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117TH CONGRESS
1ST SESSION

S. 2605

[Report No. 117-36]

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

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2021

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

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2022, 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, 2022, 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, \$153,000,000, to remain
24 available until expended: *Provided*, That the Secretary
25 shall not deviate from the work plan, once the plan has

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

3 CONSTRUCTION

4 For expenses necessary for the construction of river
5 and harbor, flood and storm damage reduction, shore pro-
6 tection, aquatic ecosystem restoration, and related
7 projects authorized by law; for conducting detailed studies,
8 and plans and specifications, of such projects (including
9 those involving participation by States, local governments,
10 or private groups) authorized or made eligible for selection
11 by law (but such detailed studies, and plans and specifica-
12 tions, shall not constitute a commitment of the Govern-
13 ment to construction); \$3,002,003,000, to remain avail-
14 able until expended; of which \$100,202,000, 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, except
21 for McClellan-Kerr Arkansas River Navigation System,
22 Three Rivers, Arkansas, which shall be 28 percent during
23 the fiscal year covered by this Act, shall be derived from
24 the Inland Waterways Trust Fund, except as otherwise
25 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, \$380,000,000 to remain available until expended,
6 of which \$5,312,000, to be derived from the Harbor Main-
7 tenance Trust Fund, shall be to cover the Federal share
8 of eligible operation and maintenance costs for inland har-
9 bors: *Provided*, That the Secretary shall not deviate from
10 the work plan, once the plan has been submitted to the
11 Committees on Appropriations of both Houses of Con-
12 gress.

13 OPERATION AND MAINTENANCE

14 For expenses necessary for the operation, mainte-
15 nance, and care of existing river and harbor, flood and
16 storm damage reduction, aquatic ecosystem restoration,
17 and related projects authorized by law; providing security
18 for infrastructure owned or operated by the Corps, includ-
19 ing administrative buildings and laboratories; maintaining
20 harbor channels provided by a State, municipality, or
21 other public agency that serve essential navigation needs
22 of general commerce, where authorized by law; surveying
23 and charting northern and northwestern lakes and con-
24 necting waters; clearing and straightening channels; and
25 removing obstructions to navigation, \$4,682,797,000 to

1 remain available until expended, of which \$1,943,486,000,
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 \$50,000,000, 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.

10 REGULATORY PROGRAM

11 For expenses necessary for administration of laws
12 pertaining to regulation of navigable waters and wetlands,
13 \$212,000,000, to remain available until September 30,
14 2023.

15 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

16 For expenses necessary to clean up contamination
17 from sites in the United States resulting from work per-
18 formed as part of the Nation's early atomic energy pro-
19 gram, \$260,000,000, to remain available until expended.

20 FLOOD CONTROL AND COASTAL EMERGENCIES

21 For expenses necessary to prepare for flood, hurri-
22 cane, and other natural disasters and support emergency
23 operations, repairs, and other activities in response to
24 such disasters as authorized by law, \$35,000,000, to re-
25 main available until expended.

EXPENSES

1
2 For expenses necessary for the supervision and gen-
3 eral administration of the civil works program in the head-
4 quarters of the Corps of Engineers and the offices of the
5 Division Engineers; and for costs of management and op-
6 eration of the Humphreys Engineer Center Support Activ-
7 ity, the Institute for Water Resources, the United States
8 Army Engineer Research and Development Center, and
9 the United States Army Corps of Engineers Finance Cen-
10 ter allocable to the civil works program, \$216,000,000, to
11 remain available until September 30, 2023, of which not
12 to exceed \$5,000 may be used for official reception and
13 representation purposes and only during the current fiscal
14 year: *Provided*, That no part of any other appropriation
15 provided in this title shall be available to fund the civil
16 works activities of the Office of the Chief of Engineers
17 or the civil works executive direction and management ac-
18 tivities of the division offices: *Provided further*, That any
19 Flood Control and Coastal Emergencies appropriation
20 may be used to fund the supervision and general adminis-
21 tration of emergency operations, repairs, and other activi-
22 ties in response to any flood, hurricane, or other natural
23 disaster.

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

3 For the Office of the Assistant Secretary of the Army
4 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
5 \$5,000,000, to remain available until September 30, 2023:
6 *Provided*, That not more than 75 percent of such amount
7 may be obligated or expended until the Assistant Sec-
8 retary submits to the Committees on Appropriations of
9 both Houses of Congress the report required under section
10 101(d) of this Act and a work plan that allocates at least
11 95 percent of the additional funding provided under each
12 heading in this title, as designated under such heading in
13 the report accompanying this Act, to specific programs,
14 projects, or activities.

15 WATER INFRASTRUCTURE FINANCE AND INNOVATION
16 PROGRAM ACCOUNT

17 For the cost of direct loans and for the cost of guar-
18 anteed loans, as authorized by the Water Infrastructure
19 Finance and Innovation Act of 2014, \$5,700,000, to re-
20 main available until expended, for safety projects to main-
21 tain, upgrade, and repair dams identified in the National
22 Inventory of Dams with a primary owner type of state,
23 local government, public utility, or private: *Provided*, That
24 no project may be funded with amounts provided under
25 this heading for a dam that is identified as jointly owned

1 in the National Inventory of Dams and where one of those
2 joint owners is the Federal Government: *Provided further*,
3 That such costs, including the cost of modifying such
4 loans, shall be as defined in section 502 of the Congres-
5 sional Budget Act of 1974: *Provided further*, That these
6 funds are available to subsidize gross obligations for the
7 principal amount of direct loans, including capitalized in-
8 terest, and total loan principal, including capitalized inter-
9 est, any part of which is to be guaranteed, not to exceed
10 \$570,000,000: *Provided further*, That within 30 days of
11 enactment of this Act, the Secretary, in consultation with
12 the Office of Management and Budget, shall transmit a
13 report to the Committees on Appropriations of the House
14 of Representatives and the Senate that provides: (1) an
15 analysis of how subsidy rates will be determined for loans
16 financed by appropriations provided under this heading in
17 this Act; (2) a comparison of the factors that will be con-
18 sidered in estimating subsidy rates for loans financed
19 under this heading in this Act with factors that will be
20 considered in estimates of subsidy rates for other projects
21 authorized by the Water Infrastructure Finance and Inno-
22 vation Act of 2014, including an analysis of how both sets
23 of rates will be determined; and (3) an analysis of the
24 process for developing draft regulations for the Water In-
25 frastructure Finance and Innovation program, including

