

Union Calendar No. 302

117TH CONGRESS
2^D SESSION

H. R. 8255

[Report No. 117-394]

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2022

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2023, and for other pur-
6 poses, namely:

1 TITLE I
2 CORPS OF ENGINEERS—CIVIL
3 DEPARTMENT OF THE ARMY
4 CORPS OF ENGINEERS—CIVIL

5 The following appropriations shall be expended under
6 the direction of the Secretary of the Army and the super-
7 vision of the Chief of Engineers for authorized civil func-
8 tions of the Department of the Army pertaining to river
9 and harbor, flood and storm damage reduction, shore pro-
10 tection, aquatic ecosystem restoration, and related efforts.

11 INVESTIGATIONS

12 For expenses necessary where authorized by law for
13 the collection and study of basic information pertaining
14 to river and harbor, flood and storm damage reduction,
15 shore protection, aquatic ecosystem restoration, and re-
16 lated needs; for surveys and detailed studies, and plans
17 and specifications of proposed river and harbor, flood and
18 storm damage reduction, shore protection, and aquatic
19 ecosystem restoration projects, and related efforts prior to
20 construction; for restudy of authorized projects; and for
21 miscellaneous investigations, and, when authorized by law,
22 surveys and detailed studies, and plans and specifications
23 of projects prior to construction, \$160,000,000, to remain
24 available until expended: *Provided*, That the Secretary
25 shall not deviate from the work plan, once the plan has

1 been submitted to the Committees on Appropriations of
2 both Houses of Congress.

3 CONSTRUCTION

4 For expenses necessary for the construction of river
5 and harbor, flood and storm damage reduction, shore pro-
6 tection, aquatic ecosystem restoration, and related
7 projects authorized by law; for conducting detailed studies,
8 and plans and specifications, of such projects (including
9 those involving participation by States, local governments,
10 or private groups) authorized or made eligible for selection
11 by law (but such detailed studies, and plans and specifica-
12 tions, shall not constitute a commitment of the Govern-
13 ment to construction); \$2,475,152,000, to remain avail-
14 able until expended; of which \$43,011,000 shall be derived
15 from the Harbor Maintenance Trust Fund to cover the
16 Federal share of construction costs for facilities under the
17 Dredged Material Disposal Facilities program; and of
18 which such sums as are necessary to cover 35 percent of
19 the costs of construction, replacement, rehabilitation, and
20 expansion of inland waterways projects shall be derived
21 from the Inland Waterways Trust Fund, except as other-
22 wise specifically provided for in law: *Provided*, That the
23 Secretary shall not deviate from the work plan, once the
24 plan has been submitted to the Committees on Appropria-
25 tions of both Houses of Congress.

1 MISSISSIPPI RIVER AND TRIBUTARIES

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

13 OPERATION AND MAINTENANCE

14 For expenses necessary for the operation, mainte-
15 nance, and care of existing river and harbor, flood and
16 storm damage reduction, aquatic ecosystem restoration,
17 and related projects authorized by law; providing security
18 for infrastructure owned or operated by the Corps, includ-
19 ing administrative buildings and laboratories; maintaining
20 harbor channels provided by a State, municipality, or
21 other public agency that serve essential navigation needs
22 of general commerce, where authorized by law; surveying
23 and charting northern and northwestern lakes and con-
24 necting waters; clearing and straightening channels; and
25 removing obstructions to navigation, \$5,150,000,000, to

1 remain available until expended, of which \$2,264,674,000
2 shall be derived from the Harbor Maintenance Trust Fund
3 to cover the Federal share of eligible operation and main-
4 tenance costs for coastal harbors and channels, and for
5 inland harbors; of which \$56,000,000, to be derived from
6 the general fund of the Treasury, shall be to carry out
7 section 2106(c) of Public Law 113–121 (33 U.S.C.
8 2238c(c)) and is designated as being for such purpose pur-
9 suant to section 14003(2)(B) of the CARES Act (Public
10 Law 116–136); of which such sums as become available
11 from the special account for the Corps of Engineers estab-
12 lished by the Land and Water Conservation Fund Act of
13 1965 shall be derived from that account for resource pro-
14 tection, research, interpretation, and maintenance activi-
15 ties related to resource protection in the areas at which
16 outdoor recreation is available; and of which such sums
17 as become available from fees collected under section 217
18 of Public Law 104–303 shall be used to cover the cost
19 of operation and maintenance of the dredged material dis-
20 posal facilities for which such fees have been collected:
21 *Provided*, That 1 percent of the total amount of funds pro-
22 vided for each of the programs, projects, or activities fund-
23 ed under this heading shall not be allocated to a field oper-
24 ating activity prior to the beginning of the fourth quarter
25 of the fiscal year and shall be available for use by the Chief

1 of Engineers to fund such emergency activities as the
2 Chief of Engineers determines to be necessary and appro-
3 priate, and that the Chief of Engineers shall allocate dur-
4 ing the fourth quarter any remaining funds which have
5 not been used for emergency activities proportionally in
6 accordance with the amounts provided for the programs,
7 projects, or activities: *Provided*, That the Secretary shall
8 not deviate from the work plan, once the plan has been
9 submitted to the Committees on Appropriations of both
10 Houses of Congress.

11 REGULATORY PROGRAM

12 For expenses necessary for administration of laws
13 pertaining to regulation of navigable waters and wetlands,
14 \$213,000,000, to remain available until September 30,
15 2024.

16 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

17 For expenses necessary to clean up contamination
18 from sites in the United States resulting from work per-
19 formed as part of the Nation's early atomic energy pro-
20 gram, \$278,338,000, to remain available until expended.

21 FLOOD CONTROL AND COASTAL EMERGENCIES

22 For expenses necessary to prepare for flood, hurri-
23 cane, and other natural disasters and support emergency
24 operations, repairs, and other activities in response to

1 such disasters as authorized by law, \$35,000,000, to re-
2 main available until expended.

3 EXPENSES

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

1 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
2 FOR CIVIL WORKS

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

15 WATER INFRASTRUCTURE FINANCE AND INNOVATION
16 PROGRAM ACCOUNT

17 For administrative expenses to carry out the direct
18 and guaranteed loan programs authorized by the Water
19 Infrastructure Finance and Innovation Act of 2014, not-
20 withstanding subsections (b)(2) and (c) of section 5033
21 of such Act, \$7,200,000, to remain available until Sep-
22 tember 30, 2024.

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 2023, 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.—

2 Unlimited reprogramming authority is granted for
3 the 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 TRIBU-
17 TARIES.—The reprogramming guidelines in para-
18 graphs (6), (7), and (8) shall apply to the Investiga-
19 tions, Construction, and Operation and Maintenance
20 portions of the Mississippi River and Tributaries Ac-
21 count, respectively; and

22 (10) FORMERLY UTILIZED SITES REME-
23 DIAL ACTION PROGRAM.— Reprogramming of
24 up to 15 percent of the base of the receiving project
25 is permitted.

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

5 (c) CONTINUING AUTHORITIES PROGRAM.—
6 Subsection (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; and

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 title solely in accordance with the provi-
3 sions of this Act and 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 \$5,400,000 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 TITLE II

20 DEPARTMENT OF THE INTERIOR

21 CENTRAL UTAH PROJECT

22 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

23 For carrying out activities authorized by the Central
24 Utah Project Completion Act, \$23,000,000, to remain
25 available until expended, of which \$5,000,000 shall be de-

1 posited into the Utah Reclamation Mitigation and Con-
2 servation Account for use by the Utah Reclamation Miti-
3 gation and Conservation Commission: *Provided*, That of
4 the amount provided under this heading, \$1,600,000 shall
5 be available until September 30, 2024, for expenses nec-
6 essary in carrying out related responsibilities of the Sec-
7 retary of the Interior: *Provided further*, That for fiscal
8 year 2023, of the amount made available to the Commis-
9 sion under this Act or any other Act, the Commission may
10 use an amount not to exceed \$1,880,000 for administra-
11 tive expenses.

