

117TH CONGRESS
2D SESSION

S. 4660

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

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Mrs. FEINSTEIN introduced the following bill; which was read twice and
referred to the Committee on Appropriations

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for en-
5 ergy and water development and related agencies for the
6 fiscal year ending September 30, 2023, 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, \$165,668,000, to remain
24 available until expended: *Provided*, That the Secretary
25 shall not deviate from the work plan, once the plan has

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

3 CONSTRUCTION

4 For expenses necessary for the construction of river
5 and harbor, flood and storm damage reduction, shore pro-
6 tection, aquatic ecosystem restoration, and related
7 projects authorized by law; for conducting detailed studies,
8 and plans and specifications, of such projects (including
9 those involving participation by States, local governments,
10 or private groups) authorized or made eligible for selection
11 by law (but such detailed studies, and plans and specifica-
12 tions, shall not constitute a commitment of the Govern-
13 ment to construction); \$2,159,642,000, to remain avail-
14 able until expended; of which \$73,892,000, to be derived
15 from the Harbor Maintenance Trust Fund, shall be to
16 cover the Federal share of construction costs for facilities
17 under the Dredged Material Disposal Facilities program;
18 and of which such sums as are necessary to cover 35 per-
19 cent of the costs of construction, replacement, rehabilita-
20 tion, and expansion of inland waterways projects shall be
21 derived from the Inland Waterways Trust Fund, except
22 as otherwise specifically provided for in law: *Provided*,
23 That the Secretary shall not deviate from the work plan,
24 once the plan has been submitted to the Committees on
25 Appropriations of both Houses of Congress.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$373,075,000, to remain available until expended, of which \$10,315,000, to be derived from the Harbor Maintenance Trust Fund, shall be to cover the Federal share of eligible operation and maintenance costs for inland harbors: *Provided*, That the Secretary shall not deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Congress.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$5,131,605,000, to

1 remain available until expended, of which \$2,233,793,000,
2 to be derived from the Harbor Maintenance Trust Fund,
3 shall be to cover the Federal share of eligible operations
4 and maintenance costs for coastal harbors and channels,
5 and for inland harbors; of which such sums as become
6 available from the special account for the Corps of Engi-
7 neers established by the Land and Water Conservation
8 Fund Act of 1965 shall be derived from that account for
9 resource protection, research, interpretation, and mainte-
10 nance activities related to resource protection in the areas
11 at which outdoor recreation is available; of which such
12 sums as become available from fees collected under section
13 217 of Public Law 104–303 shall be used to cover the
14 cost of operation and maintenance of the dredged material
15 disposal facilities for which such fees have been collected;
16 and of which \$56,000,000, to be derived from the general
17 fund of the Treasury, shall be to carry out subsection (c)
18 of section 2106 of the Water Resources Reform and Devel-
19 opment Act of 2014 (33 U.S.C. 2238c) and shall be des-
20 ignated as being for such purpose pursuant to paragraph
21 (2)(B) of section 14003 of division B of the Coronavirus
22 Aid, Relief, and Economic Security Act (Public Law 116–
23 136): *Provided*, That 1 percent of the total amount of
24 funds provided for each of the programs, projects, or ac-
25 tivities funded under this heading shall not be allocated

1 to a field operating activity prior to the beginning of the
 2 fourth quarter of the fiscal year and shall be available for
 3 use by the Chief of Engineers to fund such emergency ac-
 4 tivities as the Chief of Engineers determines to be nec-
 5 essary and appropriate, and that the Chief of Engineers
 6 shall allocate during the fourth quarter any remaining
 7 funds which have not been used for emergency activities
 8 proportionally in accordance with the amounts provided
 9 for the programs, projects, or activities: *Provided further*,
 10 That the Secretary shall not deviate from the work plan,
 11 once the plan has been submitted to the Committees on
 12 Appropriations of both Houses of Congress.

13 REGULATORY PROGRAM

14 For expenses necessary for administration of laws
 15 pertaining to regulation of navigable waters and wetlands,
 16 \$213,000,000, to remain available until September 30,
 17 2024.

18 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

19 For expenses necessary to clean up contamination
 20 from sites in the United States resulting from work per-
 21 formed as part of the Nation's early atomic energy pro-
 22 gram, \$450,000,000, to remain available until expended.

23 FLOOD CONTROL AND COASTAL EMERGENCIES

24 For expenses necessary to prepare for flood, hurri-
 25 cane, and other natural disasters and support emergency

1 operations, repairs, and other activities in response to
 2 such disasters as authorized by law, \$35,000,000, to re-
 3 main available until expended.

4 EXPENSES

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

1 ties in response to any flood, hurricane, or other natural
2 disaster.

3 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
4 FOR CIVIL WORKS

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

16 WATER INFRASTRUCTURE FINANCE AND INNOVATION
17 PROGRAM ACCOUNT

18 For administrative expenses to carry out the direct
19 and guaranteed loan programs authorized by the Water
20 Infrastructure Finance and Innovation Act of 2014,
21 \$10,000,000, to remain available until September 30,
22 2024.

