCY AND
21 COOPERATING AGENCIES.

22 (a) ESTABLISHMENT OF LEAD AGENCY.—The Bu-
23 reau is established as the lead agency for purposes of co-
24 ordinating all reviews, analyses, opinions, statements, per-

1 mits, licenses, or other approvals or decisions required
2 under Federal law to construct qualifying projects.

3 (b) IDENTIFICATION AND ESTABLISHMENT OF CO-
4 OPERATING AGENCIES.—The Commissioner of the Bureau
5 shall—

6 (1) identify, as early as practicable upon receipt
7 of an application for a qualifying project, any Fed-
8 eral agency that may have jurisdiction over a review,
9 analysis, opinion, statement, permit, license, ap-
10 proval, or decision required for a qualifying project
11 under applicable Federal laws and regulations; and

12 (2) notify any such agency, within a reasonable
13 timeframe, that the agency has been designated as
14 a cooperating agency in regards to the qualifying
15 project unless that agency responds to the Bureau in
16 writing, within a timeframe set forth by the Bureau,
17 notifying the Bureau that the agency—

18 (A) has no jurisdiction or authority with
19 respect to the qualifying project;

20 (B) has no expertise or information rel-
21 evant to the qualifying project or any review,
22 analysis, opinion, statement, permit, license, or
23 other approval or decision associated therewith;
24 or

1 (C) does not intend to submit comments
2 on the qualifying project or conduct any review
3 of such a project or make any decision with re-
4 spect to such project in a manner other than in
5 cooperation with the Bureau.

6 (c) STATE AUTHORITY.—A State in which a quali-
7 fying project is being considered may choose, consistent
8 with State law—

9 (1) to participate as a cooperating agency; and
10 (2) to make subject to the processes of this sub-
11 title all State agencies that—

12 (A) have jurisdiction over the qualifying
13 project;

14 (B) are required to conduct or issue a re-
15 view, analysis, or opinion for the qualifying
16 project; or

17 (C) are required to make a determination
18 on issuing a permit, license, or approval for the
19 qualifying project.

20 SEC. 553. BUREAU RESPONSIBILITIES.

21 (a) IN GENERAL.—The principal responsibilities of
22 the Bureau under this subtitle are—

23 (1) to serve as the point of contact for appli-
24 cants, State agencies, Indian Tribes, and others re-
25 garding proposed qualifying projects;

1 (2) to coordinate preparation of unified environ-
2 mental documentation that will serve as the basis for
3 all Federal decisions necessary to authorize the use
4 of Federal lands for qualifying projects; and

5 (3) to coordinate all Federal agency reviews
6 necessary for project development and construction
7 of qualifying projects.

8 (b) COORDINATION PROCESS.—The Bureau shall
9 have the following coordination responsibilities:

10 (1) PREAPPLICATION COORDINATION.—Notify
11 cooperating agencies of proposed qualifying projects
12 not later than 30 days after receipt of a proposal
13 and facilitate a preapplication meeting for prospec-
14 tive applicants, relevant Federal and State agencies,
15 and Indian Tribes—

16 (A) to explain applicable processes, data
17 requirements, and applicant submissions nec-
18 essary to complete the required Federal agency
19 reviews within the timeframe established; and

20 (B) to establish the schedule for the quali-
21 fying project.

22 (2) CONSULTATION WITH COOPERATING AGEN-
23 CIES.—Consult with the cooperating agencies
24 throughout the Federal agency review process, iden-

1 tify and obtain relevant data in a timely manner,
2 and set necessary deadlines for cooperating agencies.

3 (3) SCHEDULE.—Work with the qualifying
4 project applicant and cooperating agencies to estab-
5 lish a project schedule. In establishing the schedule,
6 the Bureau shall consider, among other factors—

7 (A) the responsibilities of cooperating
8 agencies under applicable laws and regulations;

9 (B) the resources available to the cooper-
10 ating agencies and the non-Federal qualifying
11 project sponsor, as applicable;

12 (C) the overall size and complexity of the
13 qualifying project;

14 (D) the overall schedule for and cost of the
15 qualifying project; and

16 (E) the sensitivity of the natural and his-
17 toric resources that may be affected by the
18 qualifying project.

