

Calendar No. 145

118TH CONGRESS
1ST SESSION

S. 2443

[Report No. 118–72]

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

IN THE SENATE OF THE UNITED STATES

JULY 20, 2023

Mrs. FEINSTEIN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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 *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 en-
5 ergy and water development and related agencies for the
6 fiscal year ending September 30, 2024, and for other pur-
7 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, \$93,272,000, 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: *Provided further*, That of the
3 unobligated balances from prior year appropriations avail-
4 able under this heading, \$10,380,000 is rescinded: *Pro-*
5 *vided further*, That no amounts may be rescinded from
6 amounts that were designated by the Congress as an
7 emergency requirement pursuant to a concurrent resolu-
8 tion on the budget or the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985.

10 PLANNING, ENGINEERING, AND DESIGN

11 For expenses necessary for conducting surveys and
12 detailed studies, and plans and specifications, prior to con-
13 struction of river and harbor, flood and storm damage re-
14 duction, shore protection, aquatic ecosystem restoration,
15 and related projects authorized by law (including those in-
16 volving participation by States, local governments, or pri-
17 vate groups) or made eligible for selection by law (but such
18 detailed studies, and plans and specifications, shall not
19 constitute a commitment of the Government to construc-
20 tion), \$47,024,000, to remain available until expended:
21 *Provided*, That the Secretary shall not deviate from the
22 work plan, once the plan has been submitted to the Com-
23 mittees on Appropriations of both Houses of Congress.

CONSTRUCTION

1
2 For expenses necessary for the construction of river
3 and harbor, flood and storm damage reduction, shore pro-
4 tection, aquatic ecosystem restoration, and related
5 projects authorized by law; for conducting and completing
6 detailed studies, and plans and specifications, of such
7 projects (including those involving participation by States,
8 local governments, or private groups) authorized or made
9 eligible for selection by law (but such detailed studies, and
10 plans and specifications, shall not constitute a commit-
11 ment of the Government to construction); \$2,029,345,000,
12 to remain available until expended; of which
13 \$124,060,000, to be derived from the Harbor Maintenance
14 Trust Fund, shall be to cover the Federal share of con-
15 struction costs for facilities under the Dredged Material
16 Disposal Facilities program; and of which such sums as
17 are necessary to cover 35 percent of the costs of construc-
18 tion, replacement, rehabilitation, and expansion of inland
19 waterways projects shall be derived from the Inland Wa-
20 terways Trust Fund, except as otherwise specifically pro-
21 vided for in law: *Provided*, That the Secretary shall not
22 deviate from the work plan, once the plan has been sub-
23 mitted to the Committees on Appropriations of both
24 Houses of Congress: *Provided further*, That of the unobli-
25 gated balances from prior year appropriations available

1 under this heading, \$83,448,000 is rescinded: *Provided*
2 *further*, That no amounts may be rescinded from amounts
3 that were designated by the Congress as an emergency re-
4 quirement pursuant to a concurrent resolution on the
5 budget or the Balanced Budget and Emergency Deficit
6 Control Act of 1985: *Provided further*, That of the
7 amounts made available under this heading, \$400,000,000
8 is designated by the Congress as being for an emergency
9 requirement pursuant section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 MISSISSIPPI RIVER AND TRIBUTARIES

12 For expenses necessary for flood damage reduction
13 projects and related efforts in the Mississippi River allu-
14 vial valley below Cape Girardeau, Missouri, as authorized
15 by law, \$353,145,000, to remain available until expended,
16 of which \$16,057,000, to be derived from the Harbor
17 Maintenance Trust Fund, shall be to cover the Federal
18 share of eligible operation and maintenance costs for in-
19 land harbors: *Provided*, That the Secretary shall not devi-
20 ate from the work plan, once the plan has been submitted
21 to the Committees on Appropriations of both Houses of
22 Congress: *Provided further*, That of the unobligated bal-
23 ances from prior year appropriations available under this
24 heading, \$1,112,000 is rescinded: *Provided further*, That
25 no amounts may be rescinded from amounts that were

1 designated by the Congress as an emergency requirement
2 pursuant to a concurrent resolution on the budget or the
3 Balanced Budget and Emergency Deficit Control Act of
4 1985.

5 OPERATION AND MAINTENANCE

6 For expenses necessary for the operation, mainte-
7 nance, and care of existing river and harbor, flood and
8 storm damage reduction, aquatic ecosystem restoration,
9 and related projects authorized by law; providing security
10 for infrastructure owned or operated by the Corps, includ-
11 ing administrative buildings and laboratories; maintaining
12 harbor channels provided by a State, municipality, or
13 other public agency that serve essential navigation needs
14 of general commerce, where authorized by law; surveying
15 and charting northern and northwestern lakes and con-
16 necting waters; clearing and straightening channels; and
17 removing obstructions to navigation, \$5,531,905,000, to
18 remain available until expended, of which \$2,630,829,000,
19 to be derived from the Harbor Maintenance Trust Fund,
20 shall be to cover the Federal share of eligible operations
21 and maintenance costs for coastal harbors and channels,
22 and for inland harbors; of which such sums as become
23 available from the special account for the Corps of Engi-
24 neers established by the Land and Water Conservation
25 Fund Act of 1965 shall be derived from that account for

1 resource protection, research, interpretation, and mainte-
2 nance activities related to resource protection in the areas
3 at which outdoor recreation is available; of which such
4 sums as become available from fees collected under section
5 217 of Public Law 104–303 shall be used to cover the
6 cost of operation and maintenance of the dredged material
7 disposal facilities for which such fees have been collected;
8 and of which \$58,000,000, to be derived from the general
9 fund of the Treasury, shall be to carry out subsection (c)
10 of section 2106 of the Water Resources Reform and Devel-
11 opment Act of 2014 (33 U.S.C. 2238c) and shall be des-
12 ignated as being for such purpose pursuant to paragraph
13 (2)(B) of section 14003 of division B of the Coronavirus
14 Aid, Relief, and Economic Security Act (Public Law 116–
15 136): *Provided*, That 1 percent of the total amount of
16 funds provided for each of the programs, projects, or ac-
17 tivities funded under this heading shall not be allocated
18 to a field operating activity prior to the beginning of the
19 fourth quarter of the fiscal year and shall be available for
20 use by the Chief of Engineers to fund such emergency ac-
21 tivities as the Chief of Engineers determines to be nec-
22 essary and appropriate, and that the Chief of Engineers
23 shall allocate during the fourth quarter any remaining
24 funds which have not been used for emergency activities
25 proportionally in accordance with the amounts provided

1 for the programs, projects, or activities: *Provided further*,
2 That the Secretary shall not deviate from the work plan,
3 once the plan has been submitted to the Committees on
4 Appropriations of both Houses of Congress: *Provided fur-*
5 *ther*, That of the unobligated balances from prior year ap-
6 propriations available under this heading, \$2,632,000 is
7 rescinded: *Provided further*, That no amounts may be re-
8 scinded from amounts that were designated by the Con-
9 gress as an emergency requirement pursuant to a concur-
10 rent resolution on the budget or the Balanced Budget and
11 Emergency Deficit Control Act of 1985: *Provided further*,
12 That of the amounts made available under this heading,
13 \$665,000,000 is designated by the Congress as being for
14 an emergency requirement pursuant section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 REGULATORY PROGRAM

18 For expenses necessary for administration of laws
19 pertaining to regulation of navigable waters and wetlands,
20 \$221,000,000, to remain available until September 30,
21 2025.

22 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

1 formed as part of the Nation's early atomic energy pro-
2 gram, \$400,000,000, to remain available until expended.