1 GENERAL PROVISIONS—CORPS OF
2 ENGINEERS—CIVIL

3 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 SEC. 102. The Secretary shall allocate funds made
2 available in this Act solely in accordance with the provi-
3 sions of this Act and the explanatory statement accom-
4 panying this Act.

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

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

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

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

7 SEC. 106. Additional funding provided in this Act
8 shall be allocated only to projects determined to be eligible
9 by the Chief of Engineers.

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT
4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT
5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$21,000,000, to remain
7 available until expended, of which \$5,000,000 shall be de-
8 posited into the Utah Reclamation Mitigation and Con-
9 servation Account for use by the Utah Reclamation Miti-
10 gation and Conservation Commission: *Provided*, That of
11 the amount provided under this heading, \$1,550,000 shall
12 be available until September 30, 2024, for expenses nec-
13 essary in carrying out related responsibilities of the Sec-
14 retary of the Interior: *Provided further*, That for fiscal
15 year 2023, of the amount made available to the Commis-
16 sion under this Act or any other Act, the Commission may
17 use an amount not to exceed \$1,850,000 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, \$1,784,900,000, to
 11 remain available until expended, of which \$71,217,000
 12 shall be available for transfer to the Upper Colorado River
 13 Basin Fund and \$19,606,000 shall be available for trans-
 14 fer 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 \$100,000 shall be available for transfer into the Aging In-
 18 frastructure Account established by section 9603(d)(1) of
 19 the Omnibus Public Land Management Act of 2009, as
 20 amended (43 U.S.C. 510b(d)(1)): *Provided further*, That
 21 such transfers, except for the transfer authorized by the
 22 preceding proviso, may be increased or decreased within
 23 the overall appropriation under this heading: *Provided fur-*
 24 *ther*, That of the total appropriated, the amount for pro-
 25 gram activities that can be financed by the Reclamation

1 Fund, the Water Storage Enhancement Receipts account
 2 established by section 4011(e) of Public Law 114–322, or
 3 the Bureau of Reclamation special fee account established
 4 by 16 U.S.C. 6806 shall be derived from that Fund or
 5 account: *Provided further*, That funds contributed under
 6 43 U.S.C. 395 are available until expended for the pur-
 7 poses for which the funds were contributed: *Provided fur-*
 8 *ther*, That funds advanced under 43 U.S.C. 397a shall be
 9 credited to this account and are available until expended
 10 for the same purposes as the sums appropriated under this
 11 heading: *Provided further*, That of the amounts made
 12 available under this heading, \$10,000,000 shall be depos-
 13 ited in the San Gabriel Basin Restoration Fund estab-
 14 lished by section 110 of title I of division B of appendix
 15 D of Public Law 106–554: *Provided further*, That of the
 16 amounts provided herein, funds may be used for high-pri-
 17 ority projects which shall be carried out by the Youth Con-
 18 servation Corps, as authorized by 16 U.S.C. 1706: *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 2023 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, 2024, \$65,079,000, 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 and to provide supporting charging or fueling infra-
 18 structure.

19 GENERAL PROVISIONS—DEPARTMENT OF THE 20 INTERIOR

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

1 or expenditure in fiscal year 2023, shall be available for
2 obligation or expenditure through a reprogramming of
3 funds that—

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

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

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

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

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

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

23 (B) \$400,000 for any program, project or
24 activity for which less than \$2,000,000 is avail-
25 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 explanatory statement 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 “\$750,000,000” and inserting
15 “\$820,000,000”.

16 SEC. 204. (a) Title I of Public Law 108–361 (the
17 CALFED Bay-Delta Authorization Act) (118 Stat. 1681),
18 as amended by section 204 of division D of Public Law
19 117–103, shall be applied by substituting “2023” for
20 “2022” 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 “2023” for “2022”.

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 “2023” for
7 “2022”.

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 “2023” for “2022” and by sub-
11 stituting “\$130,000,000” for “\$120,000,000”.

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

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 DEFENSE PRODUCTION ACT DOMESTIC CLEAN ENERGY
5 ACCELERATOR

6 For activities by the Department of Energy pursuant
7 to titles I, III, and VII of the Defense Production Act of
8 1950 (50 U.S.C. 4501 et seq), notwithstanding the re-
9 quirements of paragraphs (1) through (6) of section
10 303(a) of such Act (50 U.S.C. 4533(a)), \$500,000,000,
11 to remain available until expended, which shall be obli-
12 gated and expended by the Secretary of Energy as if dele-
13 gated the necessary authorities conferred by the Defense
14 Production Act of 1950, and which shall be for expanding
15 the domestic production capability for solar, transformers,
16 electric grid components, fuel cells, electrolyzers, heat
17 pumps, and insulation, of which up to \$25,000,000, to re-
18 main available until September 30, 2024, shall be avail-
19 able for program direction.

20 ENERGY EFFICIENCY AND RENEWABLE ENERGY

21 For Department of Energy expenses including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment, and other expenses necessary for energy
24 efficiency and renewable energy activities in carrying out
25 the purposes of the Department of Energy Organization

1 Act (42 U.S.C. 7101 et seq.), including the acquisition or
2 condemnation of any real property or any facility or for
3 plant or facility acquisition, construction, or expansion,
4 \$3,799,000,000, to remain available until expended: *Pro-*
5 *vided*, That of such amount, \$245,000,000 shall be avail-
6 able until September 30, 2024, for program direction.