19 (4) ENVIRONMENTAL COMPLIANCE.—Prepare a
20 unified environmental review document for each
21 qualifying project application, incorporating a single
22 environmental record on which all cooperating agen-
23 cies with authority to issue approvals for a given
24 qualifying project shall base project approval deci-
25 sions. Help ensure that cooperating agencies make

1 necessary decisions, within their respective authori-
2 ties, regarding Federal approvals in accordance with
3 the following timelines:

4 (A) Not later than 1 year after acceptance
5 of a completed project application when an en-
6 vironmental assessment and finding of no sig-
7 nificant impact is determined to be the appro-
8 priate level of review under the National Envi-
9 ronmental Policy Act of 1969 (42 U.S.C. 4321
10 et seq.).

11 (B) Not later than 1 year and 30 days
12 after the close of the public comment period for
13 a draft environmental impact statement under
14 the National Environmental Policy Act of 1969
15 (42 U.S.C. 4321 et seq.), when an environ-
16 mental impact statement is required under the
17 same.

18 (5) CONSOLIDATED ADMINISTRATIVE
19 RECORD.—Maintain a consolidated administrative
20 record of the information assembled and used by the
21 cooperating agencies as the basis for agency deci-
22 sions.

23 (6) PROJECT DATA RECORDS.—To the extent
24 practicable and consistent with Federal law, ensure
25 that all project data is submitted and maintained in

1 generally accessible electronic format, compile, and
2 where authorized under existing law, make available
3 such project data to cooperating agencies, the quali-
4 fying project applicant, and to the public.

5 (7) PROJECT MANAGER.—Appoint a project
6 manager for each qualifying project. The project
7 manager shall have authority to oversee the project
8 and to facilitate the issuance of the relevant final
9 authorizing documents, and shall be responsible for
10 ensuring fulfillment of all Bureau responsibilities set
11 forth in this section and all cooperating agency re-
12 sponsibilities under section 554.

13 SEC. 554. COOPERATING AGENCY RESPONSIBILITIES.

14 (a) ADHERENCE TO BUREAU SCHEDULE.—

15 (1) TIMEFRAMES.—On notification of an appli-
16 cation for a qualifying project, the head of each co-
17 operating agency shall submit to the Bureau a time-
18 frame under which the cooperating agency reason-
19 ably will be able to complete the authorizing respon-
20 sibilities of the cooperating agency.

21 (2) SCHEDULE.—

22 (A) USE OF TIMEFRAMES.—The Bureau
23 shall use the timeframes submitted under this
24 subsection to establish the project schedule
25 under section 504.

1 (B) ADHERENCE.—Each cooperating agen-
2 cy shall adhere to the project schedule estab-
3 lished by the Bureau under subparagraph (A).

4 (b) ENVIRONMENTAL RECORD.—The head of each
5 cooperating agency shall submit to the Bureau all environ-
6 mental review material produced or compiled in the course
7 of carrying out activities required under Federal law, con-
8 sistent with the project schedule established by the Bureau
9 under subsection (a)(2).

10 (c) DATA SUBMISSION.—To the extent practicable
11 and consistent with Federal law, the head of each cooper-
12 ating agency shall submit all relevant project data to the
13 Bureau in a generally accessible electronic format, subject
14 to the project schedule established by the Bureau under
15 subsection (a)(2).

16 SEC. 555. FUNDING TO PROCESS PERMITS.

17 (a) IN GENERAL.—The Secretary, after public notice
18 in accordance with subchapter II of chapter 5, and chapter
19 7, of title 5, United States Code (commonly known as the
20 “Administrative Procedure Act”), may accept and expend
21 funds, to the extent provided in advance in appropriations
22 Acts, contributed by a non-Federal public entity to expe-
23 dite the evaluation of a permit of that entity related to
24 a qualifying project.

