

## Union Calendar No. 98

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4394

[Report No. 118–126]

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 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

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## 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. 701n)  
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 acquisi-  
13 tion, 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 acquisi-  
25 tion, 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 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 2024 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 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 SEC. 317. None of the funds made available in this  
14 title may be used to finalize, implement, administer, or  
15 enforce the proposed rule titled “Energy Conservation  
16 Program: Energy Conservation Standards for Consumer  
17 Conventional Cooking Products; Supplemental Notice of  
18 Proposed Rulemaking and announcement of public meet-  
19 ing” (88 Fed. Reg. 6818; published February 1, 2023)  
20 with respect to energy conservation standards for gas  
21 kitchen ranges and ovens, or any substantially similar  
22 rule, including any rule that would directly or indirectly  
23 limit consumer access to gas kitchen ranges or ovens.

1 TITLE IV  
2 INDEPENDENT AGENCIES  
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-  
5 thorized by the Appalachian Regional Development Act of  
6 1965, as amended, and for expenses necessary for the  
7 Federal Co-Chairman and the Alternate on the Appa-  
8 lachian Regional Commission, for payment of the Federal  
9 share of the administrative expenses of the Commission,  
10 including services as authorized by 5 U.S.C. 3109, and  
11 hire of passenger motor vehicles, \$200,000,000, to remain  
12 available until expended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
14 SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Fa-  
16 cilities Safety Board in carrying out activities authorized  
17 by the Atomic Energy Act of 1954, as amended by Public  
18 Law 100–456, section 1441, \$45,000,000, to remain  
19 available until September 30, 2025, of which not to exceed  
20 \$1,000 shall be available for official reception and rep-  
21 resentation expenses.

22 DELTA REGIONAL AUTHORITY  
23 SALARIES AND EXPENSES

24 For expenses necessary for the Delta Regional Au-  
25 thority and to carry out its activities, as authorized by

1 the Delta Regional Authority Act of 2000, notwith-  
2 standing sections 382F(d), 382M, and 382N of said Act,  
3 \$31,100,000, to remain available until expended.

#### 4 DENALI COMMISSION

5 For expenses necessary for the Denali Commission  
6 including the purchase, construction, and acquisition of  
7 plant and capital equipment as necessary and other ex-  
8 penses, \$17,000,000, to remain available until expended,  
9 notwithstanding the limitations contained in section  
10 306(g) of the Denali Commission Act of 1998: *Provided*,  
11 That funds shall be available for construction projects for  
12 which the Denali Commission is the sole or primary fund-  
13 ing source in an amount not to exceed 80 percent of total  
14 project cost for distressed communities, as defined by sec-  
15 tion 307 of the Denali Commission Act of 1998 (division  
16 C, title III, Public Law 105–277), as amended by section  
17 701 of appendix D, title VII, Public Law 106–113 (113  
18 Stat. 1501A–280), and an amount not to exceed 50 per-  
19 cent for non-distressed communities: *Provided further*,  
20 That notwithstanding any other provision of law regarding  
21 payment of a non-Federal share in connection with a  
22 grant-in-aid program, amounts under this heading shall  
23 be available for the payment of such a non-Federal share  
24 for any project for which the Denali Commission is not

1 the sole or primary funding source, provided that such  
2 project is consistent with the purposes of the Commission.

3           NORTHERN BORDER REGIONAL COMMISSION

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

11           SOUTHEAST CRESCENT REGIONAL COMMISSION

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

16           SOUTHWEST BORDER REGIONAL COMMISSION

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

21           GREAT LAKES AUTHORITY

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

1                   NUCLEAR REGULATORY COMMISSION  
2                   SALARIES AND EXPENSES

3           For expenses necessary for the Commission in car-  
4 rying out the purposes of the Energy Reorganization Act  
5 of 1974 and the Atomic Energy Act of 1954,  
6 \$960,560,450, including official representation expenses  
7 not to exceed \$30,000, to remain available until expended:  
8 *Provided*, That of the amount appropriated herein, not  
9 more than \$10,350,720 may be made available for sala-  
10 ries, travel, and other support costs for the Office of the  
11 Commission, to remain available until September 30,  
12 2025: *Provided further*, That revenues from licensing fees,  
13 inspection services, and other services and collections esti-  
14 mated at \$807,727,130 in fiscal year 2024 shall be re-  
15 tained and used for necessary salaries and expenses in this  
16 account, notwithstanding 31 U.S.C. 3302, and shall re-  
17 main available until expended: *Provided further*, That the  
18 sum herein appropriated shall be reduced by the amount  
19 of revenues received during fiscal year 2024 so as to result  
20 in a final fiscal year 2024 appropriation estimated at not  
21 more than \$152,833,320.