7 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
8 RESPONSE

9 For Department of Energy expenses including the
10 purchase, construction, and acquisition of plant and cap-
11 ital equipment, and other expenses necessary for energy
12 sector cybersecurity, energy security, and emergency re-
13 sponse activities in carrying out the purposes of the De-
14 partment of Energy Organization Act (42 U.S.C. 7101 et
15 seq.), including the acquisition or condemnation of any
16 real property or any facility or for plant or facility acqui-
17 sition, construction, or expansion, \$202,143,000, to remain
18 available until expended: *Provided*, That of such amount,
19 \$25,143,000 shall be available until September 30, 2024,
20 for program direction.

21 ELECTRICITY

22 For Department of Energy expenses including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment, and other expenses necessary for elec-
25 tricity activities in carrying out the purposes of the De-

1 partment of Energy Organization Act (42 U.S.C. 7101 et
 2 seq.), including the acquisition or condemnation of any
 3 real property or any facility or for plant or facility acqui-
 4 tion, construction, or expansion, \$362,000,000, to remain
 5 available until expended: *Provided*, That of such amount,
 6 \$21,000,000 shall be available until September 30, 2024,
 7 for program direction.

8 NUCLEAR ENERGY

9 For Department of Energy expenses including the
 10 purchase, construction, and acquisition of plant and cap-
 11 ital equipment, and other expenses necessary for nuclear
 12 energy activities in carrying out the purposes of the De-
 13 partment of Energy Organization Act (42 U.S.C. 7101 et
 14 seq.), including the acquisition or condemnation of any
 15 real property or any facility or for plant or facility acqui-
 16 tion, construction, or expansion, \$1,765,600,000, to re-
 17 main available until expended: *Provided*, That of such
 18 amount, \$82,574,000 shall be available until September
 19 30, 2024, for program direction: *Provided further*, That
 20 for the purpose of section 954(a)(6) of the Energy Policy
 21 Act of 2005, as amended, the only amount available shall
 22 be from the amount specified as including that purpose
 23 in the “Recommended” column in the “Department of En-
 24 ergy” table included under the heading “Title III—De-

1 partment of Energy’’ in the explanatory statement accom-
 2 panying this Act.

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), \$880,000,000, to remain available until expended:
 16 *Provided*, That of such amount \$70,000,000 shall be avail-
 17 able until September 30, 2024, 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.), \$109,767,000, to remain avail-
 23 able until expended, for projects specified in the table that
 24 appears under the heading “Congressionally Directed

1 Spending of Energy Projects” in the explanatory state-
2 ment accompanying this 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 \$13,004,000, 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.), \$192,460,000, 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 2023: *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 2023: *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), \$8,000,000, to remain available until
13 expended.

14 NORTHEAST HOME HEATING OIL RESERVE

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

20 ENERGY INFORMATION ADMINISTRATION

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

1 NON-DEFENSE ENVIRONMENTAL CLEANUP

2 For Department of Energy expenses, including the
 3 purchase, construction, and acquisition of plant and cap-
 4 ital equipment and other expenses necessary for non-de-
 5 fense environmental cleanup activities in carrying out the
 6 purposes of the Department of Energy Organization Act
 7 (42 U.S.C. 7101 et seq.), including the acquisition or con-
 8 demnation of any real property or any facility or for plant
 9 or facility acquisition, construction, or expansion, and the
 10 purchase of one zero emission passenger motor vehicle,
 11 \$373,583,000, to remain available until expended: *Pro-*
 12 *vided*, That, in addition, fees collected pursuant to sub-
 13 section (b)(1) of section 6939f of title 42, United States
 14 Code, and deposited under this heading in fiscal year 2022
 15 pursuant to section 309 of title III of division C of Public
 16 Law 116–94 are appropriated, to remain available until
 17 expended, for mercury storage costs.

18 URANIUM ENRICHMENT DECONTAMINATION AND
 19 DECOMMISSIONING FUND

20 For Department of Energy expenses necessary in car-
 21 rying out uranium enrichment facility decontamination
 22 and decommissioning, remedial actions, and other activi-
 23 ties of title II of the Atomic Energy Act of 1954, and
 24 title X, subtitle A, of the Energy Policy Act of 1992,
 25 \$869,000,000, to be derived from the Uranium Enrich-

1 ment Decontamination and Decommissioning Fund, to re-
 2 main available until expended, of which \$25,248,000 shall
 3 be available in accordance with title X, subtitle A, of the
 4 Energy Policy Act of 1992.

5 SCIENCE

6 For Department of Energy expenses including the
 7 purchase, construction, and acquisition of plant and cap-
 8 ital equipment, and other expenses necessary for science
 9 activities in carrying out the purposes of the Department
 10 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
 11 cluding the acquisition or condemnation of any real prop-
 12 erty or any facility or for plant or facility acquisition, con-
 13 struction, or expansion, and purchase of not more than
 14 35 passenger motor vehicles, including one ambulance, for
 15 replacement only, \$8,100,000,000, to remain available
 16 until expended: *Provided*, That of such amount,
 17 \$211,211,000 shall be available until September 30, 2024,
 18 for program direction.