3 FLOOD CONTROL AND COASTAL EMERGENCIES

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

9 EXPENSES

10 For expenses necessary for the supervision and gen-
11 eral administration of the civil works program in the head-
12 quarters of the Corps of Engineers and the offices of the
13 Division Engineers; and for costs of management and op-
14 eration of the Humphreys Engineer Center Support Activ-
15 ity, the Institute for Water Resources, the United States
16 Army Engineer Research and Development Center, and
17 the United States Army Corps of Engineers Finance Cen-
18 ter allocable to the civil works program, \$212,000,000, to
19 remain available until September 30, 2025, of which not
20 to exceed \$5,000 may be used for official reception and
21 representation purposes and only during the current fiscal
22 year: *Provided*, That no part of any other appropriation
23 provided in this title shall be available to fund the civil
24 works activities of the Office of the Chief of Engineers
25 or the civil works executive direction and management ac-

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

7 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
8 FOR CIVIL WORKS

9 For the Office of the Assistant Secretary of the Army
10 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
11 \$5,000,000, to remain available until September 30, 2025:
12 *Provided*, That not more than 75 percent of such amount
13 may be obligated or expended until the Assistant Sec-
14 retary submits to the Committees on Appropriations of
15 both Houses of Congress the report required under section
16 101(d) of this Act and a work plan that allocates at least
17 95 percent of the additional funding provided under each
18 heading in the report accompanying this Act, to specific
19 programs, projects, or activities.

20 WATER INFRASTRUCTURE FINANCE AND INNOVATION
21 PROGRAM ACCOUNT

22 For the cost of direct loans and for the cost of guar-
23 anteed loans, as authorized by the Water Infrastructure
24 Finance and Innovation Act of 2014, \$2,200,000, to re-
25 main available until expended, for safety projects to main-

1 tain, upgrade, and repair dams identified in the National
2 Inventory of Dams with a primary owner type of state,
3 local government, public utility, or private: *Provided*, That
4 no project may be funded with amounts provided under
5 this heading for a dam that is identified as jointly owned
6 in the National Inventory of Dams and where one of those
7 joint owners is the Federal Government: *Provided further*,
8 That amounts made available under this heading in this
9 Act shall also be available for projects to construct, main-
10 tain, upgrade, and repair levees and ancillary features
11 with a primary owner type of state, municipal, county, pri-
12 vate, or other non-Federal entity: *Provided further*, That
13 no project may be funded with amounts provided under
14 this heading for a levee unless the Secretary has certified
15 in advance, in writing, that the levee is not owned, in
16 whole or in part, by the Federal Government: *Provided*
17 *further*, That such costs, including the cost of modifying
18 such loans, shall be as defined in section 502 of the Con-
19 gressional Budget Act of 1974: *Provided further*, That
20 these funds are available to subsidize gross obligations for
21 the principal amount of direct loans, including capitalized
22 interest, and total loan principal, including capitalized in-
23 terest, any part of which is to be guaranteed, not to exceed
24 \$440,000,000: *Provided further*, That the use of direct
25 loans or loan guarantee authority under this heading for

1 direct loans or commitments to guarantee loans for any
2 project shall be in accordance with the criteria published
3 in the Federal Register on June 30, 2020 (85 FR 39189)
4 pursuant to the fourth proviso under the heading “Water
5 Infrastructure Finance and Innovation Program Account”
6 in division D of the Further Consolidated Appropriations
7 Act, 2020 (Public Law 116–94): *Provided further*, That
8 none of the direct loans or loan guarantee authority made
9 available under this heading shall be available for any
10 project unless the Secretary and the Director of the Office
11 of Management and Budget have certified in advance in
12 writing that the direct loan or loan guarantee, as applica-
13 ble, and the project comply with the criteria referenced
14 in the previous proviso: *Provided further*, That any ref-
15 erences to the Environmental Protection Agency (EPA)
16 or the Administrator in the criteria referenced in the pre-
17 vious two provisos shall be deemed to be references to the
18 Army Corps of Engineers or the Secretary of the Army,
19 respectively, for purposes of the direct loans or loan guar-
20 antee authority made available under this heading: *Pro-*
21 *vided further*, That for the purposes of carrying out the
22 Congressional Budget Act of 1974, the Director of the
23 Congressional Budget Office may request, and the Sec-
24 retary shall promptly provide, documentation and informa-
25 tion relating to a project identified in a Letter of Interest

1 submitted to the Secretary pursuant to a Notice of Fund-
2 ing Availability for applications for credit assistance under
3 the Water Infrastructure Finance and Innovation Act Pro-
4 gram, including with respect to a project that was initiated
5 or completed before the date of enactment of this Act. In
6 addition, fees authorized to be collected pursuant to sec-
7 tions 5029 and 5030 of the Water Infrastructure Finance
8 and Innovation Act of 2014 shall be deposited in this ac-
9 count, to remain available until expended. In addition, for
10 administrative expenses to carry out the direct and guar-
11 anteed loan programs, notwithstanding section 5033 of
12 the Water Infrastructure Finance and Innovation Act of
13 2014, \$5,000,000, to remain available until September 30,
14 2025.

15 GENERAL PROVISIONS—CORPS OF

16 ENGINEERS—CIVIL

17 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

18 SEC. 101. (a) None of the funds provided in title I
19 of this Act, or provided by previous appropriations Acts
20 to the agencies or entities funded in title I of this Act
21 that remain available for obligation or expenditure in fiscal
22 year 2024, shall be available for obligation or expenditure
23 through a reprogramming of funds that:

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

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

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

7 (4) proposes to use funds directed for a specific
8 activity for a different purpose, unless prior approval
9 is received from the Committees on Appropriations
10 of both Houses of Congress;

11 (5) augments or reduces existing programs,
12 projects, or activities in excess of the amounts con-
13 tained in paragraphs (6) through (11), unless prior
14 approval is received from the Committees on Appro-
15 priations of both Houses of Congress;

16 (6) INVESTIGATIONS.—For a base level over
17 \$100,000, reprogramming of 25 percent of the base
18 amount up to a limit of \$150,000 per project, study
19 or activity is allowed: *Provided*, That for a base level
20 less than \$100,000, the reprogramming limit is
21 \$25,000: *Provided further*, That up to \$25,000 may
22 be reprogrammed into any continuing study or activ-
23 ity that did not receive an appropriation for existing
24 obligations and concomitant administrative expenses;

1 (7) PLANNING, ENGINEERING, AND DESIGN.—
2 For a base level over \$2,000,000, reprogramming of
3 15 percent of the base amount up to a limit of
4 \$3,000,000 per project, study or activity is allowed:
5 *Provided*, That for a base level less than \$2,000,000,
6 the reprogramming limit is \$300,000: *Provided fur-*
7 *ther*, That up to \$300,000 may be reprogrammed
8 into any continuing study or activity that did not re-
9 ceive an appropriation for existing obligations and
10 concomitant administrative expenses;

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

24 (9) OPERATION AND MAINTENANCE.—Unlim-
25 ited reprogramming authority is granted for the

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

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

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

23 (b) DE MINIMUS REPROGRAMMINGS.—In no case
24 should a reprogramming for less than \$50,000 be sub-

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

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

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

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

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

21 (3) An identification of items of special congres-
22 sional interest.

23 SEC. 102. None of the funds made available in this
24 title may be used to award or modify any contract that
25 commits funds beyond the amounts appropriated for that

1 program, project, or activity that remain unobligated, ex-
2 cept that such amounts may include any funds that have
3 been made available through reprogramming pursuant to
4 section 101.

5 SEC. 103. The Secretary of the Army may transfer
6 to the Fish and Wildlife Service, and the Fish and Wildlife
7 Service may accept and expend, up to \$8,200,000 of funds
8 provided in this title under the heading “Operation and
9 Maintenance” to mitigate for fisheries lost due to Corps
10 of Engineers projects.

11 SEC. 104. None of the funds in this Act shall be used
12 for an open lake placement alternative for dredged mate-
13 rial, after evaluating the least costly, environmentally ac-
14 ceptable manner for the disposal or management of
15 dredged material originating from Lake Erie or tributaries
16 thereto, unless it is approved under a State water quality
17 certification pursuant to section 401 of the Federal Water
18 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
19 until an open lake placement alternative for dredged mate-
20 rial is approved under a State water quality certification,
21 the Corps of Engineers shall continue upland placement
22 of such dredged material consistent with the requirements
23 of section 101 of the Water Resources Development Act
24 of 1986 (33 U.S.C. 2211).

1 SEC. 105. Additional funding provided in this Act
2 shall be allocated only to projects determined to be eligible
3 by the Chief of Engineers.

