

Union Calendar No. 71

117TH CONGRESS
1ST SESSION

H. R. 4549

[Report No. 117-98]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2022, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2021

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

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2022, and for other purposes.

1 construction; for restudy of authorized projects; and for
2 miscellaneous investigations, and, when authorized by law,
3 surveys and detailed studies, and plans and specifications
4 of projects prior to construction, \$155,000,000, to remain
5 available until expended.

6 CONSTRUCTION

7 For expenses necessary for the construction of river
8 and harbor, flood and storm damage reduction, shore pro-
9 tection, aquatic ecosystem restoration, and related
10 projects authorized by law; for conducting detailed studies,
11 and plans and specifications, of such projects (including
12 those involving participation by States, local governments,
13 or private groups) authorized or made eligible for selection
14 by law (but such detailed studies, and plans and specifica-
15 tions, shall not constitute a commitment of the Govern-
16 ment to construction); \$2,591,732,000, to remain avail-
17 able until expended; of which \$100,820,000 shall be de-
18 rived from the Harbor Maintenance Trust Fund to cover
19 the Federal share of construction costs for facilities under
20 the Dredged Material Disposal Facilities program; and of
21 which such sums as are necessary to cover 35 percent of
22 the costs of construction, replacement, rehabilitation, and
23 expansion of inland waterways projects shall be derived
24 from the Inland Waterways Trust Fund, except as other-
25 wise specifically provided for in law.

1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For expenses necessary for flood damage reduction
3 projects and related efforts in the Mississippi River allu-
4 vial valley below Cape Girardeau, Missouri, as authorized
5 by law, \$370,000,000, to remain available until expended,
6 of which \$10,312,000 shall be derived from the Harbor
7 Maintenance Trust Fund to cover the Federal share of
8 eligible operation and maintenance costs for inland har-
9 bors.

10 OPERATION AND MAINTENANCE

11 For expenses necessary for the operation, mainte-
12 nance, and care of existing river and harbor, flood and
13 storm damage reduction, aquatic ecosystem restoration,
14 and related projects authorized by law; providing security
15 for infrastructure owned or operated by the Corps, includ-
16 ing administrative buildings and laboratories; maintaining
17 harbor channels provided by a State, municipality, or
18 other public agency that serve essential navigation needs
19 of general commerce, where authorized by law; surveying
20 and charting northern and northwestern lakes and con-
21 necting waters; clearing and straightening channels; and
22 removing obstructions to navigation, \$4,817,000,000, to
23 remain available until expended, of which \$1,938,160,339
24 shall be derived from the Harbor Maintenance Trust Fund
25 to cover the Federal share of eligible operation and main-

1 tenance costs for coastal harbors and channels, and for
2 inland harbors; of which \$50,000,000, to be derived from
3 the general fund of the Treasury, shall be to carry out
4 subsection (c) of section 2106 of Public Law 113–121; of
5 which such sums as become available from the special ac-
6 count for the Corps of Engineers established by the Land
7 and Water Conservation Fund Act of 1965 shall be de-
8 rived from that account for resource protection, research,
9 interpretation, and maintenance activities related to re-
10 source protection in the areas at which outdoor recreation
11 is available; and of which such sums as become available
12 from fees collected under section 217 of Public Law 104–
13 303 shall be used to cover the cost of operation and main-
14 tenance of the dredged material disposal facilities for
15 which such fees have been collected: *Provided*, That 1 per-
16 cent of the total amount of funds provided for each of the
17 programs, projects, or activities funded under this heading
18 shall not be allocated to a field operating activity prior
19 to the beginning of the fourth quarter of the fiscal year
20 and shall be available for use by the Chief of Engineers
21 to fund such emergency activities as the Chief of Engi-
22 neers determines to be necessary and appropriate, and
23 that the Chief of Engineers shall allocate during the
24 fourth quarter any remaining funds which have not been
25 used for emergency activities proportionally in accordance

1 with the amounts provided for the programs, projects, or
2 activities.

3 REGULATORY PROGRAM

4 For expenses necessary for administration of laws
5 pertaining to regulation of navigable waters and wetlands,
6 \$212,000,000, to remain available until September 30,
7 2023.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

9 For expenses necessary to clean up contamination
10 from sites in the United States resulting from work per-
11 formed as part of the Nation's early atomic energy pro-
12 gram, \$250,000,000, to remain available until expended.

13 FLOOD CONTROL AND COASTAL EMERGENCIES

14 For expenses necessary to prepare for flood, hurri-
15 cane, and other natural disasters and support emergency
16 operations, repairs, and other activities in response to
17 such disasters as authorized by law, \$35,000,000, to re-
18 main available until expended.

19 EXPENSES

20 For expenses necessary for the supervision and gen-
21 eral administration of the civil works program in the head-
22 quarters of the Corps of Engineers and the offices of the
23 Division Engineers; and for costs of management and op-
24 eration of the Humphreys Engineer Center Support Activ-
25 ity, the Institute for Water Resources, the United States

1 Army Engineer Research and Development Center, and
2 the United States Army Corps of Engineers Finance Cen-
3 ter allocable to the civil works program, \$208,000,000, to
4 remain available until September 30, 2023, of which not
5 to exceed \$5,000 may be used for official reception and
6 representation purposes and only during the current fiscal
7 year: *Provided*, That no part of any other appropriation
8 provided in this title shall be available to fund the civil
9 works activities of the Office of the Chief of Engineers
10 or the civil works executive direction and management ac-
11 tivities of the division offices: *Provided further*, That any
12 Flood Control and Coastal Emergencies appropriation
13 may be used to fund the supervision and general adminis-
14 tration of emergency operations, repairs, and other activi-
15 ties in response to any flood, hurricane, or other natural
16 disaster.

17 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
18 FOR CIVIL WORKS

19 For the Office of the Assistant Secretary of the Army
20 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
21 \$5,000,000, to remain available until September 30, 2023:
22 *Provided*, That not more than 75 percent of such amount
23 may be obligated or expended until the Assistant Sec-
24 retary submits to the Committees on Appropriations of
25 both Houses of Congress a work plan that allocates at

1 least 95 percent of the additional funding provided under
2 each heading in this title, as designated under such head-
3 ing in the report accompanying this Act, to specific pro-
4 grams, projects, or activities.