19 NUCLEAR WASTE DISPOSAL

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

1 TECHNOLOGY TRANSITIONS

2 For Department of Energy expenses necessary for
 3 carrying out the activities of technology transitions,
 4 \$21,558,000, to remain available until expended: *Pro-*
 5 *vided*, That of such amount, \$10,900,000 shall be available
 6 until September 30, 2024, for program direction.

7 CLEAN ENERGY DEMONSTRATIONS

8 For Department of Energy expenses, including the
 9 purchase, construction, and acquisition of plant and cap-
 10 ital equipment and other expenses necessary for clean en-
 11 ergy demonstrations in carrying out the purposes of the
 12 Department of Energy Organization Act (42 U.S.C. 7101
 13 et seq.), including the acquisition or condemnation of any
 14 real property or any facility or for plant or facility acquisi-
 15 tion, construction, or expansion, \$150,000,000, to remain
 16 available until expended: *Provided*, That of such amount,
 17 \$25,000,000 shall be available until September 30, 2024,
 18 for program direction.

19 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

20 For Department of Energy expenses necessary in car-
 21 rying out the activities authorized by section 5012 of the
 22 America COMPETES Act (Public Law 110–69),
 23 \$570,364,000, to remain available until expended: *Pro-*
 24 *vided*, That of such amount, \$44,000,000 shall be avail-
 25 able until September 30, 2024, for program direction.

1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
2 PROGRAM
3 (INCLUDING RESCISSION OF FUNDS)

4 Such sums as are derived from amounts received
5 from borrowers pursuant to section 1702(b) of the Energy
6 Policy Act of 2005 under this heading in prior Acts, shall
7 be collected in accordance with section 502(7) of the Con-
8 gressional Budget Act of 1974: *Provided*, That for nec-
9 essary administrative expenses of the Title 17 Innovative
10 Technology Loan Guarantee Program, as authorized,
11 \$66,206,000 is appropriated, to remain available until
12 September 30, 2024: *Provided further*, That up to
13 \$66,206,000 of fees collected in fiscal year 2023 pursuant
14 to section 1702(h) of the Energy Policy Act of 2005 shall
15 be credited as offsetting collections under this heading and
16 used for necessary administrative expenses in this appro-
17 priation and shall remain available until September 30,
18 2024: *Provided further*, That to the extent that fees col-
19 lected in fiscal year 2023 exceed \$66,206,000, those ex-
20 cess amounts shall be credited as offsetting collections
21 under this heading and available in future fiscal years only
22 to the extent provided in advance in appropriations Acts:
23 *Provided further*, That the sum herein appropriated from
24 the general fund shall be reduced (1) as such fees are re-
25 ceived during fiscal year 2023 (estimated at \$35,000,000)

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

12 Of the unobligated balances from amounts made
13 available in the first proviso of section 1425 of the Depart-
14 ment of Defense and Full-Year Continuing Appropriations
15 Act, 2011 (Public Law 112–10) for the cost of loan guar-
16 antees under section 1703 of the Energy Policy Act of
17 2005, \$150,000,000 are hereby permanently rescinded:
18 *Provided*, That, subject to section 502 of the Congres-
19 sional Budget Act of 1974, commitments to guarantee
20 loans for eligible projects under title XVII of the Energy
21 Policy Act of 2005, shall not exceed a total principal
22 amount of \$15,000,000,000, to remain available until
23 committed: *Provided further*, That the amounts provided
24 under this paragraph are in addition to those provided in
25 any other Act: *Provided further*, That for amounts col-

1 lected pursuant to section 1702(b)(2) of the Energy Policy
 2 Act of 2005, the source of such payment received from
 3 borrowers may not be a loan or other debt obligation that
 4 is guaranteed by the Federal Government: *Provided fur-*
 5 *ther*, That none of such loan guarantee authority made
 6 available under this paragraph shall be available for com-
 7 mitments to guarantee loans for any projects where funds,
 8 personnel, or property (tangible or intangible) of any Fed-
 9 eral agency, instrumentality, personnel, or affiliated entity
 10 are expected be used (directly or indirectly) through acqui-
 11 sitions, contracts, demonstrations, exchanges, grants, in-
 12 centives, leases, procurements, sales, other transaction au-
 13 thority, or other arrangements, to support the project or
 14 to obtain goods or services from the project: *Provided fur-*
 15 *ther*, That the preceding proviso shall not be interpreted
 16 as precluding the use of the loan guarantee authority pro-
 17 vided under this paragraph for commitments to guarantee
 18 loans for: (1) projects as a result of such projects benefit-
 19 ting from otherwise allowable Federal income tax benefits;
 20 (2) projects as a result of such projects benefitting from
 21 being located on Federal land pursuant to a lease or right-
 22 of-way agreement for which all consideration for all uses
 23 is: (A) paid exclusively in cash; (B) deposited in the Treas-
 24 ury as offsetting receipts; and (C) equal to the fair market
 25 value as determined by the head of the relevant Federal

1 agency; (3) projects as a result of such projects benefitting
 2 from Federal insurance programs, including under section
 3 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210;
 4 commonly known as the “Price-Anderson Act”); or (4)
 5 electric generation projects using transmission facilities
 6 owned or operated by a Federal Power Marketing Admin-
 7 istration or the Tennessee Valley Authority that have been
 8 authorized, approved, and financed independent of the
 9 project receiving the guarantee: *Provided further*, That
 10 none of the loan guarantee authority made available under
 11 this paragraph shall be available for any project unless
 12 the Director of the Office of Management and Budget has
 13 certified in advance in writing that the loan guarantee and
 14 the project comply with the provisions under this para-
 15 graph.

