

**Calendar No. 115**117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> 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.

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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

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**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 acqui-  
 11 sition, 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 Department of Energy shall not subordinate any loan obli-  
2 gation to other financing in violation of section 1702 of  
3 the Energy Policy Act of 2005 or subordinate any Guarant-  
4 eed Obligation to any loan or other debt obligations in  
5 violation of section 609.10 of title 10, Code of Federal  
6 Regulations.

7       ADVANCED TECHNOLOGY VEHICLES MANUFACTURING  
8                               LOAN PROGRAM

9       For Department of Energy administrative expenses  
10 necessary in carrying out the Advanced Technology Vehi-  
11 cles Manufacturing Loan Program, \$5,000,000, to remain  
12 available until September 30, 2023.

13       TRIBAL ENERGY LOAN GUARANTEE PROGRAM

14       For Department of Energy administrative expenses  
15 necessary in carrying out the Tribal Energy Loan Guar-  
16 antee Program, \$2,000,000, to remain available until Sep-  
17 tember 30, 2023: *Provided*, That in this fiscal year and  
18 subsequent fiscal years, under section 3502(c) of title 25,  
19 United States Code, the Secretary of Energy may provide  
20 direct loans, as defined in section 661a of title 2, United  
21 States Code: *Provided further*, That any funds previously  
22 appropriated for the cost of loan guarantees under section  
23 3502(c) of title 25, United States Code, may also be used  
24 for the cost of direct loans provided under such section  
25 of such title.

## 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       GENERAL PROVISIONS—DEPARTMENT OF  
2   ENERGY

3   (INCLUDING TRANSFER OF FUNDS)

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

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

17                                       (A) make a grant allocation or discretionary  
18 grant award totaling \$1,000,000 or more;

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

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

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)

1  
2  
3  
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

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 2605**

[Report No. 117-36]

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**A BILL**

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

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August 4, 2021

Read twice and placed on the calendar