4 SEC. 106. Of the unobligated balances from prior
5 year appropriations made available to “Corps of Engi-
6 neers—Civil”, the following funds are hereby permanently
7 cancelled from the following accounts and programs in the
8 specified amounts—

9 (1) \$371,293.38 from the unobligated balances
10 under the heading “Construction” in chapter 3 of
11 title I of division B of Public Law 109–148;

12 (2) \$562,613.89 from the unobligated balances
13 under the heading “Operation and Maintenance” in
14 chapter 3 of title I of division B of Public Law 109–
15 148 that were provided for the Mississippi River-
16 Gulf Outlet channel;

17 (3) \$38,873.32 from the unobligated balances
18 under the heading “Construction” in chapter 3 of
19 title II of Public Law 109–234 that were provided
20 for the Lake Pontchartrain and Vicinity project, the
21 North Padre Island, Texas project, the Sacramento,
22 California, Area project, and the Hawaii Water Sys-
23 tems Technical Assistance Program;

24 (4) \$95.55 from the combined unobligated bal-
25 ances under the “Construction” headings in chapter

1 3 of title IV and chapter 3 of title V of Public Law
2 110–28;

3 (5) \$83,734.13 from the unobligated balances
4 under the heading “Construction” in chapter 3 of
5 title III of Public Law 110–252 including amounts
6 that were provided for the Lake Pontchartrain and
7 Vicinity project, the West Bank and Vicinity project,
8 and the Southeast Louisiana Urban Drainage
9 project;

10 (6) \$2,122.56 from the unobligated balances
11 under the heading “Operation and Maintenance” in
12 chapter 3 of title III of Public Law 110–252;

13 (7) \$10.72 from the unobligated balances under
14 the heading “Mississippi River and Tributaries” in
15 chapter 3 of title III of Public Law 110–252;

16 (8) \$274,678.03 from the unobligated balances
17 under the heading “Construction” in chapter 3 of
18 title I of division B of Public Law 110–329 that
19 were provided for the Lake Pontchartrain and Vicin-
20 ity project, the West Bank and Vicinity project, and
21 the Southeast Louisiana Urban Drainage project;

22 (9) \$267,434.81 from the unobligated balances
23 under the heading “Operation and Maintenance” in
24 chapter 3 of title I of division B of Public Law 110–
25 329;

1 (10) \$0.02 from the unobligated balances under
2 the heading “Operation and Maintenance” in title
3 IV of Public Law 111–32;

4 (11) \$246,869.24 from the unobligated bal-
5 ances under the heading “Operation and Mainte-
6 nance” in chapter 4 of title I of Public Law 111–
7 212; and

8 (12) \$2,643,142.04 from the unobligated bal-
9 ances under the heading “Operation and Mainte-
10 nance” in title I of Public Law 112–77.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT
4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT
5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$19,556,000, to remain
7 available until expended, of which \$4,650,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission: *Provided*, That of
11 the amount provided under this heading, \$1,750,000 shall
12 be available until September 30, 2025, for expenses nec-
13 essary in carrying out related responsibilities of the Sec-
14 retary of the Interior: *Provided further*, That for fiscal
15 year 2024, of the amount made available to the Commis-
16 sion under this Act or any other Act, the Commission may
17 use an amount not to exceed \$1,990,000 for administra-
18 tive expenses.

19 BUREAU OF RECLAMATION

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

1 WATER AND RELATED RESOURCES
2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian Tribes, and others, \$1,773,497,000, to
11 remain available until expended, of which \$1,051,000 shall
12 be available for transfer to the Upper Colorado River
13 Basin Fund and \$7,584,000 shall be available for transfer
14 to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund: *Provided*, That
17 \$500,000 shall be available for transfer into the Aging In-
18 frastructure Account established by section 9603(d)(1) of
19 the Omnibus Public Land Management Act of 2009, as
20 amended (43 U.S.C. 510b(d)(1)): *Provided further*, That
21 such transfers, except for the transfer authorized by the
22 preceding proviso, may be increased or decreased within
23 the overall appropriation under this heading: *Provided fur-*
24 *ther*, That of the total appropriated, the amount for pro-
25 gram activities that can be financed by the Reclamation

1 Fund, the Water Storage Enhancement Receipts account
2 established by section 4011(e) of Public Law 114–322, or
3 the Bureau of Reclamation special fee account established
4 by 16 U.S.C. 6806 shall be derived from that Fund or
5 account: *Provided further*, That funds contributed under
6 43 U.S.C. 395 are available until expended for the pur-
7 poses for which the funds were contributed: *Provided fur-*
8 *ther*, That funds advanced under 43 U.S.C. 397a shall be
9 credited to this account and are available until expended
10 for the same purposes as the sums appropriated under this
11 heading: *Provided further*, That of the amounts made
12 available under this heading, \$5,000,000 shall be depos-
13 ited in the San Gabriel Basin Restoration Fund estab-
14 lished by section 110 of title I of division B of appendix
15 D of Public Law 106–554: *Provided further*, That of the
16 amounts provided herein, funds may be used for high-pri-
17 ority projects which shall be carried out by the Youth Con-
18 servation Corps, as authorized by 16 U.S.C. 1706: *Pro-*
19 *vided further*, That within available funds, \$250,000 shall
20 be for grants and financial assistance for educational ac-
21 tivities.

22 CENTRAL VALLEY PROJECT RESTORATION FUND

23 For carrying out the programs, projects, plans, habi-
24 tat restoration, improvement, and acquisition provisions of
25 the Central Valley Project Improvement Act, such sums

1 as may be collected in fiscal year 2024 in the Central Val-
2 ley Project Restoration Fund pursuant to sections
3 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575,
4 to remain available until expended: *Provided*, That the Bu-
5 reau of Reclamation is directed to assess and collect the
6 full amount of the additional mitigation and restoration
7 payments authorized by section 3407(d) of Public Law
8 102–575: *Provided further*, That none of the funds made
9 available under this heading may be used for the acquisi-
10 tion or leasing of water for in-stream purposes if the water
11 is already committed to in-stream purposes by a court
12 adopted decree or order.

13 CALIFORNIA BAY-DELTA RESTORATION

14 (INCLUDING TRANSFERS OF FUNDS)

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

1 in a balanced manner with clear performance measures
 2 demonstrating concurrent progress in achieving the goals
 3 and objectives of the Program.

4 POLICY AND ADMINISTRATION

5 For expenses necessary for policy, administration,
 6 and related functions in the Office of the Commissioner,
 7 the Denver office, and offices in the six regions of the Bu-
 8 reau of Reclamation, to remain available until September
 9 30, 2025, \$66,794,000, to be derived from the Reclama-
 10 tion Fund and be nonreimbursable as provided in 43
 11 U.S.C. 377: *Provided*, That no part of any other appro-
 12 priation in this Act shall be available for activities or func-
 13 tions budgeted as policy and administration expenses.

14 ADMINISTRATIVE PROVISION

15 Appropriations for the Bureau of Reclamation shall
 16 be available for purchase and replacement of motor vehi-
 17 cles.

18 GENERAL PROVISIONS—DEPARTMENT OF THE

19 INTERIOR

20 SEC. 201. (a) None of the funds provided in title II
 21 of this Act for Water and Related Resources, or provided
 22 by previous or subsequent appropriations Acts to the agen-
 23 cies or entities funded in title II of this Act for Water
 24 and Related Resources that remain available for obligation
 25 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 “Committee Recommendation” columns in
2 the “Water and Related Resources” table included under
3 the heading “Title II—Department of the Interior” in the
4 report 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 SEC. 203. Section 9504(e) of the Omnibus Public
13 Land Management Act of 2009 (42 U.S.C. 10364(e)) is
14 amended by striking “\$820,000,000” and inserting
15 “\$920,000,000”.

16 SEC. 204. (a) Title I of Public Law 108–361 (the
17 Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as
18 amended by section 204 of division D of Public Law 117–
19 103, shall be applied by substituting “2024” for “2023”
20 each place it appears.

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

1 SEC. 205. Section 9106(g)(2) of Public Law 111–11
2 (Omnibus Public Land Management Act of 2009) shall
3 be applied by substituting “2024” for “2023”.

4 SEC. 206. (a) Section 104(c) of the Reclamation
5 States Emergency Drought Relief Act of 1991 (43 U.S.C.
6 2214(c)) shall be applied by substituting “2024” for
7 “2023”.