5 WATER INFRASTRUCTURE FINANCE AND INNOVATION
6 PROGRAM

7 For the cost of direct loans and for the cost of guar-
8 anteed loans, as authorized by the Water Infrastructure
9 Finance and Innovation Act of 2014, \$5,700,000, to re-
10 main available until expended, for safety projects to main-
11 tain, upgrade, and repair dams identified in the National
12 Inventory of Dams with a primary owner type of state,
13 local government, public utility, or private: *Provided*, That
14 no project may be funded with amounts provided under
15 this heading for a dam that is identified as jointly owned
16 in the National Inventory of Dams and where one of those
17 joint owners is the Federal Government: *Provided further*,
18 That such costs, including the cost of modifying such
19 loans, shall be as defined in section 502 of the Congres-
20 sional Budget Act of 1974: *Provided further*, That these
21 funds are available to subsidize gross obligations for the
22 principal amount of direct loans, including capitalized in-
23 terest, and total loan principal, including capitalized inter-
24 est, any part of which is to be guaranteed, not to exceed
25 \$570,000,000: *Provided further*, That within 15 days of

1 enactment of this Act, the Secretary, in consultation with
2 the Office of Management and Budget, shall transmit a
3 report to the Committees on Appropriations of the House
4 of Representatives and the Senate that provides: (1) an
5 analysis of how subsidy rates will be determined for loans
6 financed by appropriations provided under this heading in
7 this Act; (2) a comparison of the factors that will be con-
8 sidered in estimating subsidy rates for loans financed
9 under this heading in this Act with factors that will be
10 considered in estimates of subsidy rates for other projects
11 authorized by the Water Infrastructure Finance and Inno-
12 vation Act of 2014, including an analysis of how both sets
13 of rates will be determined; and (3) an analysis of the
14 process for developing draft regulations for the Water In-
15 frastructure Finance and Innovation program, including
16 a crosswalk from the statutory requirements for such pro-
17 gram, and a timetable for publishing such regulations:
18 *Provided further*, That the use of direct loans or loan guar-
19 antee authority under this heading for direct loans or com-
20 mitments to guarantee loans for any project shall be in
21 accordance with the criteria published in the Federal Reg-
22 ister on June 30, 2020 (85 FR 39189) pursuant to the
23 fourth proviso under the heading “Water Infrastructure
24 Finance and Innovation Program Account” in division D
25 of the Further Consolidated Appropriations Act, 2020

1 (Public Law 116–94): *Provided further*, That none of the
2 direct loans or loan guarantee authority made available
3 under this heading shall be available for any project unless
4 the Secretary and the Director of the Office of Manage-
5 ment and Budget have certified in advance in writing that
6 the direct loan or loan guarantee, as applicable, and the
7 project comply with the criteria referenced in the previous
8 proviso: *Provided further*, That any references to the Envi-
9 ronmental Protection Agency (EPA) or the Administrator
10 in the criteria referenced in the previous two provisos shall
11 be deemed to be references to the Army Corps of Engi-
12 neers or the Secretary of the Army, respectively, for pur-
13 poses of the direct loans or loan guarantee authority made
14 available under this heading: *Provided further*, That for
15 the purposes of carrying out the Congressional Budget Act
16 of 1974, the Director of the Congressional Budget Office
17 may request, and the Secretary shall promptly provide,
18 documentation and information relating to a project iden-
19 tified in a Letter of Interest submitted to the Secretary
20 pursuant to a Notice of Funding Availability for applica-
21 tions for credit assistance under the Water Infrastructure
22 Finance and Innovation Act Program, including with re-
23 spect to a project that was initiated or completed before
24 the date of enactment of this Act.

1 In addition, fees authorized to be collected pursuant
2 to sections 5029 and 5030 of the Water Infrastructure
3 Finance and Innovation Act of 2014 shall be deposited
4 in this account, to remain available until expended.

5 In addition, for administrative expenses to carry out
6 the direct and guaranteed loan programs, \$8,500,000, to
7 remain available until September 30, 2023.

8 GENERAL PROVISIONS—CORPS OF
9 ENGINEERS—CIVIL

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 101. (a) None of the funds provided in title I
12 of this Act, or provided by previous appropriations Acts
13 to the agencies or entities funded in title I of this Act
14 that remain available for obligation or expenditure in fiscal
15 year 2022, shall be available for obligation or expenditure
16 through a reprogramming of funds that:

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

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

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

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

5 (5) augments or reduces existing programs,
6 projects, or activities in excess of the amounts con-
7 tained in paragraphs (6) through (10), unless prior
8 approval is received from the Committees on Appro-
9 priations of both Houses of Congress;

10 (6) INVESTIGATIONS.—For a base level over
11 \$100,000, reprogramming of 25 percent of the base
12 amount up to a limit of \$150,000 per project, study
13 or activity is allowed: Provided, That for a base level
14 less than \$100,000, the reprogramming limit is
15 \$25,000: Provided further, That up to \$25,000 may
16 be reprogrammed into any continuing study or activ-
17 ity that did not receive an appropriation for existing
18 obligations and concomitant administrative expenses;

19 (7) CONSTRUCTION.—For a base level over
20 \$2,000,000, reprogramming of 15 percent of the
21 base amount up to a limit of \$3,000,000 per project,
22 study or activity is allowed: Provided, That for a
23 base level less than \$2,000,000, the reprogramming
24 limit is \$300,000: Provided further, That up to
25 \$3,000,000 may be reprogrammed for settled con-

1 tractor claims, changed conditions, or real estate de-
2 ficiency judgments: Provided further, That up to
3 \$300,000 may be reprogrammed into any continuing
4 study or activity that did not receive an appropria-
5 tion for existing obligations and concomitant admin-
6 istrative expenses;