16 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
 17 LOAN PROGRAM

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

22 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

23 For Department of Energy administrative expenses
 24 necessary in carrying out the Tribal Energy Loan Guar-
 25 antee Program, \$2,000,000, to remain available until Sep-

1 tember 30, 2024: *Provided*, That in this fiscal year and
2 subsequent fiscal years, under section 2602(c) of the En-
3 ergy Policy Act of 1992 (25 U.S.C. 3502(c)), the Sec-
4 retary of Energy may also provide direct loans, as defined
5 in section 502 of the Congressional Budget Act of 1974
6 (2 U.S.C. 661a): *Provided further*, That such direct loans
7 shall be made through the Federal Financing Bank, with
8 the full faith and credit of the United States Government
9 on the principal and interest: *Provided further*, That any
10 funds previously appropriated for the cost of loan guaran-
11 tees under section 2602(c) of the Energy Policy Act of
12 1992 (25 U.S.C. 3502(c)) may also be used, in this fiscal
13 year and subsequent fiscal years, for the cost of direct
14 loans provided under such section of such Act: *Provided*
15 *further*, That for the cost of direct loans for the Tribal
16 Energy Loan Guarantee Program as provided for in the
17 preceding three provisos and for the cost of guaranteed
18 loans for such program under section 2602(c) of the En-
19 ergy Policy Act of 1992 (25 U.S.C. 3502(c)), \$8,000,000,
20 to remain available until expended: *Provided further*, That
21 such costs, including the cost of modifying such loans,
22 shall be as defined in section 502 of the Congressional
23 Budget Act of 1974 (2 U.S.C. 661a).

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.), \$110,000,000,
5 to remain available until expended: *Provided*, That of the
6 amount appropriated under this heading, \$18,000,000
7 shall be available until September 30, 2024, 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.), \$357,906,000, to
14 remain available until September 30, 2024, including the
15 hire of zero emission passenger motor vehicles and sup-
16 porting charging or fueling infrastructure, and official re-
17 ception and representation expenses not to exceed
18 \$30,000, plus such additional amounts as necessary to
19 cover increases in the estimated amount of cost of work
20 for others notwithstanding the provisions of the Anti-Defi-
21 ciency Act (31 U.S.C. 1511 et seq.): *Provided*, That such
22 increases in cost of work are offset by revenue increases
23 of the same or greater amount: *Provided further*, That
24 moneys received by the Department for miscellaneous rev-
25 enues estimated to total \$100,578,000 in fiscal year 2023

1 may be retained and used for operating expenses within
2 this account, as authorized by section 201 of Public Law
3 95–238, notwithstanding the provisions of 31 U.S.C.
4 3302: *Provided further*, That the sum herein appropriated
5 shall be reduced as collections are received during the fis-
6 cal year so as to result in a final fiscal year 2023 appro-
7 priation from the general fund estimated at not more than
8 \$257,328,000.

9 OFFICE OF THE INSPECTOR GENERAL

10 For expenses necessary for the Office of the Inspector
11 General in carrying out the provisions of the Inspector
12 General Act of 1978, \$92,000,000, to remain available
13 until September 30, 2024.

14 ATOMIC ENERGY DEFENSE ACTIVITIES

15 NATIONAL NUCLEAR SECURITY

16 ADMINISTRATION

17 WEAPONS ACTIVITIES

18 For Department of Energy expenses, including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment and other incidental expenses necessary for
21 atomic energy defense weapons activities in carrying out
22 the purposes of the Department of Energy Organization
23 Act (42 U.S.C. 7101 et seq.), including the acquisition or
24 condemnation of any real property or any facility or for
25 plant or facility acquisition, construction, or expansion,

1 and the purchase of not to exceed one ambulance, for re-
 2 placement only, \$16,986,298,000, to remain available
 3 until expended: *Provided*, That of such amount,
 4 \$130,070,000 shall be available until September 30, 2024,
 5 for program direction.

6 DEFENSE NUCLEAR NONPROLIFERATION

7 For Department of Energy expenses, including the
 8 purchase, construction, and acquisition of plant and cap-
 9 ital equipment and other incidental expenses necessary for
 10 defense nuclear nonproliferation activities, in carrying out
 11 the purposes of the Department of Energy Organization
 12 Act (42 U.S.C. 7101 et seq.), including the acquisition or
 13 condemnation of any real property or any facility or for
 14 plant or facility acquisition, construction, or expansion,
 15 \$2,538,000,000, to remain available until expended.