25 (b) EFFECT ON PERMITTING.—

1 (1) EVALUATION OF PERMITS.—In carrying out
2 this section, the Secretary shall ensure that the eval-
3 uation of permits carried out using funds accepted
4 under this section shall—

5 (A) be reviewed by the Regional Director
6 of the Bureau of the region in which the quali-
7 fying project or activity is located (or a des-
8 ignee); and

9 (B) use the same procedures for decisions
10 that would otherwise be required for the evalua-
11 tion of permits for similar projects or activities
12 not carried out using funds authorized under
13 this section.

14 (2) IMPARTIAL DECISION MAKING.—In carrying
15 out this section, the Secretary shall ensure that the
16 use of the funds accepted under this section for a
17 qualifying project shall not—

18 (A) substantively or procedurally impact
19 impartial decision making with respect to the
20 issuance of permits; or

21 (B) diminish, modify, or otherwise affect
22 the statutory or regulatory authorities of the
23 cooperating agency.

24 (c) LIMITATION ON USE OF FUNDS.—None of the
25 funds accepted under this section shall be used to carry

1 out a review of the evaluation of permits required under
2 subsection (b)(1)(A).

3 (d) PUBLIC AVAILABILITY.—The Secretary shall en-
4 sure that all final permit decisions carried out using funds
5 authorized under this section are made available to the
6 public, including on the internet.

7 TITLE VI

8 GENERAL PROVISIONS

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 601. None of the funds appropriated by this Act
11 may be used in any way, directly or indirectly, to influence
12 congressional action on any legislation or appropriation
13 matters pending before Congress, other than to commu-
14 nicate to Members of Congress as described in 18 U.S.C.
15 1913.

16 SEC. 602. (a) None of the funds made available in
17 title III of this Act may be transferred to any department,
18 agency, or instrumentality of the United States Govern-
19 ment, except pursuant to a transfer made by or transfer
20 authority provided in this Act or any other appropriations
21 Act for any fiscal year, transfer authority referenced in
22 the report accompanying this Act, or any authority where-
23 by a department, agency, or instrumentality of the United
24 States Government may provide goods or services to an-
25 other department, agency, or instrumentality.

1 (b) None of the funds made available for any depart-
2 ment, agency, or instrumentality of the United States
3 Government may be transferred to accounts funded in title
4 III of this Act, except pursuant to a transfer made by or
5 transfer authority provided in this Act or any other appro-
6 priations Act for any fiscal year, transfer authority ref-
7 erenced in the report accompanying this Act, or any au-
8 thority whereby a department, agency, or instrumentality
9 of the United States Government may provide goods or
10 services to another department, agency, or instrumen-
11 tality.

12 (c) The head of any relevant department or agency
13 funded in this Act utilizing any transfer authority shall
14 submit to the Committees on Appropriations of both
15 Houses of Congress a semiannual report detailing the
16 transfer authorities, except for any authority whereby a
17 department, agency, or instrumentality of the United
18 States Government may provide goods or services to an-
19 other department, agency, or instrumentality, used in the
20 previous 6 months and in the year-to-date. This report
21 shall include the amounts transferred and the purposes
22 for which they were transferred, and shall not replace or
23 modify existing notification requirements for each author-
24 ity.

1 SEC. 603. (a) None of the funds made available in
2 this Act may be used to maintain or establish a computer
3 network unless such network blocks the viewing,
4 downloading, and exchanging of pornography.

5 (b) Nothing in subsection (a) shall limit the use of
6 funds necessary for any Federal, State, Tribal, or local
7 law enforcement agency or any other entity carrying out
8 criminal investigations, prosecution, or adjudication activi-
9 ties.

10 SEC. 604. (a) No federal monies shall be expended
11 in furtherance of any agreement among private entities
12 for consolidated interim storage of spent nuclear fuel that
13 is not specifically authorized under federal law until such
14 time that host state and local governments and any af-
15 fected Indian tribes have formalized their consent.