8 (b) Section 301 of the Reclamation States Emergency
9 Drought Relief Act of 1991 (43 U.S.C. 2241) shall be ap-
10 plied by substituting “2024” for “2023” and by sub-
11 stituting “\$130,000,000” for “\$120,000,000”.

12 SEC. 207. None of the funds provided in this Act may
13 be used for the Shasta Dam and Reservoir Enlargement
14 Project.

15 SEC. 208. Section 9503(f) of the Omnibus Public
16 Land Management Act of 2009 (42 U.S.C. 10363(f)) shall
17 be applied by substituting “2024” for “2023”.

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 INDUSTRIAL EMISSIONS AND TECHNOLOGY
5 COORDINATION

6 For Department of Energy expenses necessary for
7 carrying out the activities and coordination of clean indus-
8 trial research, development, demonstration, and deploy-
9 ment, and coordination of energy and technology pro-
10 grams, \$3,500,000, to remain available until expended.

11 ENERGY EFFICIENCY AND RENEWABLE ENERGY

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 energy
15 efficiency and renewable energy activities in carrying out
16 the purposes of the Department of Energy Organization
17 Act (42 U.S.C. 7101 et seq.), including the acquisition or
18 condemnation of any real property or any facility or for
19 plant or facility acquisition, construction, or expansion,
20 \$3,686,749,000, to remain available until expended: *Pro-*
21 *vided*, That of such amount, \$243,000,000 shall be avail-
22 able until September 30, 2025, for program direction.

1 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
2 RESPONSE

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

15 ELECTRICITY

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 elec-
19 tricity activities in carrying out the purposes of the De-
20 partment of Energy Organization Act (42 U.S.C. 7101 et
21 seq.), including the acquisition or condemnation of any
22 real property or any facility or for plant or facility acqui-
23 sition, construction, or expansion, \$290,000,000, to remain
24 available until expended: *Provided*, That of such amount,
25 \$18,000,000 shall be available until September 30, 2025,

1 for program direction: *Provided further*, That funds under
2 this heading allocated for the purposes of section 9 of the
3 Small Business Act, as amended (15 U.S.C. 638), includ-
4 ing for Small Business Innovation Research and Small
5 Business Technology Transfer activities, or for the pur-
6 poses of section 1001 of the Energy Policy Act of 2005,
7 as amended (42 U.S.C. 16391(a)), for Technology Com-
8 mercialization Fund activities, may be reprogrammed
9 without being subject to the restrictions in section 301 of
10 this Act.

11 GRID DEPLOYMENT

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 grid de-
15 ployment in carrying out the purposes of the Department
16 of Energy Organization Act (42 U.S.C. 7191 et seq.), in-
17 cluding the acquisition or condemnation of any real prop-
18 erty or any facility or for plant or facility acquisition, con-
19 struction, or expansion, \$60,000,000, to remain available
20 until expended: *Provided*, That of such amount,
21 \$6,000,000 shall be available until September 30, 2025,
22 for program direction: *Provided further*, That amounts
23 provided under this heading may be used to carry out ac-
24 tivities, including financial assistance, procurement, tech-
25 nical assistance, and workforce support, to enhance the

1 domestic supply chain for the manufacture of trans-
2 formers and electric grid components, including key mate-
3 rials and components thereof.

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, \$1,550,887,000, 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 “Committee Recommendation” column in the “De-
20 partment of Energy” table included under the heading
21 “Title III—Department of Energy” in the report accom-
22 panying this Act: *Provided further*, That of the amounts
23 made available under this heading, \$300,000,000 is des-
24 ignated by the Congress as being for an emergency re-

1 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985.

3 FOSSIL ENERGY AND CARBON MANAGEMENT

4 For Department of Energy expenses necessary in car-
5 rying out fossil energy and carbon management research
6 and development activities, under the authority of the De-
7 partment of Energy Organization Act (42 U.S.C. 7101 et
8 seq.), including the acquisition of interest, including defea-
9 sible and equitable interests in any real property or any
10 facility or for plant or facility acquisition or expansion,
11 and for conducting inquiries, technological investigations
12 and research concerning the extraction, processing, use,
13 and disposal of mineral substances without objectionable
14 social and environmental costs (30 U.S.C. 3, 1602, and
15 1603), \$892,000,000, to remain available until expended:
16 *Provided*, That of such amount \$79,000,000 shall be avail-
17 able until September 30, 2025, for program direction.

18 ENERGY PROJECTS

19 For Department of Energy expenses necessary in car-
20 rying out community project funding activities, under the
21 authority of the Department of Energy Organization Act
22 (42 U.S.C. 7101 et seq.), \$87,896,000, to remain available
23 until expended, for projects specified in the table that ap-
24 pears under the heading “Congressionally Directed Spend-

1 ing of Energy Projects” in the report accompanying this
2 Act.

3 NAVAL PETROLEUM AND OIL SHALE RESERVES

4 For Department of Energy expenses necessary to
5 carry out naval petroleum and oil shale reserve activities,
6 \$13,010,000, to remain available until expended: *Pro-*
7 *vided*, That notwithstanding any other provision of law,
8 unobligated funds remaining from prior years shall be
9 available for all naval petroleum and oil shale reserve ac-
10 tivities.

11 STRATEGIC PETROLEUM RESERVE

12 For Department of Energy expenses necessary for
13 Strategic Petroleum Reserve facility development and op-
14 erations and program management activities pursuant to
15 the Energy Policy and Conservation Act (42 U.S.C. 6201
16 et seq.), \$214,908,000, to remain available until expended:
17 *Provided*, That notwithstanding sections 161 and 167 of
18 the Energy Policy and Conservation Act (42 U.S.C. 6241,
19 6247), the Secretary of Energy shall draw down and sell
20 one million barrels of refined petroleum product from the
21 Strategic Petroleum Reserve during fiscal year 2024: *Pro-*
22 *vided further*, That all proceeds from such sale shall be
23 deposited into the general fund of the Treasury during fis-
24 cal year 2024: *Provided further*, That upon the completion

1 of such sale, the Secretary shall carry out the closure of
2 the Northeast Gasoline Supply Reserve.

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), \$100,000, to remain available until ex-
13 pended: *Provided*, That of the unobligated balances from
14 amounts deposited under this heading pursuant to section
15 167(b)(3) of the Energy Policy and Conservation Act (42
16 U.S.C. 6247(b)(3)), \$401,000,000 is hereby permanently
17 rescinded not later than September 30, 2024.

18 NORTHEAST HOME HEATING OIL RESERVE

19 For Department of Energy expenses necessary for
20 Northeast Home Heating Oil Reserve storage, operation,
21 and management activities pursuant to the Energy Policy
22 and Conservation Act (42 U.S.C. 6201 et seq.),
23 \$7,150,000, to remain available until expended.

1 ENERGY INFORMATION ADMINISTRATION

2 For Department of Energy expenses necessary in car-
3 rying out the activities of the Energy Information Admin-
4 istration, \$135,000,000, to remain available until ex-
5 pended.

6 NON-DEFENSE ENVIRONMENTAL CLEANUP

7 For Department of Energy expenses, including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment and other expenses necessary for non-de-
10 fense environmental cleanup activities in carrying out the
11 purposes of the Department of Energy Organization Act
12 (42 U.S.C. 7101 et seq.), including the acquisition or con-
13 demnation of any real property or any facility or for plant
14 or facility acquisition, construction, or expansion,
15 \$354,000,000, to remain available until expended: *Pro-*
16 *vided*, That in addition, fees collected pursuant to sub-
17 section (b)(1) of section 6939f of title 42, United States
18 Code, and deposited under this heading in fiscal year 2024
19 pursuant to section 309 of title III of division C of Public
20 Law 116–94 are appropriated, to remain available until
21 expended, for mercury storage costs.

22 URANIUM ENRICHMENT DECONTAMINATION AND
23 DECOMMISSIONING FUND

24 For Department of Energy expenses necessary in car-
25 rying out uranium enrichment facility decontamination

1 and decommissioning, remedial actions, and other activi-
2 ties of title II of the Atomic Energy Act of 1954, and
3 title X, subtitle A, of the Energy Policy Act of 1992,
4 \$862,000,000, to be derived from the Uranium Enrich-
5 ment Decontamination and Decommissioning Fund, to re-
6 main available until expended, of which \$6,792,000 shall
7 be available in accordance with title X, subtitle A, of the
8 Energy Policy Act of 1992.