12 BUREAU OF RECLAMATION

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

16 WATER AND RELATED RESOURCES

17 (INCLUDING TRANSFERS OF FUNDS)

18 For management, development, and restoration of
19 water and related natural resources and for related activi-
20 ties, including the operation, maintenance, and rehabilita-
21 tion of reclamation and other facilities, participation in
22 fulfilling related Federal responsibilities to Native Ameri-
23 cans, and related grants to, and cooperative and other
24 agreements with, State and local governments, federally
25 recognized Indian tribes, and others, \$1,747,101,000, to

1 remain available until expended, of which \$22,165,000
2 shall be available for transfer to the Upper Colorado River
3 Basin Fund and \$7,584,000 shall be available for transfer
4 to the Lower Colorado River Basin Development Fund;
5 of which such amounts as may be necessary may be ad-
6 vanced to the Colorado River Dam Fund: *Provided*, That
7 \$500,000 shall be available for transfer into the Aging In-
8 frastructure Account established by section 9603(d)(1) of
9 the Omnibus Public Land Management Act of 2009, as
10 amended (43 U.S.C. 510b(d)(1)): *Provided further*, That
11 such transfers, except for the transfer authorized by the
12 preceding proviso, may be increased or decreased within
13 the overall appropriation under this heading: *Provided fur-*
14 *ther*, That of the total appropriated, the amount for pro-
15 gram activities that can be financed by the Reclamation
16 Fund, the Water Storage Enhancement Receipts account
17 established by section 4011(e) of Public Law 114–322, or
18 the Bureau of Reclamation special fee account established
19 by 16 U.S.C. 6806 shall be derived from that Fund or
20 account: *Provided further*, That funds contributed under
21 43 U.S.C. 395 are available until expended for the pur-
22 poses for which the funds were contributed: *Provided fur-*
23 *ther*, That funds advanced under 43 U.S.C. 397a shall be
24 credited to this account and are available until expended
25 for the same purposes as the sums appropriated under this

1 heading: *Provided further*, That of the amounts made
2 available under this heading, \$10,000,000 shall be depos-
3 ited in the San Gabriel Basin Restoration Fund estab-
4 lished by section 110 of title I of division B of appendix
5 D of Public Law 106–554: *Provided further*, That of the
6 amounts provided herein, funds may be used for high-pri-
7 ority projects which shall be carried out by the Youth Con-
8 servation Corps, as authorized by 16 U.S.C. 1706.

9 CENTRAL VALLEY PROJECT RESTORATION FUND

10 For carrying out the programs, projects, plans, habi-
11 tat restoration, improvement, and acquisition provisions of
12 the Central Valley Project Improvement Act, such sums
13 as may be collected in fiscal year 2023 in the Central Val-
14 ley Project Restoration Fund pursuant to sections
15 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575,
16 to remain available until expended: *Provided*, That the Bu-
17 reau of Reclamation is directed to assess and collect the
18 full amount of the additional mitigation and restoration
19 payments authorized by section 3407(d) of Public Law
20 102–575: *Provided further*, That none of the funds made
21 available under this heading may be used for the acquisi-
22 tion or leasing of water for in-stream purposes if the water
23 is already committed to in-stream purposes by a court
24 adopted decree or order.

1 CALIFORNIA BAY-DELTA RESTORATION
2 (INCLUDING TRANSFERS OF FUNDS)

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

17 POLICY AND ADMINISTRATION

18 For expenses necessary for policy, administration,
19 and related functions in the Office of the Commissioner,
20 the Denver office, and offices in the six regions of the Bu-
21 reau of Reclamation, to remain available until September
22 30, 2024, \$65,079,000, to be derived from the Reclama-
23 tion Fund and be nonreimbursable as provided in section
24 4(o) of the Act of December 5, 1924 (43 U.S.C. 377):
25 *Provided*, That no part of any other appropriation in this

1 Act shall be available for activities or functions budgeted
2 as policy and administration expenses.

3 ADMINISTRATIVE PROVISION

4 Appropriations for the Bureau of Reclamation shall
5 be available for purchase and replacement of not to exceed
6 30 motor vehicles, which are for replacement only.

7 GENERAL PROVISIONS—DEPARTMENT OF THE
8 INTERIOR

9 SEC. 201. (a) None of the funds provided in title II
10 of this Act for Water and Related Resources, or provided
11 by previous or subsequent appropriations Acts to the agen-
12 cies or entities funded in title II of this Act for Water
13 and Related Resources that remain available for obligation
14 or expenditure in fiscal year 2023, shall be available for
15 obligation or expenditure through a reprogramming of
16 funds that—

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

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

20 (3) increases funds for any program, project, or
21 activity for which funds have been denied or re-
22 stricted by this Act, unless prior approval is received
23 from the Committees on Appropriations of both
24 Houses of Congress;

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

5 (5) transfers funds in excess of the following
6 limits, unless prior approval is received from the
7 Committees on Appropriations of both Houses of
8 Congress:

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

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

15 (6) transfers more than \$500,000 from either
16 the Facilities Operation, Maintenance, and Rehabili-
17 tation category or the Resources Management and
18 Development category to any program, project, or
19 activity in the other category, unless prior approval
20 is received from the Committees on Appropriations
21 of both Houses of Congress; or

22 (7) transfers, where necessary to discharge legal
23 obligations of the Bureau of Reclamation, more than
24 \$5,000,000 to provide adequate funds for settled
25 contractor claims, increased contractor earnings due

1 to accelerated rates of operations, and real estate de-
2 ficiency judgments, unless prior approval is received
3 from the Committees on Appropriations of both
4 Houses of Congress.

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

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

11 (d) Except as provided in subsections (a) and (b), the
12 amounts made available in this title under the heading
13 “Bureau of Reclamation—Water and Related Resources”
14 shall be expended for the programs, projects, and activities
15 specified in the “House Recommended” columns in the
16 “Water and Related Resources” table included under the
17 heading “Title II—Department of the Interior” in the re-
18 port accompanying this Act.

19 (e) The Bureau of Reclamation shall submit reports
20 on a quarterly basis to the Committees on Appropriations
21 of both Houses of Congress detailing all the funds repro-
22 grammed between programs, projects, activities, or cat-
23 egories of funding. The first quarterly report shall be sub-
24 mitted not later than 60 days after the date of enactment
25 of this Act.

1 SEC. 202. (a) None of the funds appropriated or oth-
2 erwise made available by this Act may be used to deter-
3 mine the final point of discharge for the interceptor drain
4 for the San Luis Unit until development by the Secretary
5 of the Interior and the State of California of a plan, which
6 shall conform to the water quality standards of the State
7 of California as approved by the Administrator of the En-
8 vironmental Protection Agency, to minimize any detri-
9 mental effect of the San Luis drainage waters.