1 a crosswalk from the statutory requirements for such pro-
2 gram, and a timetable for publishing such regulations:
3 *Provided further*, That the use of direct loans or loan guar-
4 antee authority under this heading for direct loans or com-
5 mitments to guarantee loans for any project shall be in
6 accordance with the criteria published in the Federal Reg-
7 ister on June 30, 2020 (85 FR 39189) pursuant to the
8 fourth proviso under the heading “Water Infrastructure
9 Finance and Innovation Program Account” in division D
10 of the Further Consolidated Appropriations Act, 2020
11 (Public Law 116–94): *Provided further*, That none of the
12 direct loans or loan guarantee authority made available
13 under this heading shall be available for any project unless
14 the Secretary and the Director of the Office of Manage-
15 ment and Budget have certified in advance in writing that
16 the direct loan or loan guarantee, as applicable, and the
17 project comply with the criteria referenced in the previous
18 proviso: *Provided further*, That any references to the Envi-
19 ronmental Protection Agency (EPA) or the Administrator
20 in the criteria referenced in the previous two provisos shall
21 be deemed to be references to the Army Corps of Engi-
22 neers or the Secretary of the Army, respectively, for pur-
23 poses of the direct loans or loan guarantee authority made
24 available under this heading: *Provided further*, That for
25 the purposes of carrying out the Congressional Budget Act

1 of 1974, the Director of the Congressional Budget Office
2 may request, and the Secretary shall promptly provide,
3 documentation and information relating to a project iden-
4 tified in a Letter of Interest submitted to the Secretary
5 pursuant to a Notice of Funding Availability for applica-
6 tions for credit assistance under the Water Infrastructure
7 Finance and Innovation Act Program, including with re-
8 spect to a project that was initiated or completed before
9 the date of enactment of this Act.

10 In addition, fees authorized to be collected pursuant
11 to sections 5029 and 5030 of the Water Infrastructure
12 Finance and Innovation Act of 2014 shall be deposited
13 in this account, to remain available until expended.

14 In addition, for administrative expenses to carry out
15 the direct and guaranteed loan programs, notwithstanding
16 section 5033 of the Water Infrastructure Finance and In-
17 novation Act of 2014, \$8,500,000, to remain available
18 until September 30, 2023.

19 GENERAL PROVISIONS—CORPS OF
20 ENGINEERS—CIVIL

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 101. (a) None of the funds provided in title I
23 of this Act, or provided by previous appropriations Acts
24 to the agencies or entities funded in title I of this Act
25 that remain available for obligation or expenditure in fiscal

1 year 2022, shall be available for obligation or expenditure
2 through a reprogramming of funds that:

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

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

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

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

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

20 (6) INVESTIGATIONS.—For a base level over
21 \$100,000, reprogramming of 25 percent of the base
22 amount up to a limit of \$150,000 per project, study
23 or activity is allowed: *Provided*, That for a base level
24 less than \$100,000, the reprogramming limit is
25 \$25,000: *Provided further*, That up to \$25,000 may

1 be reprogrammed into any continuing study or activ-
2 ity that did not receive an appropriation for existing
3 obligations and concomitant administrative expenses;

4 (7) CONSTRUCTION.—For a base level over
5 \$2,000,000, reprogramming of 15 percent of the
6 base amount up to a limit of \$3,000,000 per project,
7 study or activity is allowed: *Provided*, That for a
8 base level less than \$2,000,000, the reprogramming
9 limit is \$300,000: *Provided further*, That up to
10 \$3,000,000 may be reprogrammed for settled con-
11 tractor claims, changed conditions, or real estate de-
12 ficiency judgments: *Provided further*, That up to
13 \$300,000 may be reprogrammed into any continuing
14 study or activity that did not receive an appropria-
15 tion for existing obligations and concomitant admin-
16 istrative expenses;

17 (8) OPERATION AND MAINTENANCE.—Unlim-
18 ited reprogramming authority is granted for the
19 Corps to be able to respond to emergencies: *Pro-*
20 *vided*, That the Chief of Engineers shall notify the
21 Committees on Appropriations of both Houses of
22 Congress of these emergency actions as soon there-
23 after as practicable: *Provided further*, That for a
24 base level over \$1,000,000, reprogramming of 15
25 percent of the base amount up to a limit of

1 \$5,000,000 per project, study, or activity is allowed:

2 *Provided further*, That for a base level less than

3 \$1,000,000, the reprogramming limit is \$150,000:

4 *Provided further*, That \$150,000 may be repro-

5 grammed into any continuing study or activity that

6 did not receive an appropriation;

7 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—

8 The reprogramming guidelines in paragraphs (6),

9 (7), and (8) shall apply to the Investigations, Con-

10 struction, and Operation and Maintenance portions

11 of the Mississippi River and Tributaries Account, re-

12 spectively; and

13 (10) FORMERLY UTILIZED SITES REMEDIAL AC-

14 TION PROGRAM.—Reprogramming of up to 15 per-

15 cent of the base of the receiving project is permitted.

16 (b) DE MINIMUS REPROGRAMMINGS.—In no case

17 should a reprogramming for less than \$50,000 be sub-

18 mitted to the Committees on Appropriations of both

19 Houses of Congress.

20 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-

21 section (a)(1) shall not apply to any project or activity

22 funded under the continuing authorities program.