9 SCIENCE

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 science
13 activities in carrying out the purposes of the Department
14 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
15 cluding the acquisition or condemnation of any real prop-
16 erty or any facility or for plant or facility acquisition, con-
17 struction, or expansion, and purchase of not more than
18 35 passenger motor vehicles, \$8,430,000,000, to remain
19 available until expended: *Provided*, That of such amount,
20 \$236,700,000 shall be available until September 30, 2025,
21 for program direction.

22 NUCLEAR WASTE DISPOSAL

23 For Department of Energy expenses necessary for
24 nuclear waste disposal activities to carry out the purposes
25 of the Nuclear Waste Policy Act of 1982, Public Law 97–

1 425, as amended, \$12,040,000, to remain available until
2 expended and to be derived from the Nuclear Waste Fund.

3 TECHNOLOGY TRANSITIONS

4 For Department of Energy expenses necessary for
5 carrying out the activities of technology transitions,
6 \$20,000,000, to remain available until expended: *Pro-*
7 *vided*, That of such amount, \$11,500,000 shall be avail-
8 able until September 30, 2025, for program direction.

9 CLEAN ENERGY DEMONSTRATIONS

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 clean en-
13 ergy demonstrations in carrying out the purposes of the
14 Department of Energy Organization Act (42 U.S.C. 7101
15 et seq.), including the acquisition or condemnation of any
16 real property or any facility or for plant or facility acquisi-
17 tion, construction, or expansion, \$89,000,000, to remain
18 available until expended: *Provided*, That of such amount,
19 \$25,000,000 shall be available until September 30, 2025,
20 for program direction.

21 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

22 For Department of Energy expenses necessary in car-
23 rying out the activities authorized by section 5012 of the
24 America COMPETES Act (Public Law 110–69),
25 \$450,000,000, to remain available until expended: *Pro-*

1 *vided*, That of such amount, \$37,000,000 shall be avail-
2 able until September 30, 2025, for program direction.

3 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
4 PROGRAM

5 Such sums as are derived from amounts received
6 from borrowers pursuant to section 1702(b) of the Energy
7 Policy Act of 2005 under this heading in prior Acts, shall
8 be collected in accordance with section 502(7) of the Con-
9 gressional Budget Act of 1974: *Provided*, That for nec-
10 essary administrative expenses of the Title 17 Innovative
11 Technology Loan Guarantee Program, as authorized,
12 \$70,000,000 is appropriated, to remain available until
13 September 30, 2025: *Provided further*, That up to
14 \$70,000,000 of fees collected in fiscal year 2024 pursuant
15 to section 1702(h) of the Energy Policy Act of 2005 shall
16 be credited as offsetting collections under this heading and
17 used for necessary administrative expenses in this appro-
18 priation and shall remain available until September 30,
19 2025: *Provided further*, That to the extent that fees col-
20 lected in fiscal year 2024 exceed \$70,000,000, those ex-
21 cess amounts shall be credited as offsetting collections
22 under this heading and available in future fiscal years only
23 to the extent provided in advance in appropriations Acts:
24 *Provided further*, That the sum herein appropriated from
25 the general fund shall be reduced (1) as such fees are re-

1 ceived during fiscal year 2024 (estimated at \$70,000,000)
2 and (2) to the extent that any remaining general fund ap-
3 propriations can be derived from fees collected in previous
4 fiscal years that are not otherwise appropriated, so as to
5 result in a final fiscal year 2024 appropriation from the
6 general fund estimated at \$0: *Provided further*, That the
7 Department of Energy shall not subordinate any loan obli-
8 gation to other financing in violation of section 1702 of
9 the Energy Policy Act of 2005 or subordinate any Guar-
10 teed Obligation to any loan or other debt obligations in
11 violation of section 609.8 of title 10, Code of Federal Reg-
12 ulations.

13 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
14 LOAN PROGRAM

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

19 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

20 For Department of Energy administrative expenses
21 necessary in carrying out the Tribal Energy Loan Guar-
22 antee Program, \$6,300,000, to remain available until Sep-
23 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, \$86,000,000, 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 and the purchase of not to exceed one ambulance, for re-
25 placement only, \$18,832,947,000, to remain available

1 until expended: *Provided*, That of such amount,
2 \$118,056,000 shall be available until September 30, 2025,
3 for program direction.

4 DEFENSE NUCLEAR NONPROLIFERATION

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other incidental expenses necessary for
8 defense nuclear nonproliferation activities, in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 \$2,596,522,000, to remain available until expended.

14 NAVAL REACTORS

15 (INCLUDING TRANSFER OF FUNDS)

16 For Department of Energy expenses necessary for
17 naval reactors activities to carry out the Department of
18 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
19 ing the acquisition (by purchase, condemnation, construc-
20 tion, or otherwise) of real property, plant, and capital
21 equipment, facilities, and facility expansion,
22 \$1,964,100,000, to remain available until expended, of
23 which, \$92,800,000 shall be transferred to “Department
24 of Energy—Energy Programs—Nuclear Energy”, for the
25 Advanced Test Reactor: *Provided*, That of the amounts

1 made available under this heading, \$61,540,000 shall be
2 available until September 30, 2025, 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 \$485,000,000, 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, \$7,296,564,000, 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.

1 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
2 AND DECOMMISSIONING
3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for atomic energy defense
5 environmental cleanup activities for Department of En-
6 ergy contributions for uranium enrichment decontamina-
7 tion and decommissioning activities, \$575,000,000, to be
8 deposited into the Defense Environmental Cleanup ac-
9 count, which shall be transferred to the “Uranium Enrich-
10 ment Decontamination and Decommissioning Fund”.

11 OTHER DEFENSE ACTIVITIES

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, other defense activities, and classified ac-
16 tivities, in carrying out the purposes of the Department
17 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
18 cluding the acquisition or condemnation of any real prop-
19 erty or any facility or for plant or facility acquisition, con-
20 struction, or expansion, \$1,079,867,000, to remain avail-
21 able until expended: *Provided*, That of such amount,
22 \$381,460,000 shall be available until September 30, 2025,
23 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 official reception and representation ex-
6 penses in an amount not to exceed \$5,000: *Provided*, That
7 during fiscal year 2024, no new direct loan obligations
8 may be made.

9 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
10 ADMINISTRATION

11 For expenses necessary for operation and mainte-
12 nance of power transmission facilities and for marketing
13 electric power and energy, including transmission wheeling
14 and ancillary services, pursuant to section 5 of the Flood
15 Control Act of 1944 (16 U.S.C. 825s), as applied to the
16 southeastern power area, \$8,449,000, including official re-
17 ception and representation expenses in an amount not to
18 exceed \$1,500, to remain available until expended: *Pro-*
19 *vided*, That notwithstanding 31 U.S.C. 3302 and section
20 5 of the Flood Control Act of 1944, up to \$8,449,000 col-
21 lected by the Southeastern Power Administration from the
22 sale of power and related services shall be credited to this
23 account as discretionary offsetting collections, to remain
24 available until expended for the sole purpose of funding
25 the annual expenses of the Southeastern Power Adminis-

1 tration: *Provided further*, That the sum herein appro-
 2 priated for annual expenses shall be reduced as collections
 3 are received during the fiscal year so as to result in a final
 4 fiscal year 2024 appropriation estimated at not more than
 5 \$0: *Provided further*, That notwithstanding 31 U.S.C.
 6 3302, up to \$71,850,000 collected by the Southeastern
 7 Power Administration pursuant to the Flood Control Act
 8 of 1944 to recover purchase power and wheeling expenses
 9 shall be credited to this account as offsetting collections,
 10 to remain available until expended for the sole purpose
 11 of making purchase power and wheeling expenditures:
 12 *Provided further*, That for purposes of this appropriation,
 13 annual expenses means expenditures that are generally re-
 14 covered in the same year that they are incurred (excluding
 15 purchase power and wheeling expenses).