10 (b) The costs of the Kesterson Reservoir Cleanup
11 Program and the costs of the San Joaquin Valley Drain-
12 age Program shall be classified by the Secretary of the
13 Interior as reimbursable or nonreimbursable and collected
14 until fully repaid pursuant to the “Cleanup Program—
15 Alternative Repayment Plan” and the “SJVDP—Alter-
16 native Repayment Plan” described in the report entitled
17 “Repayment Report, Kesterson Reservoir Cleanup Pro-
18 gram and San Joaquin Valley Drainage Program, Feb-
19 ruary 1995”, prepared by the Department of the Interior,
20 Bureau of Reclamation. Any future obligations of funds
21 by the United States relating to, or providing for, drainage
22 service or drainage studies for the San Luis Unit shall
23 be fully reimbursable by San Luis Unit beneficiaries of
24 such service or studies pursuant to Federal reclamation
25 law.

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

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

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

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

14 SEC. 206. (a) Section 104(c) of the Reclamation
15 States Emergency Drought Relief Act of 1991 (Public
16 Law 102–250; 43 U.S.C. 2214(c)) is amended by striking
17 “2022” and inserting “2023”.

18 (b) Section 301 of the Reclamation States Emergency
19 Drought Relief Act of 1991 (Public Law 102–250; 43
20 U.S.C. 2241) is amended by striking “2022” and insert-
21 ing “2023” and by striking “\$120,000,000” and inserting
22 “\$130,000,000”.

23 SEC. 207. Section 529(b)(3) of the Water Resources
24 Development Act of 2000 (Public Law 106–541), as

1 amended, is amended by striking “\$30,000,000” and in-
2 serting “\$40,000,000”.

3 SEC. 208. None of the funds provided in this Act may
4 be used for the Shasta Dam and Reservoir Enlargement
5 Project.

6 TITLE III

7 DEPARTMENT OF ENERGY

8 ENERGY PROGRAMS

9 ENERGY EFFICIENCY AND RENEWABLE ENERGY

10 For Department of Energy expenses including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment, and other expenses necessary for energy
13 efficiency and renewable energy activities in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion,
18 \$4,000,000,000, to remain available until expended: *Pro-*
19 *vided*, That of such amount, \$245,000,000 shall be avail-
20 able until September 30, 2024, for program direction.

21 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY

22 RESPONSE

23 For Department of Energy expenses including the
24 purchase, construction, and acquisition of plant and cap-
25 ital equipment, and other expenses necessary for energy

1 sector cybersecurity, energy security, and emergency re-
2 sponse activities in carrying out the purposes of the De-
3 partment of Energy Organization Act (42 U.S.C. 7101 et
4 seq.), including the acquisition or condemnation of any
5 real property or any facility or for plant or facility acquisi-
6 tion, construction, or expansion, \$205,000,000, to remain
7 available until expended: *Provided*, That of such amount,
8 \$24,000,000 shall be available until September 30, 2024,
9 for program direction.

10 ELECTRICITY

11 For Department of Energy expenses including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment, and other expenses necessary for elec-
14 tricity activities in carrying out the purposes of the De-
15 partment of Energy Organization Act (42 U.S.C. 7101 et
16 seq.), including the acquisition or condemnation of any
17 real property or any facility or for plant or facility acquisi-
18 tion, construction, or expansion, \$350,000,000, to remain
19 available until expended: *Provided*, That of such amount,
20 \$23,000,000 shall be available until September 30, 2024,
21 for program direction.

22 NUCLEAR ENERGY

23 For Department of Energy expenses including the
24 purchase, construction, and acquisition of plant and cap-
25 ital equipment, and other expenses necessary for nuclear

1 energy activities in carrying out the purposes of the De-
2 partment of Energy Organization Act (42 U.S.C. 7101 et
3 seq.), including the acquisition or condemnation of any
4 real property or any facility or for plant or facility acquisi-
5 tion, construction, or expansion, \$1,779,800,000, to re-
6 main available until expended: *Provided*, That of such
7 amount, \$85,000,000 shall be available until September
8 30, 2024, for program direction: *Provided further*, That
9 for the purpose of section 954(a)(6) of the Energy Policy
10 Act of 2005, as amended, the only amount available shall
11 be from the amount specified as including that purpose
12 in the “Bill” column in the “Department of Energy” table
13 included under the heading “Title III—Department of
14 Energy” in the report accompanying this Act.

15 FOSSIL ENERGY AND CARBON MANAGEMENT

16 For Department of Energy expenses necessary in car-
17 rying out fossil energy and carbon management research
18 and development activities, under the authority of the De-
19 partment of Energy Organization Act (42 U.S.C. 7101 et
20 seq.), including the acquisition of interest, including defea-
21 sible and equitable interests in any real property or any
22 facility or for plant or facility acquisition or expansion,
23 and for conducting inquiries, technological investigations
24 and research concerning the extraction, processing, use,
25 and disposal of mineral substances without objectionable

1 social and environmental costs (30 U.S.C. 3, 1602, and
2 1603), \$880,000,000, to remain available until expended:
3 *Provided*, That of such amount \$70,000,000 shall be avail-
4 able until September 30, 2024, for program direction.

5 ENERGY PROJECTS

6 For Department of Energy expenses necessary in car-
7 rying out the Department of Energy Organization Act (42
8 U.S.C. 7101 et seq.), \$117,326,652, to remain available
9 until expended, for the projects, and in the amounts, speci-
10 fied in the table titled “Community Project Funding De-
11 partment of Energy Projects” in the report accompanying
12 this Act.

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 \$13,004,000, 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.), \$214,175,000, to remain available until expended.

3 SPR PETROLEUM ACCOUNT

4 For the acquisition, transportation, and injection of
5 petroleum products, and for other necessary expenses pur-
6 suant to the Energy Policy and Conservation Act of 1975,
7 as amended (42 U.S.C. 6201 et seq.), sections 403 and
8 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
9 6241, 6239 note), section 32204 of the Fixing America's
10 Surface Transportation Act (42 U.S.C. 6241 note), and
11 section 30204 of the Bipartisan Budget Act of 2018 (42
12 U.S.C. 6241 note), \$8,000,000, to remain available until
13 expended.

14 NORTHEAST HOME HEATING OIL RESERVE

15 For Department of Energy expenses necessary for
16 Northeast Home Heating Oil Reserve storage, operation,
17 and management activities pursuant to the Energy Policy
18 and Conservation Act (42 U.S.C. 6201 et seq.),
19 \$7,000,000, to remain available until expended.

20 ENERGY INFORMATION ADMINISTRATION

21 For Department of Energy expenses necessary in car-
22 rying out the activities of the Energy Information Admin-
23 istration, \$144,480,000, to remain available until ex-
24 pended.

1 NON-DEFENSE ENVIRONMENTAL CLEANUP

2 For Department of Energy expenses, including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment and other expenses necessary for non-de-
5 fense environmental cleanup activities in carrying out the
6 purposes of the Department of Energy Organization Act
7 (42 U.S.C. 7101 et seq.), including the acquisition or con-
8 demnation of any real property or any facility or for plant
9 or facility acquisition, construction, or expansion, and the
10 purchase of one passenger motor vehicle, \$333,863,000,
11 to remain available until expended: *Provided*, That in ad-
12 dition, fees collected pursuant to subsection (b)(1) of sec-
13 tion 6939f of title 42, United States Code, and deposited
14 under this heading in fiscal year 2023 pursuant to section
15 309 of title III of division C of Public Law 116–94 are
16 appropriated, to remain available until expended, for mer-
17 cury storage costs.

18 URANIUM ENRICHMENT DECONTAMINATION AND

19 DECOMMISSIONING FUND

20 For Department of Energy expenses necessary in car-
21 rying out uranium enrichment facility decontamination
22 and decommissioning, remedial actions, and other activi-
23 ties of title II of the Atomic Energy Act of 1954, and
24 title X, subtitle A, of the Energy Policy Act of 1992,
25 \$823,321,000, to be derived from the Uranium Enrich-

1 ment Decontamination and Decommissioning Fund, to re-
2 main available until expended, of which \$14,800,000 shall
3 be available in accordance with title X, subtitle A, of the
4 Energy Policy Act of 1992.