23 (d) Not later than 60 days after the date of enact-

24 ment of this Act, the Secretary shall submit a report to

25 the Committees on Appropriations of both Houses of Con-

1 gress to establish the baseline for application of re-
2 programming and transfer authorities for the current fis-
3 cal year which shall include:

4 (1) A table for each appropriation with a sepa-
5 rate column to display the President's budget re-
6 quest, adjustments made by Congress, adjustments
7 due to enacted rescissions, if applicable, and the fis-
8 cal year enacted level; and

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

13 (3) An identification of items of special congres-
14 sional interest.

15 SEC. 102. The Secretary shall allocate funds made
16 available in this Act solely in accordance with the provi-
17 sions of this Act and the report accompanying this Act.

18 SEC. 103. None of the funds made available in this
19 title may be used to award or modify any contract that
20 commits funds beyond the amounts appropriated for that
21 program, project, or activity that remain unobligated, ex-
22 cept that such amounts may include any funds that have
23 been made available through reprogramming pursuant to
24 section 101.

1 SEC. 104. The Secretary of the Army may transfer
2 to the Fish and Wildlife Service, and the Fish and Wildlife
3 Service may accept and expend, up to \$5,400,000 of funds
4 provided in this title under the heading “Operation and
5 Maintenance” to mitigate for fisheries lost due to Corps
6 of Engineers projects.

7 SEC. 105. None of the funds in this Act shall be used
8 for an open lake placement alternative for dredged mate-
9 rial, after evaluating the least costly, environmentally ac-
10 ceptable manner for the disposal or management of
11 dredged material originating from Lake Erie or tributaries
12 thereto, unless it is approved under a State water quality
13 certification pursuant to section 401 of the Federal Water
14 Pollution Control Act (33 U.S.C. 1341): *Provided*, That
15 until an open lake placement alternative for dredged mate-
16 rial is approved under a State water quality certification,
17 the Corps of Engineers shall continue upland placement
18 of such dredged material consistent with the requirements
19 of section 101 of the Water Resources Development Act
20 of 1986 (33 U.S.C. 2211).

21 SEC. 106. Additional funding provided in this Act
22 shall be allocated only to projects determined to be eligible
23 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, 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, \$1,832,101,000 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 may be increased or decreased
25 within the overall appropriation under this heading: *Pro-*

1 *vided further*, That of the total appropriated, the amount
2 for program activities that can be financed by the Rec-
3 lamation Fund, the Water Storage Enhancement Receipts
4 account established by section 4011(e) of Public Law
5 114–322, or the Bureau of Reclamation special fee ac-
6 count established by 16 U.S.C. 6806 shall be derived from
7 that Fund or account: *Provided further*, That funds con-
8 tributed under 43 U.S.C. 395 are available until expended
9 for the purposes for which the funds were contributed:
10 *Provided further*, That funds advanced under 43 U.S.C.
11 397a shall be credited to this account and are available
12 until expended for the same purposes as the sums appro-
13 priated under this heading: *Provided further*, That of the
14 amounts made available under this heading, \$10,000,000
15 shall be deposited in the San Gabriel Basin Restoration
16 Fund established by section 110 of title 1 of appendix D
17 of Public Law 106–554: *Provided further*, That of the
18 amounts provided herein, funds may be used for high-pri-
19 ority projects which shall be carried out by the Youth Con-
20 servation Corps, as authorized by 16 U.S.C. 1706: *Pro-*
21 *vided further*, That within available funds, \$250,000 shall
22 be for grants and financial assistance for educational ac-
23 tivities: *Provided further*, That in accordance with section
24 4007 of Public Law 114–322, funding provided for such
25 purpose in fiscal years 2019, 2020, and 2021 shall be

1 made available for the construction, pre-construction, or
2 study of the North-of-the-Delta Off Stream Storage (Sites
3 Reservoir Project), the Los Vaqueros Reservoir Phase 2
4 Expansion Project, the B.F. Sisk Dam Raise and Res-
5 ervoir Expansion Project, and the Del Puerto Canyon Res-
6 ervoir, as recommended by the Secretary in the letter
7 dated July 23, 2021: *Provided further*, That in accordance
8 with section 4009(c) of Public Law 114–322, and as rec-
9 ommended by the Secretary in a letter dated July 23,
10 2021, funding provided for such purpose in fiscal year
11 2021 shall be made available to the El Paso Aquifer Stor-
12 age and Recovery Using Reclaimed Water Project, the
13 Pure Water Soquel: Groundwater Replenishment and Sea-
14 water Intrusion Prevention Project, the North San Diego
15 Water Reuse Coalition Project, the Pure Water Oceanside
16 Project, City of Santa Fe Reuse Pipeline Project, the Re-
17 plenish Big Bear Project, the Central Coast Blue: Recy-
18 cled Water Project, the Harvest Water Program, the East
19 County Advanced Water Purification Program: Phase
20 Two, the Ventura Water Pure Program, and the San Juan
21 Watershed Project: *Provided further*, That in accordance
22 with section 4009(a) of Public Law 114–322, and as rec-
23 ommended by the Secretary in a letter dated July 23,
24 2021, funding provided for such purpose in fiscal year
25 2021 shall be made available to the North Pleasant Valley

1 Desalter Facility, the Mission Basin Groundwater Purifi-
 2 cation Facility Well Expansion and Brine Minimization
 3 Project, the Los Robles Desalter Project and the Regional
 4 Brackish Water Reclamation Program.