16 OPERATION AND MAINTENANCE, SOUTHWESTERN
 17 POWER ADMINISTRATION

18 For expenses necessary for operation and mainte-
 19 nance of power transmission facilities and for marketing
 20 electric power and energy, for construction and acquisition
 21 of transmission lines, substations and appurtenant facili-
 22 ties, and for administrative expenses, including official re-
 23 ception and representation expenses in an amount not to
 24 exceed \$1,500 in carrying out section 5 of the Flood Con-
 25 trol Act of 1944 (16 U.S.C. 825s), as applied to the

1 Southwestern Power Administration, \$52,326,000, to re-
2 main available until expended: *Provided*, That notwith-
3 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
4 trol Act of 1944 (16 U.S.C. 825s), up to \$40,886,000 col-
5 lected by the Southwestern Power Administration from
6 the sale of power and related services shall be credited to
7 this account as discretionary offsetting collections, to re-
8 main available until expended, for the sole purpose of
9 funding the annual expenses of the Southwestern Power
10 Administration: *Provided further*, That the sum herein ap-
11 propriated for annual expenses shall be reduced as collec-
12 tions are received during the fiscal year so as to result
13 in a final fiscal year 2024 appropriation estimated at not
14 more than \$11,440,000: *Provided further*, That notwith-
15 standing 31 U.S.C. 3302, up to \$80,000,000 collected by
16 the Southwestern Power Administration pursuant to the
17 Flood Control Act of 1944 to recover purchase power and
18 wheeling expenses shall be credited to this account as off-
19 setting collections, to remain available until expended for
20 the sole purpose of making purchase power and wheeling
21 expenditures: *Provided further*, That for purposes of this
22 appropriation, annual expenses means expenditures that
23 are generally recovered in the same year that they are in-
24 curred (excluding purchase power and wheeling expenses).

1 CONSTRUCTION, REHABILITATION, OPERATION AND
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-
3 TRATION

4 For carrying out the functions authorized by title III,
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42
6 U.S.C. 7152), and other related activities including con-
7 servation and renewable resources programs as author-
8 ized, \$313,289,000, including official reception and rep-
9 resentation expenses in an amount not to exceed \$1,500,
10 to remain available until expended, of which \$313,289,000
11 shall be derived from the Department of the Interior Rec-
12 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
13 3302, section 5 of the Flood Control Act of 1944 (16
14 U.S.C. 825s), and section 1 of the Interior Department
15 Appropriation Act, 1939 (43 U.S.C. 392a), up to
16 \$213,417,000 collected by the Western Area Power Ad-
17 ministration from the sale of power and related services
18 shall be credited to this account as discretionary offsetting
19 collections, to remain available until expended, for the sole
20 purpose of funding the annual expenses of the Western
21 Area Power Administration: *Provided further*, That the
22 sum herein appropriated for annual expenses shall be re-
23 duced as collections are received during the fiscal year so
24 as to result in a final fiscal year 2024 appropriation esti-
25 mated at not more than \$99,872,000, of which

1 \$99,872,000 is derived from the Reclamation Fund: *Pro-*
2 *vided further*, That notwithstanding 31 U.S.C. 3302, up
3 to \$475,000,000 collected by the Western Area Power Ad-
4 ministration pursuant to the Flood Control Act of 1944
5 and the Reclamation Project Act of 1939 to recover pur-
6 chase power and wheeling expenses shall be credited to
7 this account as offsetting collections, to remain available
8 until expended for the sole purpose of making purchase
9 power and wheeling expenditures: *Provided further*, That
10 for purposes of this appropriation, annual expenses means
11 expenditures that are generally recovered in the same year
12 that they are incurred (excluding purchase power and
13 wheeling expenses).

14 FALCON AND AMISTAD OPERATING AND MAINTENANCE
15 FUND

16 For operation, maintenance, and emergency costs for
17 the hydroelectric facilities at the Falcon and Amistad
18 Dams, \$3,425,000, to remain available until expended,
19 and to be derived from the Falcon and Amistad Operating
20 and Maintenance Fund of the Western Area Power Ad-
21 ministration, as provided in section 2 of the Act of June
22 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
23 the provisions of that Act and of 31 U.S.C. 3302, up to
24 \$3,197,000 collected by the Western Area Power Adminis-
25 tration from the sale of power and related services from

1 the Falcon and Amistad Dams shall be credited to this
2 account as discretionary offsetting collections, to remain
3 available until expended for the sole purpose of funding
4 the annual expenses of the hydroelectric facilities of these
5 Dams and associated Western Area Power Administration
6 activities: *Provided further*, That the sum herein appro-
7 priated for annual expenses shall be reduced as collections
8 are received during the fiscal year so as to result in a final
9 fiscal year 2024 appropriation estimated at not more than
10 \$228,000: *Provided further*, That for purposes of this ap-
11 propriation, annual expenses means expenditures that are
12 generally recovered in the same year that they are in-
13 curred: *Provided further*, That for fiscal year 2024, the
14 Administrator of the Western Area Power Administration
15 may accept up to \$1,872,000 in funds contributed by
16 United States power customers of the Falcon and Amistad
17 Dams for deposit into the Falcon and Amistad Operating
18 and Maintenance Fund, and such funds shall be available
19 for the purpose for which contributed in like manner as
20 if said sums had been specifically appropriated for such
21 purpose: *Provided further*, That any such funds shall be
22 available without further appropriation and without fiscal
23 year limitation for use by the Commissioner of the United
24 States Section of the International Boundary and Water
25 Commission for the sole purpose of operating, maintain-

1 ing, repairing, rehabilitating, replacing, or upgrading the
2 hydroelectric facilities at these Dams in accordance with
3 agreements reached between the Administrator, Commis-
4 sioner, and the power customers.

5 FEDERAL ENERGY REGULATORY COMMISSION

6 SALARIES AND EXPENSES

7 For expenses necessary for the Federal Energy Regu-
8 latory Commission to carry out the provisions of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including services as authorized by 5 U.S.C. 3109,
11 official reception and representation expenses not to ex-
12 ceed \$3,000, and the hire of passenger motor vehicles,
13 \$520,000,000, to remain available until expended: *Pro-*
14 *vided*, That notwithstanding any other provision of law,
15 not to exceed \$520,000,000 of revenues from fees and an-
16 nual charges, and other services and collections in fiscal
17 year 2023 shall be retained and used for expenses nec-
18 essary in this account, and shall remain available until ex-
19 pended: *Provided further*, That the sum herein appro-
20 priated from the general fund shall be reduced as revenues
21 are received during fiscal year 2024 so as to result in a
22 final fiscal year 2024 appropriation from the general fund
23 estimated at not more than \$0.

1 GENERAL PROVISIONS—DEPARTMENT OF
2 ENERGY

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

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

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

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

22 (C) issue a letter of intent to make or modify
23 an allocation, award, or Agreement in excess of the
24 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 or modified.

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 "Committee Recommendation" col-
14 umn in the "Department of Energy" table included under
15 the heading "Title III—Department of Energy" in the re-
16 port accompanying this Act.

17 (e) Except as provided in subsection (f), the amounts
18 made available by this title may be reprogrammed for any
19 program, project, or activity, and the Department shall
20 notify, and obtain the prior approval of, the Committees
21 on Appropriations of both Houses of Congress at least 30
22 days prior to the use of any proposed reprogramming that
23 would cause any program, project, or activity funding level
24 to increase or decrease by more than \$5,000,000 or 10

1 percent, whichever is less, during the time period covered
2 by this Act.

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

6 (1) that creates, initiates, or eliminates a pro-
7 gram, project, or activity;

8 (2) that increases funds or personnel for any
9 program, project, or activity for which funds are de-
10 nied or restricted by this Act; or

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

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

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

1 Such notice shall include an explanation of the substantial
2 risk under paragraph (1) that permitted such waiver.

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

10 SEC. 302. Funds appropriated by this or any other
11 Act, or made available by the transfer of funds in this
12 Act, for intelligence activities are deemed to be specifically
13 authorized by the Congress for purposes of section 504
14 of the National Security Act of 1947 (50 U.S.C. 3094)
15 during fiscal year 2024 until the enactment of the Intel-
16 ligence Authorization Act for fiscal year 2024.

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

23 SEC. 304. None of the funds made available in this
24 title may be used to approve critical decision-2 or critical
25 decision-3 under Department of Energy Order 413.3B, or

1 any successive departmental guidance, for construction
2 projects where the total project cost exceeds
3 \$100,000,000, until a separate independent cost estimate
4 has been developed for the project for that critical deci-
5 sion.