5 SCIENCE

6 For Department of Energy expenses including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment, and other expenses necessary for science
9 activities in carrying out the purposes of the Department
10 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
11 cluding the acquisition or condemnation of any real prop-
12 erty or any facility or for plant or facility acquisition, con-
13 struction, or expansion, and purchase of not more than
14 35 passenger motor vehicles, including one ambulance, for
15 replacement only, \$8,000,000,000, to remain available
16 until expended: *Provided*, That of such amount,
17 \$211,211,000 shall be available until September 30, 2024,
18 for program direction.

19 NUCLEAR WASTE DISPOSAL

20 For Department of Energy expenses necessary for
21 nuclear waste disposal activities to carry out the purposes
22 of the Nuclear Waste Policy Act of 1982, Public Law 97-
23 425, as amended, \$10,205,000, to remain available until
24 expended, which shall be derived from the Nuclear Waste
25 Fund.

1 TECHNOLOGY TRANSITIONS

2 For Department of Energy expenses necessary for
3 carrying out the activities of technology transitions,
4 \$23,058,000, to remain available until expended: *Pro-*
5 *vided*, That of such amount, \$13,183,000 shall be avail-
6 able until September 30, 2024, for program direction.

7 CLEAN ENERGY DEMONSTRATIONS

8 For Department of Energy expenses, including the
9 purchase, construction, and acquisition of plant and cap-
10 ital equipment and other expenses necessary for clean en-
11 ergy demonstrations in carrying out the purposes of the
12 Department of Energy Organization Act (42 U.S.C. 7101
13 et seq.), including the acquisition or condemnation of any
14 real property or any facility or for plant or facility acquisi-
15 tion, construction, or expansion, \$189,000,000, to remain
16 available until expended: *Provided*, That of such amount,
17 \$25,000,000 shall be available until September 30, 2024,
18 for program direction.

19 DEFENSE PRODUCTION ACT DOMESTIC CLEAN ENERGY
20 ACCELERATOR

21 For activities by the Department of Energy pursuant
22 to titles I, III, and VII of the Defense Production Act of
23 1950 (50 U.S.C. subchapters I, II, and III), notwith-
24 standing the requirements of section 303(a)(1) through
25 (a)(6) of such Act, \$100,000,000, to remain available until

1 expended, which shall be obligated and expended by the
2 Secretary of Energy as if delegated the necessary authori-
3 ties conferred by the Defense Production Act of 1950, and
4 which shall be for expanding the domestic production ca-
5 pability for solar, transformers, electric grid components,
6 fuel cells, electrolyzers, heat pumps, and insulation, of
7 which up to \$5,000,000 shall be available until September
8 30, 2024, for administrative expenses.

9 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

10 For Department of Energy expenses necessary in car-
11 rying out the activities authorized by section 5012 of the
12 America COMPETES Act (Public Law 110–69),
13 \$550,000,000, to remain available until expended: *Pro-*
14 *vided*, That of such amount, \$45,000,000 shall be avail-
15 able until September 30, 2024, for program direction.

16 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
17 PROGRAM

18 Such sums as are derived from amounts received
19 from borrowers pursuant to section 1702(b) of the Energy
20 Policy Act of 2005 under this heading in prior Acts, shall
21 be collected in accordance with section 502(7) of the Con-
22 gressional Budget Act of 1974: *Provided*, That for nec-
23 essary administrative expenses of the Title 17 Innovative
24 Technology Loan Guarantee Program, as authorized,
25 \$66,206,000 is appropriated, to remain available until

1 September 30, 2024: *Provided further*, That up to
2 \$66,206,000 of fees collected in fiscal year 2023 pursuant
3 to section 1702(h) of the Energy Policy Act of 2005 shall
4 be credited as offsetting collections under this heading and
5 used for necessary administrative expenses in this appro-
6 priation and shall remain available until September 30,
7 2024: *Provided further*, That to the extent that fees col-
8 lected in fiscal year 2023 exceed \$66,206,000, those ex-
9 cess amounts shall be credited as offsetting collections
10 under this heading and available in future fiscal years only
11 to the extent provided in advance in appropriations Acts:
12 *Provided further*, That the sum herein appropriated from
13 the general fund shall be reduced (1) as such fees are re-
14 ceived during fiscal year 2023 (estimated at \$35,000,000)
15 and (2) to the extent that any remaining general fund ap-
16 propriations can be derived from fees collected in previous
17 fiscal years that are not otherwise appropriated, so as to
18 result in a final fiscal year 2023 appropriation from the
19 general fund estimated at \$0: *Provided further*, That the
20 Department of Energy shall not subordinate any loan obli-
21 gation to other financing in violation of section 1702 of
22 the Energy Policy Act of 2005 or subordinate any Guarant-
23 eed Obligation to any loan or other debt obligations in
24 violation of section 609.10 of title 10, Code of Federal
25 Regulations.

1 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
 2 LOAN PROGRAM

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

7 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

8 For the cost of direct and guaranteed loans for the
 9 Tribal Energy Loan Guarantee Program under section
 10 2602(c) of the Energy Policy Act of 1992 (25 U.S.C.
 11 3502(c)), \$8,000,000, to remain available until expended:
 12 *Provided*, That such costs, including the cost of modifying
 13 such loans, shall be as defined in section 502 of the Con-
 14 gressional Budget Act of 1974 (2 U.S.C. 661a): *Provided*
 15 *further*, That in this fiscal year and subsequent fiscal
 16 years, under section 2602(c) of the Energy Policy Act of
 17 1992 (25 U.S.C. 3502(c)), the Secretary of Energy may
 18 also provide direct loans, as defined in section 502 of the
 19 Congressional Budget Act of 1974 (2 U.S.C. 661a): *Pro-*
 20 *vided further*, That such direct loans shall be made
 21 through the Federal Financing Bank, with the full faith
 22 and credit of the United States Government on the prin-
 23 cipal and interest: *Provided further*, That any funds pre-
 24 viously appropriated for the cost of loan guarantees under
 25 section 2602(c) of the Energy Policy Act of 1992 (25

1 U.S.C. 3502(c)) may also be used, in this fiscal year and
2 subsequent fiscal years, for the cost of direct loans pro-
3 vided under such section of such Act.

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

8 INDIAN ENERGY POLICY AND PROGRAMS

9 For necessary expenses for Indian Energy activities
10 in carrying out the purposes of the Department of Energy
11 Organization Act (42 U.S.C. 7101 et seq.), \$75,000,000,
12 to remain available until expended: *Provided*, That of the
13 amount appropriated under this heading, \$15,000,000
14 shall be available until September 30, 2024, for program
15 direction.

16 DEPARTMENTAL ADMINISTRATION

17 For salaries and expenses of the Department of En-
18 ergy necessary for departmental administration in car-
19 rying out the purposes of the Department of Energy Orga-
20 nization Act (42 U.S.C. 7101 et seq.), \$407,715,000, to
21 remain available until September 30, 2024, including the
22 hire of passenger motor vehicles and official reception and
23 representation expenses not to exceed \$30,000, plus such
24 additional amounts as necessary to cover increases in the
25 estimated amount of cost of work for others notwith-

1 standing the provisions of the Anti-Deficiency Act (31
2 U.S.C. 1511 et seq.): *Provided*, That such increases in
3 cost of work are offset by revenue increases of the same
4 or greater amount: *Provided further*, That moneys received
5 by the Department for miscellaneous revenues estimated
6 to total \$100,578,000 in fiscal year 2023 may be retained
7 and used for operating expenses within this account, as
8 authorized by section 201 of Public Law 95–238, notwith-
9 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
10 *ther*, That the sum herein appropriated shall be reduced
11 as collections are received during the fiscal year so as to
12 result in a final fiscal year 2023 appropriation from the
13 general fund estimated at not more than \$307,137,000.