5 CENTRAL VALLEY PROJECT RESTORATION FUND

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

21 CALIFORNIA BAY-DELTA RESTORATION

22 (INCLUDING TRANSFERS OF FUNDS)

23 For carrying out activities authorized by the Water
 24 Supply, Reliability, and Environmental Improvement Act,
 25 consistent with plans to be approved by the Secretary of

1 the Interior, \$33,000,000, to remain available until ex-
2 pended, of which such amounts as may be necessary to
3 carry out such activities may be transferred to appropriate
4 accounts of other participating Federal agencies to carry
5 out authorized purposes: *Provided*, That funds appro-
6 priated herein may be used for the Federal share of the
7 costs of CALFED Program management: *Provided fur-*
8 *ther*, That CALFED implementation shall be carried out
9 in a balanced manner with clear performance measures
10 demonstrating concurrent progress in achieving the goals
11 and objectives of the Program.

12 POLICY AND ADMINISTRATION

13 For expenses necessary for policy, administration,
14 and related functions in the Office of the Commissioner,
15 the Denver office, and offices in the six regions of the Bu-
16 reau of Reclamation, to remain available until September
17 30, 2023, \$64,400,000, to be derived from the Reclama-
18 tion Fund and be nonreimbursable as provided in 43
19 U.S.C. 377: *Provided*, That no part of any other appro-
20 priation in this Act shall be available for activities or func-
21 tions budgeted as policy and administration expenses.

22 ADMINISTRATIVE PROVISION

23 Appropriations for the Bureau of Reclamation shall
24 be available for purchase and replacement of motor vehi-
25 cles and to provide necessary charging infrastructure.

1 GENERAL PROVISIONS—DEPARTMENT OF THE
2 INTERIOR

3 SEC. 201. (a) None of the funds provided in title II
4 of this Act for Water and Related Resources, or provided
5 by previous or subsequent appropriations Acts to the agen-
6 cies or entities funded in title II of this Act for Water
7 and Related Resources that remain available for obligation
8 or expenditure in fiscal year 2022, shall be available for
9 obligation or expenditure through a reprogramming of
10 funds that—

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

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

14 (3) increases funds for any program, project, or
15 activity for which funds have been denied or re-
16 stricted by this Act, unless prior approval is received
17 from the Committees on Appropriations of both
18 Houses of Congress;

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

23 (5) transfers funds in excess of the following
24 limits, unless prior approval is received from the

1 Committees on Appropriations of both Houses of
2 Congress:

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

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

9 (6) transfers more than \$500,000 from either
10 the Facilities Operation, Maintenance, and Rehabili-
11 tation category or the Resources Management and
12 Development category to any program, project, or
13 activity in the other category, unless prior approval
14 is received from the Committees on Appropriations
15 of both Houses of Congress; or

16 (7) transfers, where necessary to discharge legal
17 obligations of the Bureau of Reclamation, more than
18 \$5,000,000 to provide adequate funds for settled
19 contractor claims, increased contractor earnings due
20 to accelerated rates of operations, and real estate de-
21 ficiency judgments, unless prior approval is received
22 from the Committees on Appropriations of both
23 Houses of Congress.

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

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

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

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

22 SEC. 202. (a) None of the funds appropriated or oth-
23 erwise made available by this Act may be used to deter-
24 mine the final point of discharge for the interceptor drain
25 for the San Luis Unit until development by the Secretary

1 of the Interior and the State of California of a plan, which
2 shall conform to the water quality standards of the State
3 of California as approved by the Administrator of the En-
4 vironmental Protection Agency, to minimize any detri-
5 mental effect of the San Luis drainage waters.

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

22 SEC. 203. Section 9504(e) of the Omnibus Public
23 Land Management Act of 2009 (42 U.S.C. 10364(e)) is
24 amended by striking “\$610,000,000” and inserting
25 “\$730,000,000”.

1 SEC. 204. Title I of Public Law 108–361 (the
2 CALFED Bay-Delta Authorization Act) (118 Stat. 1681),
3 as amended by section 4007(k) of Public Law 114–322,
4 is amended by striking “2021” each place it appears and
5 inserting “2022”.

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

9 SEC. 206. (a) Section 104(c) of the Reclamation
10 States Emergency Drought Relief Act of 1991 (43 U.S.C.
11 2214(c)) is amended by striking “2021” and inserting
12 “2022”.

13 (b) Section 301 of the Reclamation States Emergency
14 Drought Relief Act of 1991 (43 U.S.C. 2241) is amended
15 by striking “2021” and inserting “2022”.

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

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 ENERGY EFFICIENCY AND RENEWABLE ENERGY
5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for energy
8 efficiency and renewable energy 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 \$3,896,971,000 to remain available until expended: *Pro-*
14 *vided*, That of such amount, \$220,000,000 shall be avail-
15 able until September 30, 2023, for program direction: *Pro-*
16 *vided further*, That of the amount appropriated in this
17 paragraph, \$77,047,000 shall be used for projects speci-
18 fied in the table that appears under the heading “Congres-
19 sionally Directed Spending Energy Efficiency and Renew-
20 able Energy Projects” in the report of the Committee on
21 Appropriations of the United States Senate to accompany
22 this Act.

1 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
2 RESPONSE

3 For Department of Energy expenses including the
4 purchase, construction, and acquisition of plant and cap-
5 ital equipment, and other expenses necessary for energy
6 sector cybersecurity, energy security, and emergency re-
7 sponse activities in carrying out the purposes of the De-
8 partment of Energy Organization Act (42 U.S.C. 7101 et
9 seq.), including the acquisition or condemnation of any
10 real property or any facility or for plant or facility acqui-
11 sition, construction, or expansion, \$177,000,000, to remain
12 available until expended: *Provided*, That of such amount,
13 \$14,000,000 shall be available until September 30, 2023,
14 for program direction: *Provided further*, That of the
15 amount appropriated in this paragraph, \$5,000,000 shall
16 be used for projects specified in the table that appears
17 under the heading “Congressionally Directed Spending
18 Cybersecurity, Energy Security, and Emergency Response
19 Projects” in the report of the Committee on Appropria-
20 tions of the United States Senate to accompany this Act.