22                   OFFICE OF INSPECTOR GENERAL

23           For expenses necessary for the Office of Inspector  
24 General in carrying out the provisions of the Inspector  
25 General Act of 1978, \$18,648,340, to remain available

1 until September 30, 2025: *Provided*, That revenues from  
2 licensing fees, inspection services, and other services and  
3 collections estimated at \$15,481,566 in fiscal year 2024  
4 shall be retained and be available until September 30,  
5 2025, for necessary salaries and expenses in this account,  
6 notwithstanding section 3302 of title 31, United States  
7 Code: *Provided further*, That the sum herein appropriated  
8 shall be reduced by the amount of revenues received dur-  
9 ing fiscal year 2024 so as to result in a final fiscal year  
10 2024 appropriation estimated at not more than  
11 \$3,166,774: *Provided further*, That of the amounts appro-  
12 priated under this heading, \$1,534,900 shall be for In-  
13 spector General services for the Defense Nuclear Facilities  
14 Safety Board.

15           NUCLEAR WASTE TECHNICAL REVIEW BOARD

16                           SALARIES AND EXPENSES

17           For expenses necessary for the Nuclear Waste Tech-  
18 nical Review Board, as authorized by Public Law 100-  
19 203, section 5051, \$4,064,000, to be derived from the Nu-  
20 clear Waste Fund, to remain available until September 30,  
21 2025.

22           GENERAL PROVISIONS—INDEPENDENT

23                           AGENCIES

24           SEC. 401. The Nuclear Regulatory Commission shall  
25 comply with the July 5, 2011, version of Chapter VI of

1 its Internal Commission Procedures when responding to  
2 Congressional requests for information, consistent with  
3 Department of Justice guidance for all Federal agencies.

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

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

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

1 Committees of such waiver and changes to funding levels  
2 to programs, projects, or activities.

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

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

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

- 18 (1) total budget authority;  
19 (2) total unobligated balances; and  
20 (3) total unliquidated obligations.

## 21 TITLE V—WATER FOR CALIFORNIA

### 22 SEC. 501. DEFINITIONS.

23 In Subtitle A through Subtitle D, the following defini-  
24 tions apply:



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

3           (2) CVP CONTRACTOR.—The term “CVP con-  
4 tractor” means any public water agency, water user  
5 organization, or person that has entered into a con-  
6 tract with the United States for water service from  
7 the CVP, whether in the form of a water service  
8 contract, repayment contract, water rights settle-  
9 ment contract, exchange contract, or refuge con-  
10 tract.

11           (3) FWS BIOLOGICAL OPINION.—The term  
12 “FWS Biological Opinion” means the United States  
13 Fish and Wildlife Service “Biological Opinion for the  
14 Reinitiation of Consultation on the Coordinated Op-  
15 erations of the Central Valley Project and State  
16 Water Project” (Service File No. 08FBTD00–2019–  
17 F–0164) signed on October 21, 2019.

18           (4) NOAA BIOLOGICAL OPINION.—The term  
19 “NOAA Biological Opinion” means the National  
20 Oceanic and Atmospheric Administration Fisheries  
21 “Biological Opinion on the Long-term Operation of  
22 the Central Valley Project and the State Water  
23 Project” (Consultation Tracking Number: WCRO–  
24 2016–00069) signed on October 21, 2019.

1           (5) PREFERRED ALTERNATIVE.—The term  
2           “Preferred Alternative” means the Alternative 1  
3           (Preferred Alternative), as described in the Final  
4           Environmental Impact Statement on the Reinitiation  
5           of Consultation on the Coordinated Long-Term Op-  
6           eration of the Central Valley Project and the State  
7           Water Project, issued by the Bureau of Reclamation,  
8           and dated December 2019.

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

11          (7) SWP CONTRACTOR.—The term “SWP con-  
12          tractor” means a public agency that has entered into  
13          a long-term water supply contract with the Cali-  
14          fornia Department of Water Resources for water  
15          service from the SWP.