7 (8) OPERATION AND MAINTENANCE.—

8 Unlimited reprogramming authority is granted for
9 the Corps to be able to respond to emergencies: Pro-
10 vided, That the Chief of Engineers shall notify the
11 Committees on Appropriations of both Houses of
12 Congress of these emergency actions as soon there-
13 after as practicable: Provided further, That for a
14 base level over \$1,000,000, reprogramming of 15
15 percent of the base amount up to a limit of
16 \$5,000,000 per project, study, or activity is allowed:
17 Provided further, That for a base level less than
18 \$1,000,000, the reprogramming limit is \$150,000:
19 Provided further, That \$150,000 may be repro-
20 grammed into any continuing study or activity that
21 did not receive an appropriation;

22 (9) MISSISSIPPI RIVER AND TRIBU-

23 TARIES.—The reprogramming guidelines in para-
24 graphs (6), (7), and (8) shall apply to the Investiga-
25 tions, Construction, and Operation and Maintenance

1 portions of the Mississippi River and Tributaries Ac-
2 count, respectively; and

3 (10) FORMERLY UTILIZED SITES REME-
4 DIAL ACTION PROGRAM.— Reprogramming of
5 up to 15 percent of the base of the receiving project
6 is permitted.

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

11 (c) CONTINUING AUTHORITIES PROGRAM.—
12 Subsection (a)(1) shall not apply to any project or activity
13 funded under the continuing authorities program.

14 (d) Not later than 60 days after the date of enact-
15 ment of this Act, the Secretary shall submit a report to
16 the Committees on Appropriations of both Houses of Con-
17 gress to establish the baseline for application of re-
18 programming and transfer authorities for the current fis-
19 cal year which shall include:

20 (1) A table for each appropriation with a sepa-
21 rate column to display the President's budget re-
22 quest, adjustments made by Congress, adjustments
23 due to enacted rescissions, if applicable, and the fis-
24 cal year enacted level; and

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

5 (3) An identification of items of special congres-
6 sional interest.

7 SEC. 102. The Secretary shall allocate funds made
8 available in this title solely in accordance with the provi-
9 sions of this Act and the report accompanying this Act.

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

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

23 SEC. 105. None of the funds in this Act shall be used
24 for an open lake placement alternative for dredged mate-
25 rial, after evaluating the least costly, environmentally ac-

1 ceptable manner for the disposal or management of
2 dredged material originating from Lake Erie or tributaries
3 thereto, unless it is certified under a State water quality
4 certification pursuant to section 401 of the Federal Water
5 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
6 until an open lake placement alternative for dredged mate-
7 rial is certified under a State water quality certification,
8 the Corps of Engineers shall continue upland placement
9 of such dredged material consistent with the requirements
10 of section 101 of the Water Resources Development Act
11 of 1986 (33 U.S.C. 2211).

12 SEC. 106. None of the funds made available by this
13 Act may be used to carry out any water supply reallocation
14 study under the Wolf Creek Dam, Lake Cumberland, Ken-
15 tucky, project authorized under the Act of July 24, 1946
16 (60 Stat. 636, ch. 595).

17 SEC. 107. None of the funds made available by this
18 Act or any other Act may be used to reorganize or to
19 transfer the Civil Works functions or authority of the
20 Corps of Engineers or the Secretary of the Army to an-
21 other department or agency.

22 SEC. 108. Additional funding provided in this Act
23 shall be allocated only to projects determined to be eligible
24 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, \$20,000,000, 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, 2023, 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 2022, 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, \$1,792,000,000, 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 \$40,000,000 shall be available for transfer into the Black-
18 feet Water Settlement Implementation Fund established
19 by section 3717 of Public Law 114–322: *Provided further*,
20 That \$1,000,000 shall be available for transfer into the
21 Aging Infrastructure Account established by section
22 9603(d)(1) of the Omnibus Public Land Management Act
23 of 2009, as amended (43 U.S.C. 510b(d)(1)): *Provided*
24 *further*, That such transfers, except for the transfer au-
25 thorized by the preceding proviso, may be increased or de-

1 creased within the overall appropriation under this head-
2 ing: *Provided further*, That of the total appropriated, the
3 amount for program activities that can be financed by the
4 Reclamation Fund, the Water Storage Enhancement Re-
5 ceipts account established by section 4011(e) of Public
6 Law 114–322, or the Bureau of Reclamation special fee
7 account established by 16 U.S.C. 6806 shall be derived
8 from that Fund or account: *Provided further*, That funds
9 contributed under 43 U.S.C. 395 are available until ex-
10 pended for the purposes for which the funds were contrib-
11 uted: *Provided further*, That funds advanced under 43
12 U.S.C. 397a shall be credited to this account and are
13 available until expended for the same purposes as the
14 sums appropriated under this heading: *Provided further*,
15 That of the amounts made available under this heading,
16 \$10,000,000 shall be deposited in the San Gabriel Basin
17 Restoration Fund established by section 110 of title I of
18 appendix D of Public Law 106–554: *Provided further*,
19 That of the amounts provided herein, funds may be used
20 for high-priority projects which shall be carried out by the
21 Youth Conservation Corps, as authorized by 16 U.S.C.
22 1706.

23 CENTRAL VALLEY PROJECT RESTORATION FUND

24 For carrying out the programs, projects, plans, habi-
25 tat restoration, improvement, and acquisition provisions of

1 the Central Valley Project Improvement Act, \$56,499,000,
2 to be derived from such sums as may be collected in the
3 Central Valley Project Restoration Fund pursuant to sec-
4 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
5 102–575, to remain available until expended: *Provided*,
6 That the Bureau of Reclamation is directed to assess and
7 collect the full amount of the additional mitigation and
8 restoration payments authorized by section 3407(d) of
9 Public Law 102–575: *Provided further*, That none of the
10 funds made available under this heading may be used for
11 the acquisition or leasing of water for in-stream purposes
12 if the water is already committed to in-stream purposes
13 by a court adopted decree or order.

14 CALIFORNIA BAY-DELTA RESTORATION

15 (INCLUDING TRANSFERS OF FUNDS)

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

1 *ther*, That CALFED implementation shall be carried out
2 in a balanced manner with clear performance measures
3 demonstrating concurrent progress in achieving the goals
4 and objectives of the Program.