14 OFFICE OF THE INSPECTOR GENERAL

15 For expenses necessary for the Office of the Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, \$92,000,000, to remain available
18 until September 30, 2024.

19 ATOMIC ENERGY DEFENSE ACTIVITIES

20 NATIONAL NUCLEAR SECURITY

21 ADMINISTRATION

22 WEAPONS ACTIVITIES

23 For Department of Energy expenses, including the
24 purchase, construction, and acquisition of plant and cap-
25 ital equipment and other incidental expenses necessary for

1 atomic energy defense weapons activities in carrying out
2 the purposes of the Department of Energy Organization
3 Act (42 U.S.C. 7101 et seq.), including the acquisition or
4 condemnation of any real property or any facility or for
5 plant or facility acquisition, construction, or expansion,
6 \$16,333,065,000, to remain available until expended: *Pro-*
7 *vided*, That of such amount, \$130,070,000 shall be avail-
8 able until September 30, 2024, for program direction.

9 DEFENSE NUCLEAR NONPROLIFERATION

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other incidental expenses necessary for
13 defense nuclear nonproliferation activities in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion,
18 \$2,424,000,000, to remain available until expended.

19 NAVAL REACTORS

20 (INCLUDING TRANSFER OF FUNDS)

21 For Department of Energy expenses necessary for
22 naval reactors activities to carry out the Department of
23 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
24 ing the acquisition (by purchase, condemnation, construc-
25 tion, or otherwise) of real property, plant, and capital

1 equipment, facilities, and facility expansion,
2 \$2,000,000,000, to remain available until expended, of
3 which, \$99,747,000 shall be transferred to “Department
4 of Energy—Energy Programs—Nuclear Energy”, for the
5 Advanced Test Reactor: *Provided*, That of such amount,
6 \$58,525,000 shall be available until September 30, 2024,
7 for program direction.

8 FEDERAL SALARIES AND EXPENSES

9 For expenses necessary for Federal Salaries and Ex-
10 penses in the National Nuclear Security Administration,
11 \$475,000,000, to remain available until September 30,
12 2024, including official reception and representation ex-
13 penses not to exceed \$17,000.

14 ENVIRONMENTAL AND OTHER DEFENSE

15 ACTIVITIES

16 DEFENSE ENVIRONMENTAL CLEANUP

17 For Department of Energy expenses, including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment and other expenses necessary for atomic
20 energy defense environmental cleanup activities in car-
21 rying out the purposes of the Department of Energy Orga-
22 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
23 sition or condemnation of any real property or any facility
24 or for plant or facility acquisition, construction, or expan-
25 sion, \$6,722,521,000, to remain available until expended:

1 *Provided*, That of such amount, \$317,002,000 shall be
2 available until September 30, 2024, for program direction.

3 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
4 AND DECOMMISSIONING
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for atomic energy defense
7 environmental cleanup activities for Department of En-
8 ergy contributions for uranium enrichment decontamina-
9 tion and decommissioning activities, \$823,321,000, to be
10 deposited into the Defense Environmental Cleanup ac-
11 count, which shall be transferred to the Uranium Enrich-
12 ment Decontamination and Decommissioning Fund.

13 OTHER DEFENSE ACTIVITIES

14 For Department of Energy expenses, including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment and other expenses necessary for atomic
17 energy defense, other defense activities, and classified ac-
18 tivities, in carrying out the purposes of the Department
19 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
20 cluding the acquisition or condemnation of any real prop-
21 erty or any facility or for plant or facility acquisition, con-
22 struction, or expansion, \$1,027,554,000, to remain avail-
23 able until expended: *Provided*, That of such amount,
24 \$359,734,000 shall be available until September 30, 2024,
25 for program direction.

1 POWER MARKETING ADMINISTRATIONS

2 BONNEVILLE POWER ADMINISTRATION FUND

3 Expenditures from the Bonneville Power Administra-
4 tion Fund, established pursuant to Public Law 93–454,
5 are approved for the Colville Tribes Residents Fish Hatch-
6 ery Expansion, Chief Joseph Hatchery Water Quality
7 Project, and Umatilla Hatchery Facility Project and, in
8 addition, for official reception and representation expenses
9 in an amount not to exceed \$5,000: *Provided*, That during
10 fiscal year 2023, no new direct loan obligations may be
11 made.

12 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
13 ADMINISTRATION

14 For expenses necessary for operation and mainte-
15 nance of power transmission facilities and for marketing
16 electric power and energy, including transmission wheeling
17 and ancillary services, pursuant to section 5 of the Flood
18 Control Act of 1944 (16 U.S.C. 825s), as applied to the
19 southeastern power area, \$8,173,000, including official re-
20 ception and representation expenses in an amount not to
21 exceed \$1,500, to remain available until expended: *Pro-*
22 *vided*, That notwithstanding 31 U.S.C. 3302 and section
23 5 of the Flood Control Act of 1944, up to \$8,173,000 col-
24 lected by the Southeastern Power Administration from the
25 sale of power and related services shall be credited to this

1 account as discretionary offsetting collections, to remain
2 available until expended for the sole purpose of funding
3 the annual expenses of the Southeastern Power Adminis-
4 tration: *Provided further*, That the sum herein appro-
5 priated for annual expenses shall be reduced as collections
6 are received during the fiscal year so as to result in a final
7 fiscal year 2023 appropriation estimated at not more than
8 \$0: *Provided further*, That notwithstanding 31 U.S.C.
9 3302, up to \$78,696,000 collected by the Southeastern
10 Power Administration pursuant to the Flood Control Act
11 of 1944 to recover purchase power and wheeling expenses
12 shall be credited to this account as offsetting collections,
13 to remain available until expended for the sole purpose
14 of making purchase power and wheeling expenditures:
15 *Provided further*, That for purposes of this appropriation,
16 annual expenses means expenditures that are generally re-
17 covered in the same year that they are incurred (excluding
18 purchase power and wheeling expenses).

19 OPERATION AND MAINTENANCE, SOUTHWESTERN
20 POWER ADMINISTRATION

21 For expenses necessary for operation and mainte-
22 nance of power transmission facilities and for marketing
23 electric power and energy, for construction and acquisition
24 of transmission lines, substations and appurtenant facili-
25 ties, and for administrative expenses, including official re-

1 ception and representation expenses in an amount not to
2 exceed \$1,500 in carrying out section 5 of the Flood Con-
3 trol Act of 1944 (16 U.S.C. 825s), as applied to the
4 Southwestern Power Administration, \$53,488,000, to re-
5 main available until expended: *Provided*, That notwith-
6 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
7 trol Act of 1944 (16 U.S.C. 825s), up to \$42,880,000 col-
8 lected by the Southwestern Power Administration from
9 the sale of power and related services shall be credited to
10 this account as discretionary offsetting collections, to re-
11 main available until expended, for the sole purpose of
12 funding the annual expenses of the Southwestern Power
13 Administration: *Provided further*, That the sum herein ap-
14 propriated for annual expenses shall be reduced as collec-
15 tions are received during the fiscal year so as to result
16 in a final fiscal year 2023 appropriation estimated at not
17 more than \$10,608,000: *Provided further*, That notwith-
18 standing 31 U.S.C. 3302, up to \$70,000,000 collected by
19 the Southwestern Power Administration pursuant to the
20 Flood Control Act of 1944 to recover purchase power and
21 wheeling expenses shall be credited to this account as off-
22 setting collections, to remain available until expended for
23 the sole purpose of making purchase power and wheeling
24 expenditures: *Provided further*, That for purposes of this
25 appropriation, annual expenses means expenditures that

1 are generally recovered in the same year that they are in-
2 curred (excluding purchase power and wheeling expenses).