6 SEC. 305. No funds shall be transferred directly from
7 “Department of Energy—Power Marketing Administra-
8 tion—Colorado River Basins Power Marketing Fund,
9 Western Area Power Administration” to the general fund
10 of the Treasury in the current fiscal year.

11 SEC. 306. None of the funds made available in this
12 title may be used to support a grant allocation award, dis-
13 cretionary grant award, or cooperative agreement that ex-
14 ceeds \$100,000,000 in Federal funding unless the project
15 is carried out through internal independent project man-
16 agement procedures.

17 SEC. 307. (a) DEFINITIONS.—In this section:

18 (1) AFFECTED INDIAN TRIBE.—The term “af-
19 fected Indian tribe” has the meaning given the term
20 in section 2 of the Nuclear Waste Policy Act of 1982
21 (42 U.S.C. 10101).

22 (2) HIGH-LEVEL RADIOACTIVE WASTE.—The
23 term “high-level radioactive waste” has the meaning
24 given the term in section 2 of the Nuclear Waste
25 Policy Act of 1982 (42 U.S.C. 10101).

1 (3) NUCLEAR WASTE FUND.—The term “Nu-
2 clear Waste Fund” means the Nuclear Waste Fund
3 established under section 302(c) of the Nuclear
4 Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

5 (4) SECRETARY.—The term “Secretary” means
6 the Secretary of Energy.

7 (5) SPENT NUCLEAR FUEL.—The term “spent
8 nuclear fuel” has the meaning given the term in sec-
9 tion 2 of the Nuclear Waste Policy Act of 1982 (42
10 U.S.C. 10101).

11 (b) PILOT PROGRAM.—Notwithstanding any provi-
12 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
13 10101 et seq.), the Secretary is authorized, in the current
14 fiscal year and subsequent fiscal years, to conduct a pilot
15 program to license, construct, and operate one or more
16 Federal consolidated storage facilities to provide interim
17 storage as needed for spent nuclear fuel and high-level ra-
18 dioactive waste, with priority for storage given to spent
19 nuclear fuel located on sites without an operating nuclear
20 reactor.

21 (c) REQUESTS FOR PROPOSALS.—Not later than 120
22 days after the date of enactment of this Act, the Secretary
23 shall issue a request for proposals for cooperative agree-
24 ments—

1 (1) to obtain any license necessary from the
2 Nuclear Regulatory Commission for the construction
3 of one or more consolidated storage facilities;

4 (2) to demonstrate the safe transportation of
5 spent nuclear fuel and high-level radioactive waste,
6 as applicable; and

7 (3) to demonstrate the safe storage of spent nu-
8 clear fuel and high-level radioactive waste, as appli-
9 cable, at the one or more consolidated storage facili-
10 ties pending the construction and operation of deep
11 geologic disposal capacity for the permanent disposal
12 of the spent nuclear fuel.

13 (d) CONSENT-BASED APPROVAL.—Prior to siting a
14 consolidated storage facility pursuant to this section, the
15 Secretary shall enter into an agreement to host the facility
16 with—

17 (1) the Governor of the State;

18 (2) each unit of local government within the ju-
19 risdiction of which the facility is proposed to be lo-
20 cated; and

21 (3) each affected Indian tribe.

22 (e) APPLICABILITY.—In executing this section, the
23 Secretary shall comply with—

24 (1) all licensing requirements and regulations of
25 the Nuclear Regulatory Commission; and

1 (2) all other applicable laws (including regula-
2 tions).

3 (f) PILOT PROGRAM PLAN.—Not later than 120 days
4 after the date on which the Secretary issues the request
5 for proposals under subsection (c), the Secretary shall sub-
6 mit to Congress a plan to carry out this section that in-
7 cludes—

8 (1) an estimate of the cost of licensing, con-
9 structing, and operating a consolidated storage facil-
10 ity, including the transportation costs, on an annual
11 basis, over the expected lifetime of the facility;

12 (2) a schedule for—

13 (A) obtaining any license necessary to con-
14 struct and operate a consolidated storage facil-
15 ity from the Nuclear Regulatory Commission;

16 (B) constructing the facility;

17 (C) transporting spent fuel to the facility;

18 and

19 (D) removing the spent fuel and decom-
20 missioning the facility;

21 (3) an estimate of the cost of any financial as-
22 sistance, compensation, or incentives proposed to be
23 paid to the host State, Indian tribe, or local govern-
24 ment;

1 (4) an estimate of any future reductions in the
2 damages expected to be paid by the United States
3 for the delay of the Department of Energy in accept-
4 ing spent fuel expected to result from the pilot pro-
5 gram;

6 (5) recommendations for any additional legisla-
7 tion needed to authorize and implement the pilot
8 program; and

9 (6) recommendations for a mechanism to en-
10 sure that any spent nuclear fuel or high-level radio-
11 active waste stored at a consolidated storage facility
12 pursuant to this section shall move to deep geologic
13 disposal capacity, following a consent-based approval
14 process for that deep geologic disposal capacity con-
15 sistent with subsection (d), within a reasonable time
16 after the issuance of a license to construct and oper-
17 ate the consolidated storage facility.

18 (g) PUBLIC PARTICIPATION.—Prior to choosing a
19 site for the construction of a consolidated storage facility
20 under this section, the Secretary shall conduct one or more
21 public hearings in the vicinity of each potential site and
22 in at least one other location within the State in which
23 the site is located to solicit public comments and rec-
24 ommendations.

1 (h) USE OF NUCLEAR WASTE FUND.—The Secretary
2 may make expenditures from the Nuclear Waste Fund to
3 carry out this section, subject to appropriations.

4 SEC. 308. None of the funds made available in this
5 or any other Act, including prior Acts, may be used to
6 pay the salaries and expenses of any contractor detailed
7 to a Congressional Committee or Member Office or to the
8 Executive Branch for longer than a 24-month period: *Pro-*
9 *vided*, That the term contractor is defined in this section
10 to means any contracted employee of a Department of En-
11 ergy Laboratory, as defined by Section 2 (3) of the Energy
12 Policy Act of 2005 (42 U.S.C. 15801).

13 SEC. 309. Section 322 of Public Law No 118–5 is
14 hereby repealed.

15 SEC. 310. (a) The fifty-first proviso under the head-
16 ing “Energy Efficiency and Renewable Energy” in title
17 III of division J of Public Law 117–58 is amended by
18 striking “three percent” each place it appears and insert-
19 ing “five percent”.

20 (b) The eighth proviso under the heading “Cyberse-
21 curity, Energy Security, and Emergency Response” in
22 title III of division J of Public Law 117–58 is amended
23 by striking “three percent” each place it appears and in-
24 serting “five percent”.

1 (c) The tenth proviso under the heading “Electricity”
2 in title III of division J of Public Law 117–58 is amended
3 by striking “three percent” each place it appears and in-
4 serting “five percent”.

5 (d) The twenty-second proviso under the heading
6 “Fossil Energy and Carbon Management” in title III of
7 division J of Public Law 117–58 is amended by striking
8 “three percent” each place it appears and inserting “five
9 percent”.

10 (e) The twenty-sixth proviso under the heading “Of-
11 fice of Clean Energy Demonstrations” in title III of divi-
12 sion J of Public Law 117–58 is amended by striking
13 “three percent” each place it appears and inserting “five
14 percent”.

15 (f) Amounts repurposed pursuant to this section that
16 were previously designated by the Congress as an emer-
17 gency requirement pursuant to a concurrent resolution on
18 the Budget are designated as an emergency requirement
19 pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th
20 Congress), the concurrent resolution on the budget for fis-
21 cal year 2022, and to legislation establishing fiscal year
22 2024 budget enforcement in the House of Representatives.

23 SEC. 311. (a) The Trusted Source Requirement for
24 LEU used in Covered Domestic Reactors shall be:

25 (1) in calendar year 2025, 50%;

1 (2) in calendar year 2026, 55%;

2 (3) in calendar year 2027, 60%;

3 (4) in calendar year 2028, 65%;

4 (5) in calendar year 2029, 70%;

5 (6) in calendar year 2030, 75%;

6 (7) in calendar year 2031, 80%;

7 (8) in calendar year 2032, 85%;

8 (9) in calendar year 2032 and thereafter, 85%.