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 acquisi-
4 tion, construction, or expansion, \$303,000,000, to remain
5 available until expended: *Provided*, That of such amount,
6 \$20,000,000 shall be available until September 30, 2023,
7 for program direction: *Provided further*, That of the
8 amount appropriated in this paragraph, \$2,850,000 shall
9 be used for projects specified in the table that appears
10 under the heading “Congressionally Directed Spending
11 Electricity Projects” in the report of the Committee on
12 Appropriations of the United States Senate to accompany
13 this Act.

14 NUCLEAR ENERGY

15 For Department of Energy expenses including the
16 purchase, construction, and acquisition of plant and cap-
17 ital equipment, and other expenses necessary for nuclear
18 energy activities in carrying out the purposes of the De-
19 partment of Energy Organization Act (42 U.S.C. 7101 et
20 seq.), including the acquisition or condemnation of any
21 real property or any facility or for plant or facility acquisi-
22 tion, construction, or expansion, \$1,590,800,000, to re-
23 main available until expended: *Provided*, That of such
24 amount, \$85,000,000 shall be available until September
25 30, 2023, for program direction: *Provided further*, That

1 section 954(a)(6) of the Energy Policy Act of 2005, as
2 amended, shall not apply to amounts appropriated under
3 this heading.

4 FOSSIL ENERGY AND CARBON MANAGEMENT

5 For Department of Energy expenses necessary in car-
6 rying out fossil energy and carbon management research
7 and development activities, under the authority of the De-
8 partment of Energy Organization Act (42 U.S.C. 7101 et
9 seq.), including the acquisition of interest, including defea-
10 sible and equitable interests in any real property or any
11 facility or for plant or facility acquisition or expansion,
12 and for conducting inquiries, technological investigations
13 and research concerning the extraction, processing, use,
14 and disposal of mineral substances without objectionable
15 social and environmental costs (30 U.S.C. 3, 1602, and
16 1603), \$850,000,000, to remain available until expended:
17 *Provided*, That of such amount \$65,800,000 shall be avail-
18 able until September 30, 2023, for program direction: *Pro-*
19 *vided further*, That of the amount appropriated in this
20 paragraph, \$20,199,000 shall be used for projects speci-
21 fied in the table that appears under the heading “Congres-
22 sionally Directed Spending Fossil Energy and Carbon
23 Management Projects” in the report of the Committee on
24 Appropriations of the United States Senate to accompany
25 this Act.

1 NAVAL PETROLEUM AND OIL SHALE RESERVES

2 For Department of Energy expenses necessary to
3 carry out naval petroleum and oil shale reserve activities,
4 \$13,650,000, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding any other provision of law,
6 unobligated funds remaining from prior years shall be
7 available for all naval petroleum and oil shale reserve ac-
8 tivities.

9 STRATEGIC PETROLEUM RESERVE

10 For Department of Energy expenses necessary for
11 Strategic Petroleum Reserve facility development and op-
12 erations and program management activities pursuant to
13 the Energy Policy and Conservation Act (42 U.S.C. 6201
14 et seq.), \$197,000,000, to remain available until expended:
15 *Provided*, That notwithstanding sections 161 and 167 of
16 the Energy Policy and Conservation Act (42 U.S.C. 6241,
17 6247), the Secretary of Energy shall draw down and sell
18 one million barrels of refined petroleum product from the
19 Strategic Petroleum Reserve during fiscal year 2022: *Pro-*
20 *vided further*, That all proceeds from such sale shall be
21 deposited into the general fund of the Treasury during fis-
22 cal year 2022: *Provided further*, That upon the completion
23 of such sale, the Secretary shall carry out the closure of
24 the Northeast Gasoline Supply Reserve.

1 SPR PETROLEUM ACCOUNT

2 For the acquisition, transportation, and injection of
3 petroleum products, and for other necessary expenses pur-
4 suant to the Energy Policy and Conservation Act of 1975,
5 as amended (42 U.S.C. 6201 et seq.), sections 403 and
6 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
7 6241, 6239 note), and section 5010 of the 21st Century
8 Cures Act (Public Law 114–255), \$7,350,000, to remain
9 available until expended.

10 NORTHEAST HOME HEATING OIL RESERVE

11 For Department of Energy expenses necessary for
12 Northeast Home Heating Oil Reserve storage, operation,
13 and management activities pursuant to the Energy Policy
14 and Conservation Act (42 U.S.C. 6201 et seq.),
15 \$6,500,000, to remain available until expended.

16 ENERGY INFORMATION ADMINISTRATION

17 For Department of Energy expenses necessary in car-
18 rying out the activities of the Energy Information Admin-
19 istration, \$129,087,000, to remain available until ex-
20 pended.

21 NON-DEFENSE ENVIRONMENTAL CLEANUP

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 non-de-
25 fense environmental cleanup activities in carrying out the

1 purposes of the Department of Energy Organization Act
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-
3 demnation of any real property or any facility or for plant
4 or facility acquisition, construction, or expansion,
5 \$338,863,000, to remain available until expended: Pro-
6 vided, That, in addition, fees collected pursuant to sub-
7 section (b)(1) of section 6939f of title 42, United States
8 Code, and deposited under this heading in fiscal year 2022
9 pursuant to section 309 of title III of division C of Public
10 Law 116–94 are appropriated, to remain available until
11 expended, for mercury storage costs.

12 URANIUM ENRICHMENT DECONTAMINATION AND
13 DECOMMISSIONING FUND

14 For Department of Energy expenses necessary in car-
15 rying out uranium enrichment facility decontamination
16 and decommissioning, remedial actions, and other activi-
17 ties of title II of the Atomic Energy Act of 1954, and
18 title X, subtitle A, of the Energy Policy Act of 1992,
19 \$860,000,000, to be derived from the Uranium Enrich-
20 ment Decontamination and Decommissioning Fund, to re-
21 main available until expended, of which \$16,155,000 shall
22 be available in accordance with title X, subtitle A, of the
23 Energy Policy Act of 1992.