3 CONSTRUCTION, REHABILITATION, OPERATION AND
4 MAINTENANCE, WESTERN AREA POWER ADMINIS-
5 TRATION

6 For carrying out the functions authorized by title III,
7 section 302(a)(1)(E) of the Act of August 4, 1977 (42
8 U.S.C. 7152), and other related activities including con-
9 servation and renewable resources programs as author-
10 ized, \$299,573,000, including official reception and rep-
11 resentation expenses in an amount not to exceed \$1,500,
12 to remain available until expended, of which \$299,573,000
13 shall be derived from the Department of the Interior Rec-
14 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
15 3302, section 5 of the Flood Control Act of 1944 (16
16 U.S.C. 825s), and section 1 of the Interior Department
17 Appropriation Act, 1939 (43 U.S.C. 392a), up to
18 \$200,841,000 collected by the Western Area Power Ad-
19 ministration from the sale of power and related services
20 shall be credited to this account as discretionary offsetting
21 collections, to remain available until expended, for the sole
22 purpose of funding the annual expenses of the Western
23 Area Power Administration: *Provided further*, That the
24 sum herein appropriated for annual expenses shall be re-
25 duced as collections are received during the fiscal year so

1 as to result in a final fiscal year 2023 appropriation esti-
2 mated at not more than \$98,732,000, of which
3 \$98,732,000 is derived from the Reclamation Fund: *Pro-*
4 *vided further*, That notwithstanding 31 U.S.C. 3302, up
5 to \$350,083,000 collected by the Western Area Power Ad-
6 ministration pursuant to the Flood Control Act of 1944
7 and the Reclamation Project Act of 1939 to recover pur-
8 chase power and wheeling expenses shall be credited to
9 this account as offsetting collections, to remain available
10 until expended for the sole purpose of making purchase
11 power and wheeling expenditures: *Provided further*, That
12 for purposes of this appropriation, annual expenses means
13 expenditures that are generally recovered in the same year
14 that they are incurred (excluding purchase power and
15 wheeling expenses).

16 FALCON AND AMISTAD OPERATING AND MAINTENANCE
17 FUND

18 For operation, maintenance, and emergency costs for
19 the hydroelectric facilities at the Falcon and Amistad
20 Dams, \$6,330,000, to remain available until expended,
21 and to be derived from the Falcon and Amistad Operating
22 and Maintenance Fund of the Western Area Power Ad-
23 ministration, as provided in section 2 of the Act of June
24 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
25 the provisions of that Act and of 31 U.S.C. 3302, up to

1 \$6,102,000 collected by the Western Area Power Adminis-
2 tration from the sale of power and related services from
3 the Falcon and Amistad Dams shall be credited to this
4 account as discretionary offsetting collections, to remain
5 available until expended for the sole purpose of funding
6 the annual expenses of the hydroelectric facilities of these
7 Dams and associated Western Area Power Administration
8 activities: *Provided further*, That the sum herein appro-
9 priated for annual expenses shall be reduced as collections
10 are received during the fiscal year so as to result in a final
11 fiscal year 2023 appropriation estimated at not more than
12 \$228,000: *Provided further*, That for purposes of this ap-
13 propriation, annual expenses means expenditures that are
14 generally recovered in the same year that they are in-
15 curred: *Provided further*, That for fiscal year 2023, the
16 Administrator of the Western Area Power Administration
17 may accept up to \$1,598,000 in funds contributed by
18 United States power customers of the Falcon and Amistad
19 Dams for deposit into the Falcon and Amistad Operating
20 and Maintenance Fund, and such funds shall be available
21 for the purpose for which contributed in like manner as
22 if said sums had been specifically appropriated for such
23 purpose: *Provided further*, That any such funds shall be
24 available without further appropriation and without fiscal
25 year limitation for use by the Commissioner of the United

1 States Section of the International Boundary and Water
2 Commission for the sole purpose of operating, maintain-
3 ing, repairing, rehabilitating, replacing, or upgrading the
4 hydroelectric facilities at these Dams in accordance with
5 agreements reached between the Administrator, Commis-
6 sioner, and the power customers.

7 FEDERAL ENERGY REGULATORY COMMISSION

8 SALARIES AND EXPENSES

9 For expenses necessary for the Federal Energy Regu-
10 latory Commission to carry out the provisions of the De-
11 partment of Energy Organization Act (42 U.S.C. 7101 et
12 seq.), including services as authorized by 5 U.S.C. 3109,
13 official reception and representation expenses not to ex-
14 ceed \$3,000, and the hire of passenger motor vehicles,
15 \$508,400,000, to remain available until expended: *Pro-*
16 *vided*, That notwithstanding any other provision of law,
17 not to exceed \$508,400,000 of revenues from fees and an-
18 nual charges, and other services and collections in fiscal
19 year 2023 shall be retained and used for expenses nec-
20 essary in this account, and shall remain available until ex-
21 pended: *Provided further*, That the sum herein appro-
22 priated from the general fund shall be reduced as revenues
23 are received during fiscal year 2023 so as to result in a
24 final fiscal year 2023 appropriation from the general fund
25 estimated at not more than \$0.

1 GENERAL PROVISIONS—DEPARTMENT OF
2 ENERGY

3 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

4 SEC. 301. (a) No appropriation, funds, or authority
5 made available by this title for the Department of Energy
6 shall be used to initiate or resume any program, project,
7 or activity or to prepare or initiate Requests For Proposals
8 or similar arrangements (including Requests for
9 Quotations, Requests for Information, and Funding Op-
10 portunity Announcements) for a program, project, or ac-
11 tivity if the program, project, or activity has not been
12 funded by Congress.

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

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

19 (B) make or modify a discretionary contract
20 award or Other Transaction Agreement totaling
21 \$1,000,000 or more, including a contract covered by
22 the Federal Acquisition Regulation;

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

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

4 (2) The Secretary of Energy shall submit to the Com-
5 mittees on Appropriations of both Houses of Congress
6 within 15 days of the conclusion of each quarter a report
7 detailing each grant allocation or discretionary grant
8 award totaling less than \$1,000,000 provided or modified
9 during the previous quarter.

10 (3) The notification required by paragraph (1) and
11 the report required by paragraph (2) shall include the re-
12 cipient of the award, the amount of the award, the fiscal
13 year for which the funds for the award were appropriated,
14 the account and program, project, or activity from which
15 the funds are being drawn, the title of the award, and
16 a brief description of the activity for which the award is
17 made.

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

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

4 (2) the contract, grant, or cooperative agree-
5 ment includes a clause conditioning the Federal Gov-
6 ernment’s obligation on the availability of future
7 year budget authority and the Secretary notifies the
8 Committees on Appropriations of both Houses of
9 Congress at least 3 days in advance.

10 (d) Except as provided in subsections (e), (f), and (g),
11 the amounts made available by this title shall be expended
12 as authorized by law for the programs, projects, and ac-
13 tivities specified in the “Bill” column in the “Department
14 of Energy” table included under the heading “Title III—
15 Department of Energy” in the report accompanying this
16 Act.