5 POLICY AND ADMINISTRATION

6 For expenses necessary for policy, administration,
7 and related functions in the Office of the Commissioner,
8 the Denver office, and offices in the six regions of the Bu-
9 reau of Reclamation, to remain available until September
10 30, 2023, \$64,400,000, to be derived from the Reclama-
11 tion Fund and be nonreimbursable as provided in 43
12 U.S.C. 377: *Provided*, That no part of any other appro-
13 priation in this Act shall be available for activities or func-
14 tions budgeted as policy and administration expenses.

15 ADMINISTRATIVE PROVISION

16 Appropriations for the Bureau of Reclamation shall
17 be available for purchase and replacement of not to exceed
18 30 motor vehicles, which are for replacement only.

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 2022, 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 “House Recommended” columns in the
2 “Water and Related Resources” table included under the
3 heading “Title II—Department of the Interior” in the re-
4 port accompanying this Act.

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

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

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

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

12 SEC. 203. Section 9504(e) of the Omnibus Public
13 Land Management Act of 2009 (Public Law 111–11; 42
14 U.S.C. 10364(e)) is amended by striking “\$610,000,000”
15 and inserting “\$730,000,000”.

16 SEC. 204. Title I of Public Law 108–361 (the
17 CALFED Bay-Delta Authorization Act) (118 Stat. 1681)
18 is amended by striking “2021” each place it appears and
19 inserting “2022”.

20 SEC. 205. Section 9106(g)(2) of Public Law 111–11
21 (Omnibus Public Land Management Act of 2009) is
22 amended by striking “2021” and inserting “2022”.

23 SEC. 206. (a) Section 104(c) of the Reclamation
24 States Emergency Drought Relief Act of 1991 (Public

1 Law 102–250; 43 U.S.C. 2214(c)) is amended by striking
2 “2021” and inserting “2022”.

3 (b) Section 301 of the Reclamation States Emergency
4 Drought Relief Act of 1991 (Public Law 102–250; 43
5 U.S.C. 2241) is amended by striking “2021” and insert-
6 ing “2022”.

7 SEC. 207. Section 1101(d) of the Reclamation
8 Projects Authorization and Adjustment Act of 1992 (Pub-
9 lic Law 102–575) is amended by striking “\$10,000,000”
10 and inserting “\$13,000,000”.

11 SEC. 208. None of the funds provided in this Act may
12 be used for the Shasta Dam and Reservoir Enlargement
13 Project.

14 TITLE III

15 DEPARTMENT OF ENERGY

16 ENERGY PROGRAMS

17 ENERGY EFFICIENCY AND RENEWABLE ENERGY

18 For Department of Energy expenses including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment, and other expenses necessary for energy
21 efficiency and renewable energy 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 \$3,768,000,000, to remain available until expended: *Pro-*
2 *vided*, That of such amount, \$230,000,000 shall be avail-
3 able until September 30, 2023, for program direction.

4 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
5 RESPONSE

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 energy
9 sector cybersecurity, energy security, and emergency re-
10 sponse activities in carrying out the purposes of the De-
11 partment of Energy Organization Act (42 U.S.C. 7101 et
12 seq.), including the acquisition or condemnation of any
13 real property or any facility or for plant or facility acquisi-
14 tion, construction, or expansion, \$177,000,000, to remain
15 available until expended: *Provided*, That of such amount,
16 \$15,000,000 shall be available until September 30, 2023,
17 for program direction.

18 ELECTRICITY

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

1 tion, construction, or expansion, \$267,000,000, to remain
2 available until expended: *Provided*, That of such amount,
3 \$20,000,000 shall be available until September 30, 2023,
4 for program direction.

5 NUCLEAR ENERGY

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 nuclear
9 energy activities in carrying out the purposes of the De-
10 partment of Energy Organization Act (42 U.S.C. 7101 et
11 seq.), including the acquisition or condemnation of any
12 real property or any facility or for plant or facility acquisi-
13 tion, construction, or expansion, \$1,675,000,000, to re-
14 main available until expended: *Provided*, That of such
15 amount, \$85,000,000 shall be available until September
16 30, 2023, for program direction.

17 FOSSIL ENERGY AND CARBON MANAGEMENT

18 For Department of Energy expenses necessary in car-
19 rying out fossil energy and carbon management research
20 and development activities, under the authority of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including the acquisition of interest, including defea-
23 sible and equitable interests in any real property or any
24 facility or for plant or facility acquisition or expansion,
25 and for conducting inquiries, technological investigations

1 and research concerning the extraction, processing, use,
2 and disposal of mineral substances without objectionable
3 social and environmental costs (30 U.S.C. 3, 1602, and
4 1603), \$820,000,000, to remain available until expended:
5 *Provided*, That of such amount \$65,800,000 shall be avail-
6 able until September 30, 2023, for program direction.

7 NAVAL PETROLEUM AND OIL SHALE RESERVES

8 For Department of Energy expenses necessary to
9 carry out naval petroleum and oil shale reserve activities,
10 \$13,650,000, to remain available until expended: *Pro-*
11 *vided*, That notwithstanding any other provision of law,
12 unobligated funds remaining from prior years shall be
13 available for all naval petroleum and oil shale reserve ac-
14 tivities.

15 STRATEGIC PETROLEUM RESERVE

16 For Department of Energy expenses necessary for
17 Strategic Petroleum Reserve facility development and op-
18 erations and program management activities pursuant to
19 the Energy Policy and Conservation Act (42 U.S.C. 6201
20 et seq.), \$197,000,000, to remain available until expended.

21 SPR PETROLEUM ACCOUNT

22 For the acquisition, transportation, and injection of
23 petroleum products, and for other necessary expenses pur-
24 suant to the Energy Policy and Conservation Act of 1975,
25 as amended (42 U.S.C. 6201 et seq.), sections 403 and

1 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
2 6241, 6239 note), and section 5010 of the 21st Century
3 Cures Act (Public Law 114–255), \$7,350,000, to remain
4 available until expended.

5 NORTHEAST HOME HEATING OIL RESERVE

6 For Department of Energy expenses necessary for
7 Northeast Home Heating Oil Reserve storage, operation,
8 and management activities pursuant to the Energy Policy
9 and Conservation Act (42 U.S.C. 6201 et seq.),
10 \$6,500,000, to remain available until expended.