1 SCIENCE

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 science
5 activities in carrying out the purposes of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
7 cluding the acquisition or condemnation of any real prop-
8 erty or any facility or for plant or facility acquisition, con-
9 struction, or expansion, and purchase of not more than
10 35 passenger motor vehicles for replacement only,
11 \$7,490,000,000, to remain available until expended: *Pro-*
12 *vided*, That of such amount, \$202,000,000 shall be avail-
13 able until September 30, 2023, for program direction.

14 NUCLEAR WASTE DISPOSAL

15 For Department of Energy expenses necessary for
16 nuclear waste disposal activities to carry out the purposes
17 of the Nuclear Waste Policy Act of 1982, Public Law 97-
18 425, as amended, including interim storage activities,
19 \$27,500,000, to remain available until expended, of which
20 \$7,500,000 shall be derived from the Nuclear Waste
21 Fund.

22 TECHNOLOGY TRANSITIONS

23 For Department of Energy expenses necessary for
24 carrying out the activities of technology transitions,
25 \$19,470,000, to remain available until expended: *Pro-*

1 *vided*, That of such amount, \$8,375,000 shall be available
 2 until September 30, 2023, for program direction.

3 CLEAN ENERGY DEMONSTRATIONS

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 clean en-
 7 ergy demonstrations in carrying out the purposes of the
 8 Department of Energy Organization Act (42 U.S.C. 7101
 9 et seq.), including the acquisition or condemnation of any
 10 real property or any facility or for plant or facility acquisi-
 11 tion, construction, or expansion, \$100,000,000, to remain
 12 available until expended: *Provided*, That of such amount,
 13 \$8,400,000 shall be available until September 30, 2023,
 14 for program direction.

15 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

16 For Department of Energy expenses necessary in car-
 17 rying out the activities authorized by section 5012 of the
 18 America COMPETES Act (Public Law 110–69),
 19 \$500,000,000, to remain available until expended: *Pro-*
 20 *vided*, That of such amount, \$37,000,000 shall be avail-
 21 able until September 30, 2023, for program direction.

22 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE 23 PROGRAM

24 Such sums as are derived from amounts received
 25 from borrowers pursuant to section 1702(b) of the Energy

1 Policy Act of 2005 under this heading in prior Acts, shall
2 be collected in accordance with section 502(7) of the Con-
3 gressional Budget Act of 1974: *Provided*, That for nec-
4 essary administrative expenses of the Title 17 Innovative
5 Technology Loan Guarantee Program, as authorized,
6 \$32,000,000 is appropriated, to remain available until
7 September 30, 2023: *Provided further*, That up to
8 \$32,000,000 of fees collected in fiscal year 2022 pursuant
9 to section 1702(h) of the Energy Policy Act of 2005 shall
10 be credited as offsetting collections under this heading and
11 used for necessary administrative expenses in this appro-
12 priation and shall remain available until September 30,
13 2023: *Provided further*, That to the extent that fees col-
14 lected in fiscal year 2022 exceed \$32,000,000, those ex-
15 cess amounts shall be credited as offsetting collections
16 under this heading and available in future fiscal years only
17 to the extent provided in advance in appropriations Acts:
18 *Provided further*, That the sum herein appropriated from
19 the general fund shall be reduced (1) as such fees are re-
20 ceived during fiscal year 2022 (estimated at \$3,000,000)
21 and (2) to the extent that any remaining general fund ap-
22 propriations can be derived from fees collected in previous
23 fiscal years that are not otherwise appropriated, so as to
24 result in a final fiscal year 2022 appropriation from the
25 general fund estimated at \$0: *Provided further*, That the

1 OFFICE OF 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.), \$122,000,000,
5 to remain available until expended: *Provided*, That of the
6 amount appropriated under this heading, \$5,523,000 shall
7 be available until September 30, 2023, for program direc-
8 tion.

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.), \$343,578,000, to
14 remain available until September 30, 2023, including the
15 hire of passenger motor vehicles and official reception and
16 representation expenses not to exceed \$30,000, plus such
17 additional amounts as necessary to cover increases in the
18 estimated amount of cost of work for others notwith-
19 standing the provisions of the Anti-Deficiency Act (31
20 U.S.C. 1511 et seq.): *Provided*, That such increases in
21 cost of work are offset by revenue increases of the same
22 or greater amount: *Provided further*, That moneys received
23 by the Department for miscellaneous revenues estimated
24 to total \$100,578,000 in fiscal year 2022 may be retained
25 and used for operating expenses within this account, as

1 authorized by section 201 of Public Law 95–238, notwith-
2 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
3 *ther*, That the sum herein appropriated shall be reduced
4 as collections are received during the fiscal year so as to
5 result in a final fiscal year 2022 appropriation from the
6 general fund estimated at not more than \$243,000,000.

7 OFFICE OF THE INSPECTOR GENERAL

8 For expenses necessary for the Office of the Inspector
9 General in carrying out the provisions of the Inspector
10 General Act of 1978, \$78,000,000, to remain available
11 until September 30, 2023.

12 ATOMIC ENERGY DEFENSE ACTIVITIES

13 NATIONAL NUCLEAR SECURITY

14 ADMINISTRATION

15 WEAPONS ACTIVITIES

16 For Department of Energy expenses, including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment and other incidental expenses necessary for
19 atomic energy defense weapons activities in carrying out
20 the purposes of the Department of Energy Organization
21 Act (42 U.S.C. 7101 et seq.), including the acquisition or
22 condemnation of any real property or any facility or for
23 plant or facility acquisition, construction, or expansion,
24 and the purchase of not to exceed one ambulance, for re-
25 placement only, \$15,484,295,000, to remain available

1 until expended: *Provided*, That of such amount,
2 \$117,060,000 shall be available until September 30, 2023,
3 for program direction.