9 (b) The Secretary may take action that the Secretary
10 deems necessary or appropriate to administer, implement
11 or enforce the Trusted Source Requirement.

12 (c) The Secretary may require any person to provide
13 any certifications, reports, or other information necessary
14 or appropriate to demonstrate compliance with the Trust-
15 ed Source Requirement.

16 (d)(1) The Secretary shall promulgate, no later than
17 twelve months after the enactment of this section, a final
18 regulation to implement this section.

19 (2) In promulgating the final rule, the Secretary shall
20 consider the need for:

21 (A) Mechanisms to allocate the effects of the
22 Trusted Source Requirement equitably among reac-
23 tor licensees;

24 (B) Differentiation among various reactor
25 types;

1 (C) Differentiation among LEU enriched up to
2 10 percent of the uranium-235 isotope and LEU en-
3 riched above 10 percent of the uranium-235 isotope;
4 and

5 (D) Provisions to prevent transactions designed
6 to evade the purpose of this section.

7 (e) In this section:

8 (1) "Allied Country" means any nation with
9 which the United States is engaged in a common
10 military effort or with which the United States has
11 entered into a common defensive military alliance.

12 (2) "Covered Domestic Reactor" means a nu-
13 clear reactor licensed by the Nuclear Regulatory
14 Commission for industrial or commercial purposes.

15 (3) "LEU" means uranium enriched to less
16 than 20 percent of the uranium-235 isotope, includ-
17 ing that which is derived from highly enriched ura-
18 nium.

19 (4) "Secretary" means the Secretary of Energy.

20 (5) "Trusted Source Requirement" means the
21 percentage of conversion and enrichment that must
22 occur within the United States or an Allied Country.

23 (f) In administering, implementing or enforcing the
24 Trusted Source Requirement, the Department shall only
25 use existing statutory authorities.

1 (g) That the Secretary of Energy may use funds ap-
2 propriated or otherwise made available for a commitment
3 under this section for a commitment only if the full extent
4 of the anticipated costs stemming from that commitment
5 is recorded as an obligation at the time that the commit-
6 ment is made and only to the extent that up-front obliga-
7 tion is recorded in full at that time.

8 SEC. 312. (a) Of the amounts previously appropriated
9 under the heading “Department of Energy—Energy Pro-
10 grams” in division J of the Infrastructure Investment and
11 Jobs Act (Public Law 117–58) that are made available
12 for fiscal years 2024, 2025, and 2026, the following
13 amounts shall be available, in addition to amounts other-
14 wise made available under such heading, for the following
15 purposes:

16 (1) Up to \$800,000,000 for Advanced Nuclear
17 Fuel Availability, of which up to \$266,666,666 shall
18 be available for each of fiscal years 2024, 2025, and
19 2026; and

20 (2) Up to \$400,000,000 for the Advanced
21 Small Modular Reactor Research, Development, and
22 Demonstration program for fiscal year 2024.

23 (b) Of amounts previously appropriated under the
24 heading “Department of Energy—Energy Programs—
25 Electricity” in division J of the Infrastructure Investment

1 and Jobs Act (Public Law 117–58) that are made avail-
2 able for fiscal years 2024, 2025, and 2026, up to
3 \$1,200,000,000 shall be available, in addition to amounts
4 otherwise made available under such heading, for Elec-
5 tricity activities previously authorized in sections 40101,
6 40106(d)(3), 40107, or 40125(d) of that Act, including
7 financial assistance, procurement, technical assistance,
8 and workforce support, to enhance the domestic supply
9 chain for the manufacture of electric grid components, in-
10 cluding key materials and components thereof, of which
11 up to \$400,000,000 shall be available for each of fiscal
12 years 2024, 2025, and 2026: *Provided*, That the funds
13 made available in the preceding proviso may be used to
14 supplement amounts previously appropriated under the
15 heading “Department of Energy—Energy Programs—
16 Electricity” in division J of the Infrastructure Investment
17 and Jobs Act (Public Law 117–58): *Provided further*,
18 That amounts appropriated under such heading may be
19 increased by up to 15 percent: *Provided further*, That of
20 funds made available in the preceding proviso, no addi-
21 tional funds may be expended to deploy generation.

22 (c) Any amount repurposed pursuant to this section
23 shall retain its original period of availability.

24 (d) Amounts repurposed pursuant to this section that
25 were previously designated by the Congress as an emer-

1 gency requirement pursuant to a concurrent resolution on
2 the Budget are designated as an emergency requirement
3 pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th
4 Congress), the concurrent resolution on the budget for fis-
5 cal year 2022, and to legislation establishing fiscal year
6 2024 budget enforcement in the House of Representatives.

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TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$200,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$42,000,000, to remain available until September 30, 2025.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For expenses necessary for the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwith-

1 standing sections 382F(d), 382M, and 382N of said Act,
2 \$30,100,000, to remain available until expended.

3 DENALI COMMISSION

4 For expenses necessary for the Denali Commission
5 including the purchase, construction, and acquisition of
6 plant and capital equipment as necessary and other ex-
7 penses, \$17,000,000, to remain available until expended,
8 notwithstanding the limitations contained in section
9 306(g) of the Denali Commission Act of 1998: *Provided*,
10 That notwithstanding the limitations contained in section
11 307(c) of the Denali Commission Act of 1998, as amend-
12 ed, funds shall be available for construction projects for
13 which the Denali Commission is the sole or primary fund-
14 ing source in an amount not to exceed 90 percent of total
15 project cost for distressed communities, as defined by such
16 section and by section 701 of appendix D, title VII, Public
17 Law 106–113 (113 Stat. 1501A–280), and for Indian
18 Tribes, as defined by section 5304(e) of title 25, United
19 States Code, and in an amount not to exceed 50 percent
20 for non-distressed communities: *Provided further*, That
21 notwithstanding any other provision of law regarding pay-
22 ment of a non-Federal share in connection with a grant-
23 in-aid program, amounts under this heading shall be avail-
24 able for the payment of such a non-Federal share for any
25 project for which the Denali Commission is not the sole

1 or primary funding source, provided that such project is
2 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, \$41,000,000,
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, \$2,500,000, 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 \$941,703,450, including official representation expenses
7 not to exceed \$25,000, to remain available until expended:
8 *Provided*, That of the amount appropriated herein, not
9 more than \$9,500,000 may be made available for salaries,
10 travel, and other support costs for the Office of the Com-
11 mission, to remain available until September 30, 2025:
12 *Provided further*, That revenues from licensing fees, in-
13 spection 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 \$133,976,320.

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, \$15,769,000, 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 \$12,655,000 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 \$3,114,000: *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.

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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

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

20 (b) None of the funds made available for any depart-
21 ment, agency, or instrumentality of the United States
22 Government may be transferred to accounts funded in title
23 III of this Act, except pursuant to a transfer made by or
24 transfer authority provided in this Act or any other appro-
25 priations Act for any fiscal year, transfer authority ref-

1 erenced in the report accompanying this Act, or any au-
2 thority whereby a department, agency, or instrumentality
3 of the United States Government may provide goods or
4 services to another department, agency, or instrumen-
5 tality.

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

19 SEC. 503. None of the funds made available by this
20 Act may be used in contravention of Executive Order No.
21 12898 of February 11, 1994 (Federal Actions to Address
22 Environmental Justice in Minority Populations and Low-
23 Income Populations).

24 SEC. 504. (a) None of the funds made available in
25 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

8 SEC. 505. Funds made available in this Act shall be
9 allocated solely in accordance with the provisions of this
10 Act and the report accompanying this Act.

11 SEC. 506. Each amount designated in this Act by the
12 Congress as an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985 shall be available (or
15 rescinded, if applicable) only if the President subsequently
16 so designates all such amounts and transmits such des-
17 ignations to the Congress.

18 This Act may be cited as the “Energy and Water De-
19 velopment and Related Agencies Appropriations Act,
20 2024”.

Calendar No. 145

118TH CONGRESS
1ST Session

S. 2443

[Report No. 118-72]

A BILL

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

JULY 20, 2023

Read twice and placed on the calendar