17 (e) The amounts made available by this title may be
18 reprogrammed for any program, project, or activity, and
19 the Department shall notify, and obtain the prior approval
20 of, the Committees on Appropriations of both Houses of
21 Congress at least 30 days prior to the use of any proposed
22 reprogramming that would cause any program, project, or
23 activity funding level to increase or decrease by more than
24 \$5,000,000 or 10 percent, whichever is less, during the
25 time period covered by this Act.

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

4 (1) creates, initiates, or eliminates a program,
5 project, or activity;

6 (2) increases funds or personnel for any pro-
7 gram, project, or activity for which funds are denied
8 or restricted by this Act; or

9 (3) reduces funds that are directed to be used
10 for a specific program, project, or activity by this
11 Act.

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

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

1 (h) The unexpended balances of prior appropriations
2 provided for activities in this Act may be available to the
3 same appropriation accounts for such activities established
4 pursuant to this title. Available balances may be merged
5 with funds in the applicable established accounts and
6 thereafter may be accounted for as one fund for the same
7 time period as originally enacted.

8 SEC. 302. Funds appropriated by this or any other
9 Act, or made available by the transfer of funds in this
10 Act, for intelligence activities are deemed to be specifically
11 authorized by the Congress for purposes of section 504
12 of the National Security Act of 1947 (50 U.S.C. 3094)
13 during fiscal year 2023 until the enactment of the Intel-
14 ligence Authorization Act for fiscal year 2023.

15 SEC. 303. None of the funds made available in this
16 title shall be used for the construction of facilities classi-
17 fied as high-hazard nuclear facilities under 10 CFR Part
18 830 unless independent oversight is conducted by the Of-
19 fice of Enterprise Assessments to ensure the project is in
20 compliance with nuclear safety requirements.

21 SEC. 304. None of the funds made available in this
22 title may be used to approve critical decision-2 or critical
23 decision-3 under Department of Energy Order 413.3B, or
24 any successive departmental guidance, for construction
25 projects where the total project cost exceeds

1 \$100,000,000, until a separate independent cost estimate
2 has been developed for the project for that critical deci-
3 sion.

4 SEC. 305. Notwithstanding section 161 of the Energy
5 Policy and Conservation Act (42 U.S.C. 6241), upon a
6 determination by the President in this fiscal year that a
7 regional supply shortage of refined petroleum product of
8 significant scope and duration exists, that a severe in-
9 crease in the price of refined petroleum product will likely
10 result from such shortage, and that a draw down and sale
11 of refined petroleum product would assist directly and sig-
12 nificantly in reducing the adverse impact of such shortage,
13 the Secretary of Energy may draw down and sell refined
14 petroleum product from the Strategic Petroleum Reserve.
15 Proceeds from a sale under this section shall be deposited
16 into the SPR Petroleum Account established in section
17 167 of the Energy Policy and Conservation Act (42 U.S.C.
18 6247), and such amounts shall be available for obligation,
19 without fiscal year limitation, consistent with that section.

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

1 SEC. 307. All unavailable collections currently in the
2 United States Enrichment Corporation Fund shall be
3 transferred to and merged with the Uranium Enrichment
4 Decontamination and Decommissioning Fund and shall be
5 available only to the extent provided in advance in appro-
6 priations Acts.

7 SEC. 308. Subparagraphs (B) and (C) of section
8 40401(a)(2) of Public Law 117–58, paragraph (3) of sec-
9 tion 1702(r) of the Energy Policy Act of 2005 (42 U.S.C.
10 16512(r)(3)) as added by section 40401(c)(2)(C) of Public
11 Law 117–58, and subsection (l) of section 136 of the En-
12 ergy Independence and Security Act of 2007 (42 U.S.C.
13 17013(l)), are hereby repealed.

14 SEC. 309. Of the unobligated balances from amounts
15 made available in the first proviso of section 1425 of the
16 Department of Defense and Full-Year Continuing Appro-
17 priations Act, 2011 (Public Law 112–10) for the cost of
18 loan guarantees under section 1703 of the Energy Policy
19 Act of 2005, \$150,000,000 are hereby rescinded: *Pro-*
20 *vided*, That, subject to section 502 of the Congressional
21 Budget Act of 1974, commitments to guarantee loans for
22 eligible projects under title XVII of the Energy Policy Act
23 of 2005, shall not exceed a total principal amount of
24 \$15,000,000,000, to remain available until committed:
25 *Provided further*, That the amounts provided in this sec-

1 tion are in addition to those provided in any other Act:
2 *Provided further*, That for amounts collected pursuant to
3 section 1702(b)(2) of the Energy Policy Act of 2005, the
4 source of such payment received from borrowers may not
5 be a loan or other debt obligation that is guaranteed by
6 the Federal Government: *Provided further*, That none of
7 such loan guarantee authority made available by this sec-
8 tion shall be available for commitments to guarantee loans
9 for any projects where funds, personnel, or property (tan-
10 gible or intangible) of any Federal agency, instrumen-
11 tality, personnel, or affiliated entity are expected be used
12 (directly or indirectly) through acquisitions, contracts,
13 demonstrations, exchanges, grants, incentives, leases, pro-
14 curements, sales, other transaction authority, or other ar-
15 rangements, to support the project or to obtain goods or
16 services from the project: *Provided further*, That the pre-
17 ceding proviso shall not be interpreted as precluding the
18 use of the loan guarantee authority provided by this sec-
19 tion for commitments to guarantee loans for: (1) projects
20 as a result of such projects benefitting from otherwise al-
21 lowable Federal income tax benefits; (2) projects as a re-
22 sult of such projects benefitting from being located on
23 Federal land pursuant to a lease or right-of-way agree-
24 ment for which all consideration for all uses is: (A) paid
25 exclusively in cash; (B) deposited in the Treasury as off-

1 setting receipts; and (C) equal to the fair market value
2 as determined by the head of the relevant Federal agency;
3 (3) projects as a result of such projects benefitting from
4 Federal insurance programs, including under section 170
5 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; com-
6 monly known as the “Price-Anderson Act”); or (4) electric
7 generation projects using transmission facilities owned or
8 operated by a Federal Power Marketing Administration
9 or the Tennessee Valley Authority that have been author-
10 ized, approved, and financed independent of the project
11 receiving the guarantee: *Provided further*, That none of the
12 loan guarantee authority made available by this section
13 shall be available for any project unless the Director of
14 the Office of Management and Budget has certified in ad-
15 vance in writing that the loan guarantee and the project
16 comply with the provisions under this section.

17 SEC. 310. (a) Hereafter, for energy development,
18 demonstration, and deployment programs funded under
19 Department of Energy appropriations (other than those
20 for the National Nuclear Security Administration and Of-
21 fice of Environmental Management) provided for fiscal
22 year 2022, the current fiscal year, or any fiscal year there-
23 after (including by Acts other than appropriations Acts),
24 the Secretary may vest unconditional title or other prop-
25 erty interests acquired under projects in an award recipi-

1 ent, subrecipient, or successor in interest, including the
2 United States, at the conclusion of the award period for
3 projects receiving an initial award in fiscal year 2022 or
4 later.

5 (b) Upon vesting unconditional title pursuant to sub-
6 section (a) in an award recipient, subrecipient, or suc-
7 cessor in interest other than the United States, the United
8 States shall have no liabilities or obligations to the prop-
9 erty.