16 NAVAL REACTORS

17 (INCLUDING TRANSFER OF FUNDS)

18 For Department of Energy expenses necessary for
 19 naval reactors activities to carry out the Department of
 20 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
 21 ing the acquisition (by purchase, condemnation, construc-
 22 tion, or otherwise) of real property, plant, and capital
 23 equipment, facilities, and facility expansion,
 24 \$2,081,445,000, to remain available until expended, of
 25 which, \$90,890,000 shall be transferred to “Department

1 of Energy—Energy Programs—Nuclear Energy’’, for the
 2 Advanced Test Reactor: *Provided*, That of such amount,
 3 \$58,525,000 shall be available until September 30, 2024,
 4 for program direction.

5 FEDERAL SALARIES AND EXPENSES

6 For expenses necessary for Federal Salaries and Ex-
 7 penses in the National Nuclear Security Administration,
 8 \$496,400,000, to remain available until September 30,
 9 2024, including official reception and representation ex-
 10 penses not to exceed \$17,000.

11 ENVIRONMENTAL AND OTHER DEFENSE

12 ACTIVITIES

13 DEFENSE ENVIRONMENTAL CLEANUP

14 For Department of Energy expenses, including the
 15 purchase, construction, and acquisition of plant and cap-
 16 ital equipment and other expenses necessary for atomic
 17 energy defense environmental cleanup activities in car-
 18 rying out the purposes of the Department of Energy Orga-
 19 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
 20 sition or condemnation of any real property or any facility
 21 or for plant or facility acquisition, construction, or expan-
 22 sion, \$7,064,084,000, to remain available until expended:
 23 *Provided*, That of such amount, \$317,002,000 shall be
 24 available until September 30, 2024, 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, \$579,000,000, 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, \$1,040,237,000, to remain avail-
21 able until expended: *Provided*, That of such amount,
22 \$331,781,000 shall be available until September 30, 2024,
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 the Umatilla Hatchery Facility project
6 and, in addition, for official reception and representation
7 expenses in an amount not to exceed \$5,000: *Provided*,
8 That during fiscal year 2023, no new direct loan obliga-
9 tions may be made.

10 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
11 ADMINISTRATION

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

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

17 OPERATION AND MAINTENANCE, SOUTHWESTERN
 18 POWER ADMINISTRATION

19 For expenses necessary for operation and mainte-
 20 nance of power transmission facilities and for marketing
 21 electric power and energy, for construction and acquisition
 22 of transmission lines, substations and appurtenant facili-
 23 ties, and for administrative expenses, including official re-
 24 ception and representation expenses in an amount not to
 25 exceed \$1,500 in carrying out section 5 of the Flood Con-

1 trol Act of 1944 (16 U.S.C. 825s), as applied to the
 2 Southwestern Power Administration, \$53,488,000, to re-
 3 main available until expended: *Provided*, That notwith-
 4 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
 5 trol Act of 1944 (16 U.S.C. 825s), up to \$42,880,000 col-
 6 lected by the Southwestern Power Administration from
 7 the sale of power and related services shall be credited to
 8 this account as discretionary offsetting collections, to re-
 9 main available until expended, for the sole purpose of
 10 funding the annual expenses of the Southwestern Power
 11 Administration: *Provided further*, That the sum herein ap-
 12 propriated for annual expenses shall be reduced as collec-
 13 tions are received during the fiscal year so as to result
 14 in a final fiscal year 2023 appropriation estimated at not
 15 more than \$10,608,000: *Provided further*, That notwith-
 16 standing 31 U.S.C. 3302, up to \$70,000,000 collected by
 17 the Southwestern Power Administration pursuant to the
 18 Flood Control Act of 1944 to recover purchase power and
 19 wheeling expenses shall be credited to this account as off-
 20 setting collections, to remain available until expended for
 21 the sole purpose of making purchase power and wheeling
 22 expenditures: *Provided further*, That for purposes of this
 23 appropriation, annual expenses means expenditures that
 24 are generally recovered in the same year that they are in-
 25 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, \$299,573,000, including official reception and rep-
 9 resentation expenses in an amount not to exceed \$1,500,
 10 to remain available until expended, of which \$299,573,000
 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 \$200,841,000 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 2023 appropriation esti-
 25 mated at not more than \$98,732,000, of which

1 \$98,732,000 is derived from the Reclamation Fund: *Pro-*
 2 *vided further*, That notwithstanding 31 U.S.C. 3302, up
 3 to \$350,083,000 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, \$6,330,000, 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 \$6,102,000 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 2023 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 2023, the
14 Administrator of the Western Area Power Administration
15 may accept up to \$1,598,000 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 \$508,400,000, to remain available until expended: *Pro-*
 14 *vided*, That notwithstanding any other provision of law,
 15 not to exceed \$508,400,000 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 2023 so as to result in a
 22 final fiscal year 2023 appropriation from the general fund
 23 estimated at not more than \$0.