11 ENERGY INFORMATION ADMINISTRATION

12 For Department of Energy expenses necessary in car-
13 rying out the activities of the Energy Information Admin-
14 istration, \$129,087,000, to remain available until ex-
15 pended.

16 NON-DEFENSE ENVIRONMENTAL CLEANUP

17 For Department of Energy expenses, including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment and other expenses necessary for non-de-
20 fense environmental cleanup activities in carrying out the
21 purposes of the Department of Energy Organization Act
22 (42 U.S.C. 7101 et seq.), including the acquisition or con-
23 demnation of any real property or any facility or for plant
24 or facility acquisition, construction, or expansion,
25 \$333,863,000, to remain available until expended: *Pro-*

1 *vided*, That in addition, fees collected pursuant to sub-
2 section (b)(1) of section 6939f of title 42, United States
3 Code, and deposited under this heading in fiscal year 2022
4 pursuant to section 309 of title III of division C of Public
5 Law 116–94 are appropriated, to remain available until
6 expended, for mercury storage costs.

7 URANIUM ENRICHMENT DECONTAMINATION AND
8 DECOMMISSIONING FUND

9 For Department of Energy expenses necessary in car-
10 rying out uranium enrichment facility decontamination
11 and decommissioning, remedial actions, and other activi-
12 ties of title II of the Atomic Energy Act of 1954, and
13 title X, subtitle A, of the Energy Policy Act of 1992,
14 \$831,340,000, to be derived from the Uranium Enrich-
15 ment Decontamination and Decommissioning Fund, to re-
16 main available until expended, of which \$28,000,000 shall
17 be available in accordance with title X, subtitle A, of the
18 Energy Policy Act of 1992.

19 SCIENCE

20 For Department of Energy expenses including the
21 purchase, construction, and acquisition of plant and cap-
22 ital equipment, and other expenses necessary for science
23 activities in carrying out the purposes of the Department
24 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
25 cluding the acquisition or condemnation of any real prop-

1 erty or any facility or for plant or facility acquisition, con-
2 struction, or expansion, and purchase of not more than
3 35 passenger motor vehicles, including one ambulance, for
4 replacement only, \$7,320,000,000, to remain available
5 until expended: *Provided*, That of such amount,
6 \$202,000,000 shall be available until September 30, 2023,
7 for program direction.

8 NUCLEAR WASTE DISPOSAL

9 For Department of Energy expenses necessary for
10 nuclear waste disposal activities to carry out the purposes
11 of the Nuclear Waste Policy Act of 1982, Public Law 97–
12 425, as amended, including interim storage activities,
13 \$27,500,000, to remain available until expended, of which
14 \$7,500,000 shall be derived from the Nuclear Waste
15 Fund.

16 TECHNOLOGY TRANSITIONS

17 For Department of Energy expenses necessary for
18 carrying out the activities of technology transitions,
19 \$19,470,000, to remain available until expended: *Pro-*
20 *vided*, That of such amount, \$8,375,000 shall be available
21 until September 30, 2023, for program direction.

22 CLEAN ENERGY DEMONSTRATIONS

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

1 September 30, 2023: *Provided further*, That up to
2 \$32,000,000 of fees collected in fiscal year 2022 pursuant
3 to section 1702(h) of the Energy Policy Act of 2005 shall
4 be credited as offsetting collections under this heading and
5 used for necessary administrative expenses in this appro-
6 priation and shall remain available until September 30,
7 2023: *Provided further*, That to the extent that fees col-
8 lected in fiscal year 2022 exceed \$32,000,000, those ex-
9 cess amounts shall be credited as offsetting collections
10 under this heading and available in future fiscal years only
11 to the extent provided in advance in appropriations Acts:
12 *Provided further*, That the sum herein appropriated from
13 the general fund shall be reduced (1) as such fees are re-
14 ceived during fiscal year 2022 (estimated at \$3,000,000)
15 and (2) to the extent that any remaining general fund ap-
16 propriations can be derived from fees collected in previous
17 fiscal years that are not otherwise appropriated, so as to
18 result in a final fiscal year 2022 appropriation from the
19 general fund estimated at \$0: *Provided further*, That the
20 Department of Energy shall not subordinate any loan obli-
21 gation to other financing in violation of section 1702 of
22 the Energy Policy Act of 2005 or subordinate any Guarant-
23 eed Obligation to any loan or other debt obligations in
24 violation of section 609.10 of title 10, Code of Federal
25 Regulations.

1 hire of passenger motor vehicles and official reception and
2 representation expenses not to exceed \$30,000, plus such
3 additional amounts as necessary to cover increases in the
4 estimated amount of cost of work for others notwith-
5 standing the provisions of the Anti-Deficiency Act (31
6 U.S.C. 1511 et seq.): *Provided*, That such increases in
7 cost of work are offset by revenue increases of the same
8 or greater amount: *Provided further*, That moneys received
9 by the Department for miscellaneous revenues estimated
10 to total \$100,578,000 in fiscal year 2022 may be retained
11 and used for operating expenses within this account, as
12 authorized by section 201 of Public Law 95–238, notwith-
13 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
14 *ther*, That the sum herein appropriated shall be reduced
15 as collections are received during the fiscal year so as to
16 result in a final fiscal year 2022 appropriation from the
17 general fund estimated at not more than \$272,000,000.

18 OFFICE OF THE INSPECTOR GENERAL

19 For expenses necessary for the Office of the Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$78,000,000, to remain available
22 until September 30, 2023.

1 ATOMIC ENERGY DEFENSE ACTIVITIES

2 NATIONAL NUCLEAR SECURITY

3 ADMINISTRATION

4 WEAPONS ACTIVITIES

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 atomic energy defense weapons 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 and the purchase of not to exceed one ambulance, for re-
14 placement only, \$15,484,295,000, to remain available
15 until expended: *Provided*, That of such amount,
16 \$117,060,000 shall be available until September 30, 2023,
17 for program direction.