16          SEC. 502. TREATMENT OF FUNDS.

17          Amounts repurposed pursuant to this title that were  
18          previously designated by the Congress as an emergency  
19          requirement pursuant to the Balanced Budget and Emer-  
20          gency Deficit Control Act of 1985 or a concurrent resolu-  
21          tion on the budget are designated by the Congress as an  
22          emergency requirement pursuant to section  
23          251(b)(2)(A)(i) of the Balanced Budget and Emergency  
24          Deficit Control Act of 1985.

1            Subtitle A—CVP and SWP Operations

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

3            (a) CONGRESSIONAL DIRECTION REGARDING CVP  
4 AND SWP OPERATIONS.—The CVP and the SWP shall be  
5 operated, and reporting shall be done, in accordance with  
6 the Preferred Alternative and FWS Biological Opinion  
7 and NOAA Biological Opinion.

8            (b) EXCEPTIONS.—Operation of the CVP and SWP  
9 shall proceed pursuant to subsection (a) of this section,  
10 except:

11            (1) to the extent changes to operations are un-  
12 dertaken pursuant to one or more agreements, which  
13 are voluntarily entered into, approved, and imple-  
14 mented by CVP contractors, for operations of the  
15 CVP, and SWP contractors, for operations of the  
16 SWP, with all applicable Federal departments and  
17 the State of California, including any agency or  
18 board of the State of California; or

19            (2) to the extent changes in operations of the  
20 CVP, SWP, or both can be made while improving  
21 the supply of water available to CVP contractors,  
22 SWP contractors, or both.

23            (c) COSTS.—No cost, including water supply, finan-  
24 cial, mitigation-related, or otherwise, associated with the  
25 implementation of any agreement under subsection (b)(1)

1 or the implementation of any reoperation under subsection  
2 (b)(2) shall be imposed by any Federal department or  
3 agency or the State of California, including any agency  
4 or board of the State of California, directly or indirectly  
5 on any CVP contractor, SWP contractor, or any other per-  
6 son or entity, unless such costs are incurred on a voluntary  
7 basis.

8 (d) NO REDIRECTED ADVERSE IMPACTS.—The Sec-  
9 retary of the Interior and Secretary of Commerce shall  
10 not carry out any specific action authorized under the ap-  
11 plicable provisions of this subtitle that would directly or  
12 through State agency action indirectly result in the invol-  
13 untary reduction of water supply to an individual, district,  
14 or agency that has in effect a contract for water with the  
15 SWP or the CVP, including settlement, exchange, and ref-  
16 uge contracts, and Friant Division contracts.

17 (e) ENDANGERED SPECIES ACT.—Notwithstanding  
18 subsection (b), implementation of subsection (a) shall not  
19 conflict with the FWS Biological Opinion and the NOAA  
20 Biological Opinion.

21 (f) NATIVE SPECIES PROTECTION.—The State of  
22 California shall not impose any bag, catch, or size restric-  
23 tion or limit on the take or harvest of striped bass or any  
24 species of black bass, including largemouth bass,

1 smallmouth bass, and spotted bass, that occupy the Sac-  
2 ramento-San Joaquin Rivers Delta or its tributaries.

3       SEC. 512. OPERATIONS AND REVIEWS.

4       In carrying out section 511(a), the Secretary of the  
5 Interior and the Secretary of Commerce shall implement  
6 their statutory authorities in a manner that improves  
7 water supply reliability and enables the CVP and SWP  
8 to provide the maximum quantity of water supplies prac-  
9 ticable to CVP agricultural, municipal, and industrial con-  
10 tractors, water service or repayment contractors, water  
11 rights settlement contractors, exchange contractors, ref-  
12 uge contractors, and SWP contractors, in accordance with  
13 the Preferred Alternative, NOAA Biological Opinion, and  
14 FWS Biological Opinion.

15       SEC. 513. APPLICATION OF STATE LAWS.

16       (a) REDUCED WATER SUPPLY.—If, as a result of the  
17 application of applicable State law or regulation, the State  
18 of California (including any agency or board of the State  
19 of California) alters operation of the SWP in a manner  
20 that directly or indirectly results in reduced water supply  
21 to the SWP as compared with the water supply available  
22 under the Preferred Alternative, and as a result, CVP  
23 yield is greater than it otherwise would have been under  
24 the Preferred Alternative, then that additional yield shall  
25 be made available to the SWP for delivery to SWP Con-

1 tractors to offset that reduced water supply. If it is nec-  
2 essary to reduce water supplies for any authorized uses  
3 of the CVP or CVP Contractors to make available to the  
4 SWP that additional yield, such reductions shall be ap-  
5 plied proportionately to those authorized uses or CVP con-  
6 tractors that benefit from that increased yield.