4 DEFENSE NUCLEAR NONPROLIFERATION

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other incidental expenses necessary for
8 defense nuclear nonproliferation activities, in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 \$2,264,000,000, to remain available until expended.

14 NAVAL REACTORS

15 (INCLUDING TRANSFER OF FUNDS)

16 For Department of Energy expenses necessary for
17 naval reactors activities to carry out the Department of
18 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
19 ing the acquisition (by purchase, condemnation, construc-
20 tion, or otherwise) of real property, plant, and capital
21 equipment, facilities, and facility expansion,
22 \$1,840,505,000, to remain available until expended, of
23 which, \$89,108,000 shall be transferred to “Department
24 of Energy—Energy Programs—Nuclear Energy”, for the
25 Advanced Test Reactor: *Provided*, That of such amount,

1 \$55,579,000 shall be available until September 30, 2023,
2 for program direction.

3 FEDERAL SALARIES AND EXPENSES

4 For expenses necessary for Federal Salaries and Ex-
5 penses in the National Nuclear Security Administration,
6 \$453,000,000, to remain available until September 30,
7 2023, including official reception and representation ex-
8 penses not to exceed \$17,000.

9 ENVIRONMENTAL AND OTHER DEFENSE

10 ACTIVITIES

11 DEFENSE ENVIRONMENTAL CLEANUP

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other expenses necessary for atomic
15 energy defense environmental cleanup activities in car-
16 rying out the purposes of the Department of Energy Orga-
17 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
18 sition or condemnation of any real property or any facility
19 or for plant or facility acquisition, construction, or expan-
20 sion, and the purchase of not to exceed 1 passenger
21 minivan for replacement only, \$6,510,000,000, to remain
22 available until expended: *Provided*, That of such amount,
23 \$297,000,000 shall be available until September 30, 2023,
24 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, \$860,000,000, 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, \$930,400,000, to remain available
21 until expended: *Provided*, That of such amount,
22 \$317,636,000 shall be available until September 30, 2023,
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 2022, 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, \$7,184,000, 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 \$7,184,000 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 2022 appropriation estimated at not more than
6 \$0: *Provided further*, That notwithstanding 31 U.S.C.
7 3302, up to \$74,986,000 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, \$48,324,000, 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 \$37,924,000 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 2022 appropriation estimated at not
15 more than \$10,400,000: *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, \$285,237,0000, including official reception and rep-
9 resentation expenses in an amount not to exceed \$1,500,
10 to remain available until expended, of which \$285,237,000
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 \$194,465,000 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 2022 appropriation esti-
25 mated at not more than \$90,772,000, of which

1 \$90,772,000 is derived from the Reclamation Fund: *Pro-*
2 *vided further*, That notwithstanding 31 U.S.C. 3302, up
3 to \$316,000,000 collected by the Western Area Power Ad-
4 ministration pursuant to the Flood Control Act of 1944
5 and the Reclamation Project Act of 1939 to recover pur-
6 chase power and wheeling expenses shall be credited to
7 this account as offsetting collections, to remain available
8 until expended for the sole purpose of making purchase
9 power and wheeling expenditures: *Provided further*, That
10 for purposes of this appropriation, annual expenses means
11 expenditures that are generally recovered in the same year
12 that they are incurred (excluding purchase power and
13 wheeling expenses).

14 FALCON AND AMISTAD OPERATING AND MAINTENANCE
15 FUND

16 For operation, maintenance, and emergency costs for
17 the hydroelectric facilities at the Falcon and Amistad
18 Dams, \$5,808,000, 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 \$5,580,000 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 2022 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 2022, the
14 Administrator of the Western Area Power Administration
15 may accept up to \$1,737,000 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 \$466,426,000, to remain available until expended: *Pro-*
14 *vided*, That notwithstanding any other provision of law,
15 not to exceed \$466,426,000 of revenues from fees and an-
16 nual charges, and other services and collections in fiscal
17 year 2022 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 2022 so as to result in a
22 final fiscal year 2022 appropriation from the general fund
23 estimated at not more than \$0.

1 (D) announce publicly the intention to make an
2 allocation, award, or Agreement in excess of the lim-
3 its 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 during the
9 previous quarter.

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

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

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

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

10 (d) Except as provided in subsections (e), (f), and (g),
11 the amounts made available by this title shall be expended
12 as authorized by law for the programs, projects, and ac-
13 tivities specified in the "Final Bill" column in the "De-
14 partment of Energy" table included under the heading
15 "Title III—Department of Energy" in the report accom-
16 panying 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 2022 until the enactment of the Intel-
14 ligence Authorization Act for fiscal year 2022.

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) IN GENERAL.—The Secretary shall es-
10 tablish an experienced worker program, to be known as
11 “Department of Energy Experienced Worker Program”,
12 for the purpose of awarding grants and entering into coop-
13 erative agreements under subsection (b) for the purpose
14 of using the talents of individuals in the United States
15 who are age 55 or older and are not employees of the De-
16 partment to provide technical, professional and adminis-
17 trative services to support the mission of the Department
18 of Energy.

19 (b) GRANTS AND COOPERATIVE AGREEMENTS.—

20 (1) IN GENERAL.—Notwithstanding any other
21 provision of law relating to Federal grants and coop-
22 erative agreements, the Secretary may make grants
23 to, or enter into cooperative agreements with, pri-
24 vate national nonprofit organizations eligible to re-
25 ceive grants under title V of the Older Americans

1 Act of 1965 (42 U.S.C. 3056 et seq.) to use the tal-
2 ents of individuals in the United States who are age
3 55 or older in programs authorized by other provi-
4 sions of law administered by the Secretary and con-
5 sistent with such provisions of law.