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

13 SEC. 311. 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 TITLE IV

20 INDEPENDENT AGENCIES

21 APPALACHIAN REGIONAL COMMISSION

22 For expenses necessary to carry out the programs au-
23 thorized by the Appalachian Regional Development Act of
24 1965, as amended, and for expenses necessary for the
25 Federal Co-Chairman and the Alternate on the Appa-

1 lachian Regional Commission, for payment of the Federal
2 share of the administrative expenses of the Commission,
3 including services as authorized by 5 U.S.C. 3109, and
4 hire of passenger motor vehicles, \$220,000,000, to remain
5 available until expended.

6 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the Defense Nuclear Fa-
9 cilities Safety Board in carrying out activities authorized
10 by the Atomic Energy Act of 1954, as amended by Public
11 Law 100–456, section 1441, \$41,401,000, to remain
12 available until September 30, 2024, of which not to exceed
13 \$1,000 shall be available for official reception and rep-
14 resentation expenses.

15 DELTA REGIONAL AUTHORITY

16 SALARIES AND EXPENSES

17 For expenses necessary for the Delta Regional Au-
18 thority and to carry out its activities, as authorized by
19 the Delta Regional Authority Act of 2000, notwith-
20 standing sections 382F(d), 382M, and 382N of said Act,
21 \$30,100,000, to remain available until expended.

22 DENALI COMMISSION

23 For expenses necessary for the Denali Commission
24 including the purchase, construction, and acquisition of
25 plant and capital equipment as necessary and other ex-

1 penses, \$15,100,000, to remain available until expended,
2 notwithstanding the limitations contained in section
3 306(g) of the Denali Commission Act of 1998: *Provided*,
4 That funds shall be available for construction projects for
5 which the Denali Commission is the sole or primary fund-
6 ing source in an amount not to exceed 80 percent of total
7 project cost for distressed communities, as defined by sec-
8 tion 307 of the Denali Commission Act of 1998 (division
9 C, title III, Public Law 105–277), as amended by section
10 701 of appendix D, title VII, Public Law 106–113 (113
11 Stat. 1501A–280), and an amount not to exceed 50 per-
12 cent for non-distressed communities: *Provided further*,
13 That notwithstanding any other provision of law regarding
14 payment of a non-Federal share in connection with a
15 grant-in-aid program, amounts under this heading shall
16 be available for the payment of such a non-Federal share
17 for any project for which the Denali Commission is not
18 the sole or primary funding source, provided that such
19 project is consistent with the purposes of the Commission.

20 NORTHERN BORDER REGIONAL COMMISSION

21 For expenses necessary for the Northern Border Re-
22 gional Commission in carrying out activities authorized by
23 subtitle V of title 40, United States Code, \$38,000,000,
24 to remain available until expended: *Provided*, That such
25 amounts shall be available for administrative expenses,

1 notwithstanding section 15751(b) of title 40, United
2 States Code.

3 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

8 SOUTHWEST BORDER REGIONAL COMMISSION

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

13 NUCLEAR REGULATORY COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary for the Commission in car-
16 rying out the purposes of the Energy Reorganization Act
17 of 1974 and the Atomic Energy Act of 1954,
18 \$911,384,000, including official representation expenses
19 not to exceed \$25,000, to remain available until expended:
20 *Provided*, That of the amount appropriated herein, not
21 more than \$9,500,000 may be made available for salaries,
22 travel, and other support costs for the Office of the Com-
23 mission, to remain available until September 30, 2024:
24 *Provided further*, That revenues from licensing fees, in-
25 spection services, and other services and collections esti-

1 mated at \$777,498,000 in fiscal year 2023 shall be re-
2 tained and used for necessary salaries and expenses in this
3 account, notwithstanding 31 U.S.C. 3302, and shall re-
4 main available until expended: *Provided further*, That the
5 sum herein appropriated shall be reduced by the amount
6 of revenues received during fiscal year 2023 so as to result
7 in a final fiscal year 2023 appropriation estimated at not
8 more than \$133,886,000.

9 OFFICE OF INSPECTOR GENERAL

10 For expenses necessary for the Office of Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, \$17,769,000, to remain available
13 until September 30, 2024: *Provided*, That revenues from
14 licensing fees, inspection services, and other services and
15 collections estimated at \$14,655,000 in fiscal year 2023
16 shall be retained and be available until September 30,
17 2024, for necessary salaries and expenses in this account,
18 notwithstanding section 3302 of title 31, United States
19 Code: *Provided further*, That the sum herein appropriated
20 shall be reduced by the amount of revenues received dur-
21 ing fiscal year 2023 so as to result in a final fiscal year
22 2023 appropriation estimated at not more than
23 \$3,114,000: *Provided further*, That of the amounts appro-
24 priated under this heading, \$1,520,000 shall be for In-

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

3 NUCLEAR WASTE TECHNICAL REVIEW BOARD

4 SALARIES AND EXPENSES

5 For expenses necessary for the Nuclear Waste Tech-
6 nical Review Board, as authorized by Public Law 100-
7 203, section 5051, \$3,945,000, to be derived from the Nu-
8 clear Waste Fund, to remain available until September 30,
9 2024.

10 GENERAL PROVISIONS—INDEPENDENT

11 AGENCIES

12 SEC. 401. (a) The amounts made available by this
13 title for the Nuclear Regulatory Commission may be re-
14 programmed for any program, project, or activity, and the
15 Commission shall notify the Committees on Appropria-
16 tions of both Houses of Congress at least 30 days prior
17 to the use of any proposed reprogramming that would
18 cause any program funding level to increase or decrease
19 by more than \$500,000 or 10 percent, whichever is less,
20 during the time period covered by this Act.

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

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

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

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

21 (e) The Commission shall provide a monthly report
22 to the Committees on Appropriations of both Houses of
23 Congress, which includes the following for each program,
24 project, or activity, including any prior year appropria-
25 tions—

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

4 TITLE V

5 GENERAL PROVISIONS

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 501. None of the funds appropriated by this Act
8 may be used in any way, directly or indirectly, to influence
9 congressional action on any legislation or appropriation
10 matters pending before Congress, other than to commu-
11 nicate to Members of Congress as described in 18 U.S.C.
12 1913.

13 SEC. 502. (a) None of the funds made available in
14 title III of this Act may be transferred to any department,
15 agency, or instrumentality of the United States Govern-
16 ment, except pursuant to a transfer made by or transfer
17 authority provided in this Act or any other appropriations
18 Act for any fiscal year, transfer authority referenced in
19 the report accompanying this Act, or any authority where-
20 by a department, agency, or instrumentality of the United
21 States Government may provide goods or services to an-
22 other department, agency, or instrumentality.

23 (b) None of the funds made available for any depart-
24 ment, agency, or instrumentality of the United States
25 Government may be transferred to accounts funded in title

1 III of this Act, except pursuant to a transfer made by or
2 transfer authority provided in this Act or any other appro-
3 priations Act for any fiscal year, transfer authority ref-
4 erenced in the report accompanying this Act, or any au-
5 thority whereby a department, agency, or instrumentality
6 of the United States Government may provide goods or
7 services to another department, agency, or instrumen-
8 tality.

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

22 SEC. 503. None of the funds made available by this
23 Act may be used in contravention of Executive Order No.
24 12898 of February 11, 1994 (Federal Actions to Address

1 Environmental Justice in Minority Populations and Low-
2 Income Populations).

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

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

12 This Act may be cited as the “Energy and Water De-
13 velopment and Related Agencies Appropriations Act,
14 2023”.

Union Calendar No. 302

117TH CONGRESS
2^D SESSION

H. R. 8255

[Report No. 117-394]

A BILL

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

JUNE 30, 2022

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