7 (b) NO RESTRICTION OF CERTAIN WATER  
8 RIGHTS.—The State of California (including any agency  
9 or board of the State of California) shall not restrict the  
10 exercise of any water right obtained pursuant to State law,  
11 including but not limited to a pre-1914 appropriative right  
12 or riparian right in order to offset any impact resulting  
13 from the implementation of this subtitle on any species  
14 affected by operations of the CVP or the SWP.

15 (c) NO INVOLUNTARY WATER REDUCTION.—The  
16 State of California (including any agency or board of the  
17 State of California), the Secretary of the Interior and Sec-  
18 retary of Commerce shall not take any action related to  
19 operation of the CVP or SWP that would directly or indi-  
20 rectly result in the involuntary reduction of water supply  
21 to any CVP agricultural, municipal and industrial con-  
22 tractor, water service or repayment contractor, water  
23 rights settlement contractor, exchange contractor, refuge  
24 contractor or any SWP contractor, as compared to the  
25 water supply available under the Preferred Alternative;

1 and nothing in this section is intended to modify, amend,  
2 or affect any of the rights and obligations of the parties  
3 to such contracts.

4       SEC. 514. RECONSULTATION OF NOAA BIOLOGICAL  
5 OPINION AND FWS BIOLOGICAL OPINION.

6       (a) REQUIREMENT FOR RECONSULTATION.—

7           (1) REQUIREMENT.—Unless action is taken  
8 pursuant to section 101(b), neither the Secretary of  
9 the Interior, acting through the Commissioner of the  
10 Bureau of Reclamation, nor the Secretary of Com-  
11 merce, or their designees shall commence, complete,  
12 or request reinitiation of consultation on the coordi-  
13 nated long-term operation of the Central Valley  
14 Project and the State Water Project that will result  
15 in changes to or the replacement of the documents  
16 listed in paragraph (2) unless—

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

21           (B) the Commissioner of the Bureau of  
22 Reclamation identifies one specific factor or  
23 combination of factors under section 402.16 of  
24 title 50, Code of Federal Regulations; and

1 (C) not fewer than 120 days before offi-  
2 cially commencing or requesting reinitiation, the  
3 Secretary of the Interior notifies the Committee  
4 on Natural Resources of the House of Rep-  
5 resentatives, and the Committee on Energy and  
6 Natural Resources of the Senate, in writing,  
7 of—

8 (i) the intent to commence or request  
9 reinitiation under this section; and

10 (ii) the detailed justification for the  
11 identification of the specific factor or com-  
12 bination of factors under section 402.16 of  
13 title 50, Code of Federal Regulations, that  
14 was identified to satisfy the requirement in  
15 subparagraph (B).

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

18 (A) The FWS Biological Opinion.

19 (B) The NOAA Biological Opinion.

20 (C) The Record of Decision for the Reiniti-  
21 ation of Consultation on the Coordinated Long-  
22 Term Modified Operations of the Central Valley  
23 Project and State Water Project, signed on  
24 February 18, 2020.



1           (b) APPLICABLE PROCEDURES AND REVIEW.—For  
2 the purposes of this Act, before reinitiating consultation  
3 on the Long-Term Operation of the CVP and SWP, a re-  
4 quest by the Secretary of the Interior, the Secretary of  
5 the Commerce, or any other Federal employee, to reini-  
6 tiate consultation shall be made in writing and considered  
7 a rule under section 551 of title 5, United States Code,  
8 and subject to the requirements of sections 801 through  
9 808 of that title.

10          (c) COOPERATION.—In implementing this section, the  
11 Secretary of the Interior and the Secretary of Commerce  
12 shall comply with requirements included in section 4004  
13 of the Water Infrastructure Improvements for the Nation  
14 Act (Public Law 114–322).