6 (2) REQUIREMENTS.—Prior to awarding a
7 grant or entering into a cooperative agreement
8 under paragraph (1), the Secretary shall ensure that
9 the grant or cooperative agreement would not—

10 (A) result in the displacement of individ-
11 uals currently employed by the Department, in-
12 cluding partial displacement through reduction
13 of non-overtime hours, wages, or employment
14 benefits;

15 (B) result in the use of an individual under
16 the Department of Energy Experienced Worker
17 Program for a job or function in a case in
18 which a Federal employee is in a layoff status
19 from the same or substantially equivalent job
20 within the Department; or

21 (C) affect existing contracts for services.

22 SEC. 307. (a) Of the unobligated balances available
23 to the Department of Energy from amounts appropriated
24 in prior Acts, the following funds are hereby rescinded

1 from the following accounts and programs in the specified
2 amounts—

3 (1) “Defense Nuclear Nonproliferation” for the
4 construction project “99–D–143”, \$330,000,000;
5 and

6 (2) “Naval Reactors”, \$6,000,000.

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

12 SEC. 308. (a) DEFINITIONS.—In this section:

13 (1) AFFECTED INDIAN TRIBE.—The term “af-
14 fected Indian tribe” has the meaning given the term
15 in section 2 of the Nuclear Waste Policy Act of 1982
16 (42 U.S.C. 10101).

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

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

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

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

7 (b) PILOT PROGRAM.—Notwithstanding any provi-
8 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
9 10101 et seq.), the Secretary is authorized, in the current
10 fiscal year and subsequent fiscal years, to conduct a pilot
11 program to license, construct, and operate 1 or more Fed-
12 eral consolidated storage facilities to provide interim stor-
13 age as needed for spent nuclear fuel and high-level radio-
14 active waste, with priority for storage given to spent nu-
15 clear fuel located on sites without an operating nuclear
16 reactor.

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

21 (1) to obtain any license necessary from the
22 Nuclear Regulatory Commission for the construction
23 of 1 or more consolidated storage facilities;

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

4 (3) to demonstrate the safe storage of spent nu-
5 clear fuel and high-level radioactive waste, as appli-
6 cable, at the 1 or more consolidated storage facilities
7 pending the construction and operation of deep geo-
8 logic disposal capacity for the permanent disposal of
9 the spent nuclear fuel.

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

14 (1) the Governor of the State;

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

18 (3) each affected Indian tribe.

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

21 (1) all licensing requirements and regulations of
22 the Nuclear Regulatory Commission; and

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

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

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

10 (2) a schedule for—

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

14 (B) constructing the facility;

15 (C) transporting spent fuel to the facility;

16 and

17 (D) removing the spent fuel and decom-
18 missioning the facility;

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

23 (4) an estimate of any future reductions in the
24 damages expected to be paid by the United States
25 for the delay of the Department of Energy in accept-

1 ing spent fuel expected to result from the pilot pro-
2 gram;

3 (5) recommendations for any additional legisla-
4 tion needed to authorize and implement the pilot
5 program; and

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

15 (g) PUBLIC PARTICIPATION.—Prior to choosing a
16 site for the construction of a consolidated storage facility
17 under this section, the Secretary shall conduct 1 or more
18 public hearings in the vicinity of each potential site and
19 in at least 1 other location within the State in which the
20 site is located to solicit public comments and recommenda-
21 tions.

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

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TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and for expenses necessary for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$210,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$31,000,000, to remain available until September 30, 2023.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

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

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

3 DENALI COMMISSION

4 For expenses necessary for the Denali Commission
5 including the purchase, construction, and acquisition of
6 plant and capital equipment as necessary and other ex-
7 penses, \$15,100,000, 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, \$35,000,000,
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, \$2,500,000,
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, \$2,500,000, 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 \$873,901,000, 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, 2023:
5 *Provided further*, That revenues from licensing fees, in-
6 spection services, and other services and collections esti-
7 mated at \$745,258,000 in fiscal year 2022 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 2022 so as to result
13 in a final fiscal year 2022 appropriation estimated at not
14 more than \$128,643,000.

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, \$13,799,000, to remain available
19 until September 30, 2023: *Provided*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections estimated at \$11,442,000 in fiscal year 2022
22 shall be retained and be available until September 30,
23 2023, 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 2022 so as to result in a final fiscal year
3 2022 appropriation estimated at not more than
4 \$2,357,000: *Provided further*, That of the amounts appro-
5 priated under this heading, \$1,146,000 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, \$3,800,000, to be derived from the Nu-
13 clear Waste Fund, to remain available until September 30,
14 2023.

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 report accompanying 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)

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

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

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

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

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

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

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

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

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

8 SEC. 505. For an additional amount for “Bureau of
9 Reclamation—Water and Related Resources”,
10 \$450,000,000, to remain available until expended for ac-
11 tivities to address drought, as determined by the Secretary
12 of the Interior: *Provided*, That not later than 60 days after
13 the date of enactment of this Act, the Secretary of the
14 Interior shall submit to the House and Senate Committees
15 on Appropriations a detailed spend plan, including a list
16 of project locations to be funded: *Provided further*, That
17 such amount is designated by the Congress as being for
18 an emergency requirement pursuant to section 4112(a) of
19 H. Con. Res. 71 (115th Congress), the concurrent resolu-
20 tion on the budget for fiscal year 2018, and to section
21 251(b) of the Balanced Budget and Emergency Deficit
22 Control Act of 1985.

23 This Act may be cited as the “Energy and Water De-
24 velopment and Related Agencies Appropriations Act,
25 2022”.

Calendar No. 115

117TH CONGRESS
1ST Session

S. 2605

[Report No. 117-36]

A BILL

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

August 4, 2021

Read twice and placed on the calendar