18 DEFENSE NUCLEAR NONPROLIFERATION

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

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for atomic
7 energy defense environmental cleanup activities in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
10 sition or condemnation of any real property or any facility
11 or for plant or facility acquisition, construction, or expan-
12 sion, and the purchase of not to exceed one passenger
13 minivan for replacement only, \$6,592,000,000, to remain
14 available until expended: *Provided*, That of such amount,
15 \$300,207,000 shall be available until September 30, 2023,
16 for program direction.

17 DEFENSE URANIUM ENRICHMENT DECONTAMINATION
18 AND DECOMMISSIONING

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for atomic energy defense
21 environmental cleanup activities for Department of En-
22 ergy contributions for uranium enrichment decontamina-
23 tion and decommissioning activities, \$831,340,000, to be
24 deposited into the Defense Environmental Cleanup ac-

1 count, which shall be transferred to the Uranium Enrich-
2 ment Decontamination and Decommissioning Fund.

3 OTHER DEFENSE ACTIVITIES

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses, necessary for atomic
7 energy defense, other defense activities, and classified ac-
8 tivities, in carrying out the purposes of the Department
9 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
10 cluding the acquisition or condemnation of any real prop-
11 erty or any facility or for plant or facility acquisition, con-
12 struction, or expansion, \$932,000,000, to remain available
13 until expended: *Provided*, That of such amount,
14 \$317,636,000 shall be available until September 30, 2023,
15 for program direction.

16 POWER MARKETING ADMINISTRATIONS

17 BONNEVILLE POWER ADMINISTRATION FUND

18 Expenditures from the Bonneville Power Administra-
19 tion Fund, established pursuant to Public Law 93-454,
20 are approved for the Umatilla Hatchery Facility project
21 and, in addition, for official reception and representation
22 expenses in an amount not to exceed \$5,000: *Provided*,
23 That during fiscal year 2022, no new direct loan obliga-
24 tions may be made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For expenses necessary for operation and mainte-
4 nance of power transmission facilities and for marketing
5 electric power and energy, including transmission wheeling
6 and ancillary services, pursuant to section 5 of the Flood
7 Control Act of 1944 (16 U.S.C. 825s), as applied to the
8 southeastern power area, \$7,184,000, including official re-
9 ception and representation expenses in an amount not to
10 exceed \$1,500, to remain available until expended: *Pro-*
11 *vided*, That notwithstanding 31 U.S.C. 3302 and section
12 5 of the Flood Control Act of 1944, up to \$7,184,000 col-
13 lected by the Southeastern Power Administration from the
14 sale of power and related services shall be credited to this
15 account as discretionary offsetting collections, to remain
16 available until expended for the sole purpose of funding
17 the annual expenses of the Southeastern Power Adminis-
18 tration: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2022 appropriation estimated at not more than
22 \$0: *Provided further*, That notwithstanding 31 U.S.C.
23 3302, up to \$53,000,000 collected by the Southeastern
24 Power Administration pursuant to the Flood Control Act
25 of 1944 to recover purchase power and wheeling expenses

1 shall be credited to this account as offsetting collections,
2 to remain available until expended for the sole purpose
3 of making purchase power and wheeling expenditures:
4 *Provided further*, That for purposes of this appropriation,
5 annual expenses means expenditures that are generally re-
6 covered in the same year that they are incurred (excluding
7 purchase power and wheeling expenses).

8 OPERATION AND MAINTENANCE, SOUTHWESTERN
9 POWER ADMINISTRATION

10 For expenses necessary for operation and mainte-
11 nance of power transmission facilities and for marketing
12 electric power and energy, for construction and acquisition
13 of transmission lines, substations and appurtenant facili-
14 ties, and for administrative expenses, including official re-
15 ception and representation expenses in an amount not to
16 exceed \$1,500 in carrying out section 5 of the Flood Con-
17 trol Act of 1944 (16 U.S.C. 825s), as applied to the
18 Southwestern Power Administration, \$48,324,000, to re-
19 main available until expended: *Provided*, That notwith-
20 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
21 trol Act of 1944 (16 U.S.C. 825s), up to \$37,924,000 col-
22 lected by the Southwestern Power Administration from
23 the sale of power and related services shall be credited to
24 this account as discretionary offsetting collections, to re-
25 main available until expended, for the sole purpose of

1 funding the annual expenses of the Southwestern Power
2 Administration: *Provided further*, That the sum herein ap-
3 propriated for annual expenses shall be reduced as collec-
4 tions are received during the fiscal year so as to result
5 in a final fiscal year 2022 appropriation estimated at not
6 more than \$10,400,000: *Provided further*, That notwith-
7 standing 31 U.S.C. 3302, up to \$18,000,000 collected by
8 the Southwestern Power Administration pursuant to the
9 Flood Control Act of 1944 to recover purchase power and
10 wheeling expenses shall be credited to this account as off-
11 setting collections, to remain available until expended for
12 the sole purpose of making purchase power and wheeling
13 expenditures: *Provided further*, That for purposes of this
14 appropriation, annual expenses means expenditures that
15 are generally recovered in the same year that they are in-
16 curred (excluding purchase power and wheeling expenses).

17 CONSTRUCTION, REHABILITATION, OPERATION AND
18 MAINTENANCE, WESTERN AREA POWER ADMINIS-
19 TRATION

20 For carrying out the functions authorized by title III,
21 section 302(a)(1)(E) of the Act of August 4, 1977 (42
22 U.S.C. 7152), and other related activities including con-
23 servation and renewable resources programs as author-
24 ized, \$285,237,000, including official reception and rep-
25 resentation expenses in an amount not to exceed \$1,500,