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

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

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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 Recommendations"
14 column in the "Department of Energy" table included
15 under the heading "Title III—Department of Energy" in
16 the explanatory statement accompanying this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 SEC. 306. (a) Hereafter, for energy development,
10 demonstration, and deployment programs funded under
11 Department of Energy appropriations (other than those
12 for the National Nuclear Security Administration and Of-
13 fice of Environmental Management) provided for fiscal
14 year 2022, the current fiscal year, or any fiscal year there-
15 after (including by Acts other than appropriations Acts),
16 the Secretary may vest unconditional title or other prop-
17 erty interests acquired under projects in an award recipi-
18 ent, subrecipient, or successor in interest, including the
19 United States, at the conclusion of the award period for
20 projects receiving an initial award in fiscal year 2022 or
21 later.

22 (b) Upon vesting unconditional title pursuant to sub-
23 section (a) in an award recipient, subrecipient, or suc-
24 cessor in interest other than the United States, the United

1 States shall have no liabilities or obligations to the prop-
 2 erty.

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

6 SEC. 307. All unavailable collections currently in the
 7 United States Enrichment Corporation Fund shall be
 8 transferred to and merged with the Uranium Enrichment
 9 Decontamination and Decommissioning Fund and shall be
 10 available only to the extent provided in advance in appro-
 11 priations Acts.

12 SEC. 308. None of the funds made available in this
 13 title may be used to support a grant allocation award, dis-
 14 cretionary grant award, or cooperative agreement that ex-
 15 ceeds \$100,000,000 in Federal funding unless the project
 16 is carried out through internal independent project man-
 17 agement procedures.

18 SEC. 309. Subparagraphs (B) and (C) of section
 19 40401(a)(2) of Public Law 117–58, paragraph (3) of sec-
 20 tion 16512(r) of title 42, United States Code, and section
 21 (l) of section 17013 of title 42, United States Code, shall
 22 not apply for fiscal year 2023.

23 SEC. 310. (a) DEFINITIONS.—In this section:

24 (1) AFFECTED INDIAN TRIBE.—The term “af-
 25 fected Indian tribe” has the meaning given the term

1 in section 2 of the Nuclear Waste Policy Act of 1982
2 (42 U.S.C. 10101).

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

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

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of Energy.

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

17 (b) PILOT PROGRAM.—Notwithstanding any provi-
18 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
19 10101 et seq.), the Secretary is authorized, in the current
20 fiscal year and subsequent fiscal years, to conduct a pilot
21 program to license, construct, and operate one or more
22 Federal consolidated storage facilities to provide interim
23 storage as needed for spent nuclear fuel and high-level ra-
24 dioactive waste, with priority for storage given to spent

1 nuclear fuel located on sites without an operating nuclear
2 reactor.

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

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

10 (2) to demonstrate the safe transportation of
11 spent nuclear fuel and high-level radioactive waste,
12 as applicable; and

13 (3) to demonstrate the safe storage of spent nu-
14 clear fuel and high-level radioactive waste, as appli-
15 cable, at the one or more consolidated storage facili-
16 ties pending the construction and operation of deep
17 geologic disposal capacity for the permanent disposal
18 of the spent nuclear fuel.

19 (d) CONSENT-BASED APPROVAL.—Prior to siting a
20 consolidated storage facility pursuant to this section, the
21 Secretary shall enter into an agreement to host the facility
22 with—

23 (1) the Governor of the State;

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

4 (3) each affected Indian tribe.

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

7 (1) all licensing requirements and regulations of
8 the Nuclear Regulatory Commission; and

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

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

16 (1) an estimate of the cost of licensing, con-
17 structing, and operating a consolidated storage facil-
18 ity, including the transportation costs, on an annual
19 basis, over the expected lifetime of the facility;

20 (2) a schedule for—

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

24 (B) constructing the facility;

1 (C) transporting spent fuel to the facility;

2 and

3 (D) removing the spent fuel and decom-
4 missioning the facility;

5 (3) an estimate of the cost of any financial as-
6 sistance, compensation, or incentives proposed to be
7 paid to the host State, Indian tribe, or local govern-
8 ment;

9 (4) an estimate of any future reductions in the
10 damages expected to be paid by the United States
11 for the delay of the Department of Energy in accept-
12 ing spent fuel expected to result from the pilot pro-
13 gram;

14 (5) recommendations for any additional legisla-
15 tion needed to authorize and implement the pilot
16 program; and

17 (6) recommendations for a mechanism to en-
18 sure that any spent nuclear fuel or high-level radio-
19 active waste stored at a consolidated storage facility
20 pursuant to this section shall move to deep geologic
21 disposal capacity, following a consent-based approval
22 process for that deep geologic disposal capacity con-
23 sistent with subsection (d), within a reasonable time
24 after the issuance of a license to construct and oper-
25 ate the consolidated storage facility.

1 (g) PUBLIC PARTICIPATION.—Prior to choosing a
2 site for the construction of a consolidated storage facility
3 under this section, the Secretary shall conduct one or more
4 public hearings in the vicinity of each potential site and
5 in at least one other location within the State in which
6 the site is located to solicit public comments and rec-
7 ommendations.