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

18          SEC. 515. SUNSET.

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

22          SEC. 516. CONSULTATION ON COORDINATED OPER-  
23 ATIONS.

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

1 (1) in section 4004(a)—

2 (A) in the matter preceding paragraph (1),  
3 strike “public water agency that contracts” and  
4 insert “contractor”;

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

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

9 (D) by redesignating paragraphs (3)  
10 through (6) as paragraphs (4) through (7), re-  
11 spectively;

12 (E) after paragraph (2), by inserting the  
13 following new paragraph:

14 “(3) receive a copy of the draft proposed action  
15 and have the opportunity to review that document  
16 and provide comment to the action agency, which  
17 comments shall be afforded due consideration during  
18 development;”; and

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

21 (i) in the matter preceding subpara-  
22 graph (A), by inserting “action agency pro-  
23 poses a proposed action or” before “the  
24 consulting agency”;

1 (ii) in subparagraph (A), by inserting  
2 “proposed action or” before “alternative  
3 will”; and

4 (iii) in subparagraph (B), by striking  
5 “alternative actions” and insert “actions  
6 or alternatives”; and

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

11 Subtitle B—Allocations for Sacramento Valley

12 Contractors

13 SEC. 521. DEFINITIONS.

14 In this subtitle, the following definitions apply:

15 (1) The term “existing CVP agricultural water  
16 service or repayment contractor within the Sac-  
17 ramento River Watershed” means any water service  
18 or repayment contractor within the Shasta, Trinity,  
19 or Sacramento River division of the CVP that has  
20 in effect a water service or repayment contract on  
21 the date of enactment of this title that provides  
22 water for irrigation.

23 (2) The terms “Above Normal”, “Below Nor-  
24 mal”, “Dry”, and “Wet”, with respect to a year,

1 have the meanings given those terms in the Sac-  
2 ramento Valley Water Year Type (40–30–30) Index.

3 SEC. 522. ALLOCATIONS OF WATER.

4 Subject to section 523, the Secretary of the Interior  
5 shall make every reasonable effort in the operation of the  
6 CVP to allocate water provided for irrigation purposes to  
7 each existing CVP agricultural water service contractor  
8 within the Sacramento River Watershed in accordance  
9 with the following:

10 (1) Not less than 100 percent of the contract  
11 quantity of the existing CVP agricultural water serv-  
12 ice contractor within the Sacramento River Water-  
13 shed in a Wet year.

14 (2) Not less than 100 percent of the contract  
15 quantity of the existing CVP agricultural water serv-  
16 ice contractor within the Sacramento River Water-  
17 shed in an Above Normal year.

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

23 (4) Not less than 50 percent of the contract  
24 quantity of the existing CVP agricultural water serv-  
25 ice contractor within the Sacramento River Water-

1 shed in a Dry year that is preceded by a Below Nor-  
2 mal, Above Normal, or Wet year.

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

7 SEC. 523. PROTECTION OF REFUGE, MUNICIPAL AND  
8 INDUSTRIAL, AND OTHER CONTRACTORS.

9 Nothing in section 522 shall—

10 (1) adversely affect any protections for the envi-  
11 ronment, including the obligation of the Secretary of  
12 the Interior to make water available to managed  
13 wetlands pursuant to section 3406(d) of the Central  
14 Valley Project Improvement Act (title XXXIV of  
15 Public Law 102–575; 106 Stat. 4722);

16 (2) adversely affect any obligation of the Sec-  
17 retary of the Interior or the Secretary of Commerce  
18 under the FWS Biological Opinion or the NOAA Bi-  
19 ological Opinion;

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

23 (4) affect or limit the authority of the Secretary  
24 of the Interior to adopt or modify municipal and in-  
25 dustrial water shortage policies;

1           (5) constrain, govern, or affect, directly or indi-  
2           rectly, the operations of the American River division  
3           of the CVP or any deliveries from that division or  
4           a unit or facility of that division; or

5           (6) affect any allocation to a CVP municipal or  
6           industrial water service contractor by increasing or  
7           decreasing allocations to the contractor, as compared  
8           to the allocation the contractor would have received  
9           absent section 522.

10       SEC. 524. OTHER CONTRACTORS.

11       Nothing in section 522 shall—

12           (1) affect the priority of any individual or entity  
13           with a Sacramento River settlement contract over  
14           water service or repayment contractors;

15           (2) affect the United States ability to deliver  
16           water to the San Joaquin River exchange contrac-  
17           tors from the Sacramento River and the Delta via  
18           the Delta-Mendota Canal or modify or amend the  
19           rights and obligations under the Purchase Contract  
20           between Miller and Lux and the United States and  
21           the Second Amended Exchange Contract between  
22           the United States, Department of the Interior, Bu-  
23           reau of Reclamation and Central California Irriga-  
24           tion District, San Luis Canal Company, Firebaugh  
25           Canal Water District and Columbia Canal Company;