1 to remain available until expended, of which \$285,237,000
2 shall be derived from the Department of the Interior Rec-
3 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
4 3302, section 5 of the Flood Control Act of 1944 (16
5 U.S.C. 825s), and section 1 of the Interior Department
6 Appropriation Act, 1939 (43 U.S.C. 392a), up to
7 \$194,465,000 collected by the Western Area Power Ad-
8 ministration from the sale of power and related services
9 shall be credited to this account as discretionary offsetting
10 collections, to remain available until expended, for the sole
11 purpose of funding the annual expenses of the Western
12 Area Power Administration: *Provided further*, That the
13 sum herein appropriated for annual expenses shall be re-
14 duced as collections are received during the fiscal year so
15 as to result in a final fiscal year 2022 appropriation esti-
16 mated at not more than \$90,772,000, of which
17 \$90,772,000 is derived from the Reclamation Fund: *Pro-*
18 *vided further*, That notwithstanding 31 U.S.C. 3302, up
19 to \$170,000,000 collected by the Western Area Power Ad-
20 ministration pursuant to the Flood Control Act of 1944
21 and the Reclamation Project Act of 1939 to recover pur-
22 chase power and wheeling expenses shall be credited to
23 this account as offsetting collections, to remain available
24 until expended for the sole purpose of making purchase
25 power and wheeling expenditures: *Provided further*, That

1 for purposes of this appropriation, annual expenses means
2 expenditures that are generally recovered in the same year
3 that they are incurred (excluding purchase power and
4 wheeling expenses).

5 FALCON AND AMISTAD OPERATING AND MAINTENANCE
6 FUND

7 For operation, maintenance, and emergency costs for
8 the hydroelectric facilities at the Falcon and Amistad
9 Dams, \$5,808,000, to remain available until expended,
10 and to be derived from the Falcon and Amistad Operating
11 and Maintenance Fund of the Western Area Power Ad-
12 ministration, as provided in section 2 of the Act of June
13 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
14 the provisions of that Act and of 31 U.S.C. 3302, up to
15 \$5,580,000 collected by the Western Area Power Adminis-
16 tration from the sale of power and related services from
17 the Falcon and Amistad Dams shall be credited to this
18 account as discretionary offsetting collections, to remain
19 available until expended for the sole purpose of funding
20 the annual expenses of the hydroelectric facilities of these
21 Dams and associated Western Area Power Administration
22 activities: *Provided further*, That the sum herein appro-
23 priated for annual expenses shall be reduced as collections
24 are received during the fiscal year so as to result in a final
25 fiscal year 2022 appropriation estimated at not more than

1 \$228,000: *Provided further*, That for purposes of this ap-
2 propriation, annual expenses means expenditures that are
3 generally recovered in the same year that they are in-
4 curred: *Provided further*, That for fiscal year 2022, the
5 Administrator of the Western Area Power Administration
6 may accept up to \$1,737,000 in funds contributed by
7 United States power customers of the Falcon and Amistad
8 Dams for deposit into the Falcon and Amistad Operating
9 and Maintenance Fund, and such funds shall be available
10 for the purpose for which contributed in like manner as
11 if said sums had been specifically appropriated for such
12 purpose: *Provided further*, That any such funds shall be
13 available without further appropriation and without fiscal
14 year limitation for use by the Commissioner of the United
15 States Section of the International Boundary and Water
16 Commission for the sole purpose of operating, maintain-
17 ing, repairing, rehabilitating, replacing, or upgrading the
18 hydroelectric facilities at these Dams in accordance with
19 agreements reached between the Administrator, Commis-
20 sioner, and the power customers.

21 FEDERAL ENERGY REGULATORY COMMISSION

22 SALARIES AND EXPENSES

23 For expenses necessary for the Federal Energy Regu-
24 latory Commission to carry out the provisions of the De-
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 tivity if the program, project, or activity has not been
2 funded by Congress.

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

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

9 (B) make or modify a discretionary contract
10 award or Other Transaction Agreement totaling
11 \$1,000,000 or more, including a contract covered by
12 the Federal Acquisition Regulation;

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

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

19 (2) The Secretary of Energy shall submit directly to
20 the Committees on Appropriations of both Houses of Con-
21 gress within 15 days of the conclusion of each quarter a
22 report detailing each grant allocation or discretionary
23 grant award totaling less than \$1,000,000 provided or
24 modified during the previous quarter.

1 (3) The notification required by paragraph (1) and
2 the report required by paragraph (2) shall include the re-
3 cipient of the award, the amount of the award, the fiscal
4 year for which the funds for the award were appropriated,
5 the account and program, project, or activity from which
6 the funds are being drawn, the title of the award, and
7 a brief description of the activity for which the award is
8 made.

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

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

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

24 (d) Except as provided in subsections (e), (f), and (g),
25 the amounts made available by this title shall be expended

1 as authorized by law for the programs, projects, and ac-
2 tivities specified in the “Bill” column in the “Department
3 of Energy” table included under the heading “Title III—
4 Department of Energy” in the report accompanying this
5 Act.

6 (e) The amounts made available by this title may be
7 reprogrammed for any program, project, or activity, and
8 the Department shall notify the Committees on Appropria-
9 tions of both Houses of Congress at least 30 days prior
10 to the use of any proposed reprogramming that would
11 cause any program, project, or activity funding level to
12 increase or decrease by more than \$5,000,000 or 10 per-
13 cent, whichever is less, during the time period covered by
14 this Act.

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

18 (1) creates, initiates, or eliminates a program,
19 project, or activity;

20 (2) increases funds or personnel for any pro-
21 gram, project, or activity for which funds are denied
22 or restricted by this Act; or

23 (3) reduces funds that are directed to be used
24 for a specific program, project, or activity by this
25 Act.

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

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

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

21 SEC. 302. Funds appropriated by this or any other
22 Act, or made available by the transfer of funds in this
23 Act, for intelligence activities are deemed to be specifically
24 authorized by the Congress for purposes of section 504
25 of the National Security Act of 1947 (50 U.S.C. 3094)

1 during fiscal year 2022 until the enactment of the Intel-
2 ligence Authorization Act for fiscal year 2022.

3 SEC. 303. None of the funds made available in this
4 title shall be used for the construction of facilities classi-
5 fied as high-hazard nuclear facilities under 10 CFR Part
6 830 unless independent oversight is conducted by the Of-
7 fice of Enterprise Assessments to ensure the project is in
8 compliance with nuclear safety requirements.