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

1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, as amended, notwithstanding 40 U.S.C. 14704, and
7 for expenses necessary for the Federal Co-Chairman and
8 the Alternate on the Appalachian Regional Commission,
9 for payment of the Federal share of the administrative ex-
10 penses of the Commission, including services as authorized
11 by 5 U.S.C. 3109, and hire of passenger motor vehicles,
12 \$200,000,000, to remain available until expended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
14 SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100–456, section 1441, \$41,936,000, to remain
19 available until September 30, 2024.

20 DELTA REGIONAL AUTHORITY
21 SALARIES AND EXPENSES

22 For expenses necessary for the Delta Regional Au-
23 thority and to carry out its activities, as authorized by
24 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 funds shall be available for construction projects for
11 which the Denali Commission is the sole or primary fund-
12 ing source in an amount not to exceed 80 percent of total
13 project cost for distressed communities, as defined by sec-
14 tion 307 of the Denali Commission Act of 1998 (division
15 C, title III, Public Law 105–277), as amended by section
16 701 of appendix D, title VII, Public Law 106–113 (113
17 Stat. 1501A–280), and an amount not to exceed 50 per-
18 cent for non-distressed communities: *Provided further*,
19 That notwithstanding any other provision of law regarding
20 payment of a non-Federal share in connection with a
21 grant-in-aid program, amounts under this heading shall
22 be available for the payment of such a non-Federal share
23 for any project for which the Denali Commission is not
24 the sole or primary funding source, provided that such
25 project is consistent with the purposes of the Commission.

1 NORTHERN BORDER REGIONAL COMMISSION

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

9 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

14 SOUTHWEST BORDER REGIONAL COMMISSION

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

19 NUCLEAR REGULATORY COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary for the Commission in car-
22 rying out the purposes of the Energy Reorganization Act
23 of 1974 and the Atomic Energy Act of 1954,
24 \$911,384,000, including official representation expenses
25 not to exceed \$25,000, to remain available until expended:

1 *Provided*, That of the amount appropriated herein, not
2 more than \$9,500,000 may be made available for salaries,
3 travel, and other support costs for the Office of the Com-
4 mission, to remain available until September 30, 2024:
5 *Provided further*, That revenues from licensing fees, in-
6 spection services, and other services and collections esti-
7 mated at \$777,498,000 in fiscal year 2023 shall be re-
8 tained and used for necessary salaries and expenses in this
9 account, notwithstanding 31 U.S.C. 3302, and shall re-
10 main available until expended: *Provided further*, That the
11 sum herein appropriated shall be reduced by the amount
12 of revenues received during fiscal year 2023 so as to result
13 in a final fiscal year 2023 appropriation estimated at not
14 more than \$133,886,000.

15 OFFICE OF INSPECTOR GENERAL

16 For expenses necessary for the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$15,769,000, to remain available
19 until September 30, 2024: *Provided*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections estimated at \$12,655,000 in fiscal year 2023
22 shall be retained and be available until September 30,
23 2024, for necessary salaries and expenses in this account,
24 notwithstanding section 3302 of title 31, United States
25 Code: *Provided further*, That the sum herein appropriated

1 shall be reduced by the amount of revenues received dur-
 2 ing fiscal year 2023 so as to result in a final fiscal year
 3 2023 appropriation estimated at not more than
 4 \$3,114,000: *Provided further*, That of the amounts appro-
 5 priated under this heading, \$1,520,000 shall be for In-
 6 spector General services for the Defense Nuclear Facilities
 7 Safety Board.

8 NUCLEAR WASTE TECHNICAL REVIEW BOARD

9 SALARIES AND EXPENSES

10 For expenses necessary for the Nuclear Waste Tech-
 11 nical Review Board, as authorized by Public Law 100–
 12 203, section 5051, \$3,945,000, to be derived from the Nu-
 13 clear Waste Fund, to remain available until September 30,
 14 2024.

15 GENERAL PROVISIONS—INDEPENDENT

16 AGENCIES

17 SEC. 401. The Nuclear Regulatory Commission shall
 18 comply with the July 5, 2011, version of Chapter VI of
 19 its Internal Commission Procedures when responding to
 20 Congressional requests for information, consistent with
 21 Department of Justice guidance for all Federal agencies.

22 SEC. 402. (a) The amounts made available by this
 23 title for the Nuclear Regulatory Commission may be re-
 24 programmed for any program, project, or activity, and the
 25 Commission shall notify the Committees on Appropria-

1 tions of both Houses of Congress at least 30 days prior
2 to the use of any proposed reprogramming that would
3 cause any program funding level to increase or decrease
4 by more than \$500,000 or 10 percent, whichever is less,
5 during the time period covered by this Act.

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

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

21 (c) Except as provided in subsections (a), (b), and
22 (d), the amounts made available by this title for “Nuclear
23 Regulatory Commission—Salaries and Expenses” shall be
24 expended as directed in the explanatory statement accom-
25 panying this Act.

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

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

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

TITLE V

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appro-

1 priations Act for any fiscal year, transfer authority ref-
2 erenced in the explanatory statement accompanying this
3 Act, or any authority whereby a department, agency, or
4 instrumentality of the United States Government may
5 provide goods or services to another department, agency,
6 or instrumentality.

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

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

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

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

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

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