16 (b) Provided that the prohibition provided for in this
17 section shall not apply to facilities presently storing com-
18 mercial spent nuclear fuel, pursuant to an NRC license,
19 as of the date of enactment of this Act.

20 (c) For purposes of this section, “spent nuclear fuel”
21 shall have the same meaning as provided in section 2 of
22 the Nuclear Waste Policy Act of 1982.

23 SEC. 605. None of the funds made available by this
24 Act may be used to carry out any program, project, or

1 activity that promotes or advances Critical Race Theory
2 or any concept associated with Critical Race Theory.

3 SEC. 606. None of the funds appropriated or other-
4 wise made available by this Act may be made available
5 to implement, administer, apply, enforce, or carry out the
6 Equity Action Plan of the Department of Energy, or Exec-
7 utive Order 13985 of January 20, 2021 (86 Fed. Reg.
8 7009, relating to advancing racial equity and support for
9 underserved communities through the Federal Govern-
10 ment), Executive Order 14035 of June 25, 2021 (86 Fed.
11 Reg. 34593, relating to diversity, equity, inclusion, and
12 accessibility in the Federal workforce), or Executive Order
13 14091 of February 16, 2023 (88 Fed. Reg. 10825, relat-
14 ing to further advancing racial equity and support for un-
15 derserved communities through the Federal Government).

16 SEC. 607. (a) In general.—Notwithstanding section
17 7 of title 1, United States Code, section 1738C of title
18 28, United States Code, or any other provision of law,
19 none of the funds provided by this Act, or previous appro-
20 priations Acts, shall be used in whole or in part to take
21 any discriminatory action against a person, wholly or par-
22 tially, on the basis that such person speaks, or acts, in
23 accordance with a sincerely held religious belief, or moral
24 conviction, that marriage is, or should be recognized as,
25 a union of one man and one woman.

1 (b) Discriminatory action defined.—As used in sub-
2 section (a), a discriminatory action means any action
3 taken by the Federal Government to—

4 (1) alter in any way the Federal tax treatment
5 of, or cause any tax, penalty, or payment to be as-
6 sessed against, or deny, delay, or revoke an exemp-
7 tion from taxation under section 501(a) of the Inter-
8 nal Revenue Code of 1986 of, any person referred to
9 in subsection (a);

10 (2) disallow a deduction for Federal tax pur-
11 poses of any charitable contribution made to or by
12 such person;

13 (3) withhold, reduce the amount or funding for,
14 exclude, terminate, or otherwise make unavailable or
15 deny, any Federal grant, contract, subcontract, co-
16 operative agreement, guarantee, loan, scholarship, li-
17 cense, certification, accreditation, employment, or
18 other similar position or status from or to such per-
19 son;

20 (4) withhold, reduce, exclude, terminate, or oth-
21 erwise make unavailable or deny, any entitlement or
22 benefit under a Federal benefit program, including
23 admission to, equal treatment in, or eligibility for a
24 degree from an educational program, from or to
25 such person; or

1 (5) withhold, reduce, exclude, terminate, or oth-
2 erwise make unavailable or deny access or an entitle-
3 ment to Federal property, facilities, educational in-
4 stitutions, speech fora (including traditional, limited,
5 and nonpublic fora), or charitable fundraising cam-
6 paigns from or to such person.

7 (c) Accreditation; Licensure; Certification.—The
8 Federal Government shall consider accredited, licensed, or
9 certified for purposes of Federal law any person that
10 would be accredited, licensed, or certified, respectively, for
11 such purposes but for a determination against such person
12 wholly or partially on the basis that the person speaks,
13 or acts, in accordance with a sincerely held religious belief
14 or moral conviction described in subsection (a).

15 SPENDING REDUCTION ACCOUNT

16 SEC. 608. \$0.

17 This Act may be cited as the “Energy and Water De-
18 velopment and Related Agencies Appropriations Act,
19 2024”.

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[SUBCOMMITTEE PRINT]

Union Calendar No. _____

118TH CONGRESS
1st Session

H. R. _____

[Report No. 118-_____] _____

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2024, and for other purposes.

, 2023

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