1 reau of Reclamation shall develop a water deficit report,  
2 which shall identify—

3 (1) projected water supply shortages in the  
4 State of California for irrigation water service, mu-  
5 nicipal and industrial water service, water supply for  
6 wildlife refuges supplied by the CVP or the SWP;  
7 and

8 (2) infrastructure projects or actions which, if  
9 taken, would—

10 (A) significantly reduce or eliminate the  
11 projected water supply shortage; or

12 (B) fulfill water allocations consistent with  
13 agricultural, municipal and industrial contrac-  
14 tors, water service or repayment contractors,  
15 water rights settlement contractors, exchange  
16 contractors, and SWP contractors with water  
17 delivery contractors on the CVP and SWP.

18 (b) REPORT TO CONGRESS.—The Commissioner of  
19 the Bureau of Reclamation shall provide a report de-  
20 scribed in subsection (a) to the House Committee on Ap-  
21 propriations, the Senate Committee on Appropriations,  
22 the House Committee on Natural Resources, the Senate  
23 Committee on Energy, and the Senate Committee on Nat-  
24 ural Resources upon its completion.

25 SEC. 533. CONSERVATION FISH HATCHERIES.



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

4 “(D) SEMI-ANNUAL REPORT.—The Sec-  
5 retary of the Interior and the Secretary of  
6 Commerce shall submit to the Committee on  
7 Natural Resources of the House of Representa-  
8 tives, and the Committee on Energy and Nat-  
9 ural Resources of the Senate semi-annual re-  
10 ports that detail activities carried out under  
11 this paragraph.”.

12 SEC. 534. STORAGE; DURATION.

13 (a) STORAGE.—Section 4007 of the Water Infra-  
14 structure Improvements for the Nation Act (Public Law  
15 114–322) is amended—

16 (1) in subsection (b)(1), by striking “or any  
17 public agency organized pursuant to State law” and  
18 inserting “any public agency organized pursuant to  
19 State law, or any stakeholder”; and

20 (2) in subsection (i), by striking “January 1,  
21 2021” and inserting “January 1, 2028”.

22 (b) DURATION.—Section 4013 of the Water Infra-  
23 structure Improvements for the Nation Act (Public Law  
24 114–322) is amended—

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

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

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

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



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          SEC. 608. None of the funds made available by this  
16          Act may be used to finalize, implement, administer, apply,  
17          or enforce the proposed rule entitled “Energy Conserva-  
18          tion Program: Energy Conservation Standards for Resi-  
19          dential Clothes Washers” published by the Department of  
20          Energy in the Federal Register on March 3, 2023 (88  
21          Fed. Reg. 13520), or any substantively similar rule.

22          SEC. 609. None of the funds made available by this  
23          Act may be used to implement, administer, apply, enforce,  
24          or carry out any diversity, equity, and inclusion office, pro-  
25          gram, or training.

1       SEC. 610. None of the funds made available by this  
2 Act may be used to implement or enforce section 370 of  
3 Public Law 116–283 with respect to civil works projects.

4       SEC. 611. None of the funds made available by this  
5 Act may be used by the Department of Energy to award  
6 any grant, contract, subcontract, award, loan, program,  
7 support, or other activity, to any entity who enters into,  
8 or maintains, partnerships or licensing agreements with  
9 any entity of concern, as defined in section 10114 of title  
10 I of division B of Public Law 117–167.

11                   STATE-OWNED ENTERPRISES PROHIBITION

12       SEC. 612. (a) INNOVATE IN AMERICA.—None of the  
13 funds made available by this Act may be used by the Sec-  
14 retary of Energy to award a contract, subcontract, grant,  
15 or loan to an entity that—

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

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

23                   (B) was identified by the United States  
24 Trade Representative in the most recent report  
25 required by section 182 of the Trade Act of

1           1974 (19 U.S.C. 2242) as a priority foreign  
2           country under subsection (a)(2) of that section;  
3           and

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

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

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

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

19                   SPENDING REDUCTION ACCOUNT

20       SEC. 613. \$0.

21       This Act may be cited as the “Energy and Water De-  
22       velopment and Related Agencies Appropriations Act,  
23       2024”.

Union Calendar No. 98

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 4394**

[Report No. 118-126]

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**A BILL**

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

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JUNE 30, 2023

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