9 SEC. 304. None of the funds made available in this
10 title may be used to approve critical decision-2 or critical
11 decision-3 under Department of Energy Order 413.3B, or
12 any successive departmental guidance, for construction
13 projects where the total project cost exceeds
14 \$100,000,000, until a separate independent cost estimate
15 has been developed for the project for that critical deci-
16 sion.

17 SEC. 305. Notwithstanding section 161 of the Energy
18 Policy and Conservation Act (42 U.S.C. 6241), upon a
19 determination by the President in this fiscal year that a
20 regional supply shortage of refined petroleum product of
21 significant scope and duration exists, that a severe in-
22 crease in the price of refined petroleum product will likely
23 result from such shortage, and that a draw down and sale
24 of refined petroleum product would assist directly and sig-
25 nificantly in reducing the adverse impact of such shortage,

1 the Secretary of Energy may draw down and sell refined
2 petroleum product from the Strategic Petroleum Reserve.
3 Proceeds from a sale under this section shall be deposited
4 into the SPR Petroleum Account established in section
5 167 of the Energy Policy and Conservation Act (42 U.S.C.
6 6247), and such amounts shall be available for obligation,
7 without fiscal year limitation, consistent with that section.

8 SEC. 306. No funds shall be transferred directly from
9 “Department of Energy—Power Marketing Administra-
10 tion—Colorado River Basins Power Marketing Fund,
11 Western Area Power Administration” to the general fund
12 of the Treasury in the current fiscal year.

13 SEC. 307. (a) Of the unobligated balances available
14 to the Department of Energy from amounts appropriated
15 in prior Acts, the following funds are hereby rescinded
16 from the following accounts and programs in the specified
17 amounts—

18 (1) “Defense Nuclear Nonproliferation” for the con-
19 struction project “99-D-143”, \$330,000,000; and

20 (2) “Naval Reactors”, \$6,000,000.

21 (b) No amounts may be rescinded under subsection
22 (a) from amounts that were previously designated by the
23 Congress as an emergency requirement pursuant to a con-
24 current resolution on the budget or the Balanced Budget
25 and Emergency Deficit Control Act of 1985.

1 DELTA REGIONAL AUTHORITY
2 SALARIES AND EXPENSES

3 For expenses necessary for the Delta Regional Au-
4 thority and to carry out its activities, as authorized by
5 the Delta Regional Authority Act of 2000, notwith-
6 standing sections 382F(d), 382M, and 382N of said Act,
7 \$30,000,000, to remain available until expended.

8 DENALI COMMISSION

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

1 grant-in-aid program, amounts under this heading shall
2 be available for the payment of such a non-Federal share
3 for any project for which the Denali Commission is not
4 the sole or primary funding source, provided that such
5 project is consistent with the purposes of the Commission.

6 NORTHERN BORDER REGIONAL COMMISSION

7 For expenses necessary for the Northern Border Re-
8 gional Commission in carrying out activities authorized by
9 subtitle V of title 40, United States Code, \$32,000,000,
10 to remain available until expended: *Provided*, That such
11 amounts shall be available for administrative expenses,
12 notwithstanding section 15751(b) of title 40, United
13 States Code.

14 SOUTHEAST CRESCENT REGIONAL COMMISSION

15 For expenses necessary for the Southeast Crescent
16 Regional Commission in carrying out activities authorized
17 by subtitle V of title 40, United States Code, \$2,500,000,
18 to remain available until expended.

19 SOUTHWEST BORDER REGIONAL COMMISSION

20 For expenses necessary for the Southwest Border Re-
21 gional Commission in carrying out activities authorized by
22 subtitle V of title 40, United States Code, \$2,500,000, to
23 remain available 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 \$873,901,000, 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, 2023:
12 *Provided further*, That revenues from licensing fees, in-
13 spection services, and other services and collections esti-
14 mated at \$745,258,000 in fiscal year 2022 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 2022 so as to result
20 in a final fiscal year 2022 appropriation estimated at not
21 more than \$128,643,000.

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, \$13,799,000, to remain available

1 until September 30, 2023: *Provided*, That revenues from
2 licensing fees, inspection services, and other services and
3 collections estimated at \$11,442,000 in fiscal year 2022
4 shall be retained and be available until September 30,
5 2023, 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 2022 so as to result in a final fiscal year
10 2022 appropriation estimated at not more than
11 \$2,357,000: *Provided further*, That of the amounts appro-
12 priated under this heading, \$1,146,000 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, \$3,800,000, to be derived from the Nu-
20 clear Waste Fund, to remain available until September 30,
21 2023.

22 GENERAL PROVISIONS—INDEPENDENT

23 AGENCIES

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

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

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

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

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

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

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

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

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

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

21 TITLE V

22 GENERAL PROVISIONS

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 501. None of the funds appropriated by this Act
25 may be used in any way, directly or indirectly, to influence

1 congressional action on any legislation or appropriation
2 matters pending before Congress, other than to commu-
3 nicate to Members of Congress as described in 18 U.S.C.
4 1913.

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

15 (b) None of the funds made available for any depart-
16 ment, agency, or instrumentality of the United States
17 Government may be transferred to accounts funded in title
18 III of this Act, except pursuant to a transfer made by or
19 transfer authority provided in this Act or any other appro-
20 priations Act for any fiscal year, transfer authority ref-
21 erenced in the report accompanying this Act, or any au-
22 thority whereby a department, agency, or instrumentality
23 of the United States Government may provide goods or
24 services to another department, agency, or instrumen-
25 tality.

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

14 SEC. 503. None of the funds made available by this
15 Act may be used in contravention of Executive Order No.
16 12898 of February 11, 1994 (Federal Actions to Address
17 Environmental Justice in Minority Populations and Low-
18 Income Populations).

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

23 (b) Nothing in subsection (a) shall limit the use of
24 funds necessary for any Federal, State, Tribal, or local
25 law enforcement agency or any other entity carrying out

1 criminal investigations, prosecution, or adjudication activi-
2 ties.

3 This Act may be cited as the “Energy and Water De-
4 velopment and Related Agencies Appropriations Act,
5 2022”.

Union Calendar No. 71

117TH CONGRESS
1ST Session

H. R. 4549

[Report No. 117-98]

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2022, and for other purposes.

JULY 20, 2021

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