### <sup>118TH CONGRESS</sup> 1ST SESSION H.R.4394

# AN ACT

- Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2024, and for other purposes.
  - 1 Be it enacted by the Senate and House of Representa-
  - 2 tives of the United States of America in Congress assembled,

That 1

#### 2 TITLE I CORPS OF ENGINEERS—CIVIL 3 4 DEPARTMENT OF THE ARMY 5 CORPS OF ENGINEERS—CIVIL

6 The following appropriations shall be expended under 7 the direction of the Secretary of the Army and the super-8 vision of the Chief of Engineers for authorized civil func-9 tions of the Department of the Army pertaining to river 10 and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts. 11 12

#### INVESTIGATIONS

13 For expenses necessary where authorized by law for the collection and study of basic information pertaining 14 15 to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and re-16 lated needs; for surveys and detailed studies, and plans 17 18 and specifications of proposed river and harbor, flood and 19 storm damage reduction, shore protection, and aquatic 20ecosystem restoration projects, and related efforts prior to 21 construction; for restudy of authorized projects; and for 22 miscellaneous investigations, and, when authorized by law, 23 surveys and detailed studies, and plans and specifications 24 of projects prior to construction, \$136,087,000 (reduced by \$1,000,000) (increased by \$1,000,000) (increased by 25

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\$10,000,000) (reduced by \$10,000,000), to remain available until expended: *Provided*, That the Secretary shall not
deviate from the work plan, once the plan has been submitted to the Committees on Appropriations of both
Houses of Congress.

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#### CONSTRUCTION

7 For expenses necessary for the construction of river 8 and harbor, flood and storm damage reduction, shore proaquatic ecosystem restoration, and related 9 tection. 10 projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including 11 12 those involving participation by States, local governments, 13 or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifica-14 tions, shall not constitute a commitment of the Govern-15 ment to construction); \$2,889,942,000 (increased by 16 17 \$1,746,000,000) (reduced by \$1,746,000,000) (increased 18 by \$10,000,000) (reduced by \$10,000,000), to remain 19 available until expended; of which \$74,152,000, to be derived from the Harbor Maintenance Trust Fund, shall be 20 21 to cover the Federal share of construction costs for facili-22 ties under the Dredged Material Disposal Facilities pro-23 gram; and of which such sums as are necessary to cover 24 35 percent of the costs of construction, replacement, reha-25 bilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund,
 except as otherwise specifically provided for in law: *Pro- vided*, That the Secretary shall not deviate from the work
 plan, once the plan has been submitted to the Committees
 on Appropriations of both Houses of Congress.

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#### MISSISSIPPI RIVER AND TRIBUTARIES

7 For expenses necessary for flood damage reduction 8 projects and related efforts in the Mississippi River allu-9 vial valley below Cape Girardeau, Missouri, as authorized 10 by law, \$364,349,000, to remain available until expended, of which \$5,457,000, to be derived from the Harbor Main-11 12 tenance Trust Fund, shall be to cover the Federal share 13 of eligible operation and maintenance costs for inland harbors: *Provided*, That the Secretary shall not deviate from 14 15 the work plan, once the plan has been submitted to the Committees on Appropriations of both Houses of Con-16 17 gress.

18 OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or

other public agency that serve essential navigation needs 1 2 of general commerce, where authorized by law; surveying 3 and charting northern and northwestern lakes and con-4 necting waters; clearing and straightening channels; and 5 removing obstructions to navigation, \$5,496,622,000 (increased by \$3,000,000) (reduced by \$3,000,000), to re-6 7 main available until expended, of which \$2,691,391,000, 8 to be derived from the Harbor Maintenance Trust Fund, 9 shall be to cover the Federal share of eligible operations 10 and maintenance costs for coastal harbors and channels, 11 and for inland harbors; of which such sums as become 12 available from the special account for the Corps of Engi-13 neers established by the Land and Water Conservation Fund Act of 1965 shall be derived from that account for 14 15 resource protection, research, interpretation, and maintenance activities related to resource protection in the areas 16 17 at which outdoor recreation is available; of which such 18 sums as become available from fees collected under section 19 217 of Public Law 104–303 shall be used to cover the 20 cost of operation and maintenance of the dredged material 21 disposal facilities for which such fees have been collected; 22 and of which \$58,000,000, to be derived from the general 23 fund of the Treasury, shall be to carry out subsection (c) 24 of section 2106 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238c) and shall be des-25

ignated as being for such purpose pursuant to paragraph 1 2 (2) of section 14003 of division B of the Coronavirus Aid, 3 Relief, and Economic Security Act (Public Law 116–136): 4 *Provided*, That 1 percent of the total amount of funds pro-5 vided for each of the programs, projects, or activities funded under this heading shall not be allocated to a field oper-6 7 ating activity prior to the beginning of the fourth quarter 8 of the fiscal year and shall be available for use by the Chief 9 of Engineers to fund such emergency activities as the 10 Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate dur-11 ing the fourth quarter any remaining funds which have 12 13 not been used for emergency activities proportionally in 14 accordance with the amounts provided for the programs, 15 projects, or activities: *Provided further*, That the Secretary shall not deviate from the work plan, once the plan has 16 been submitted to the Committees on Appropriations of 17 18 both Houses of Congress.

19 REGULATORY PROGRAM

For expenses necessary for administration of laws
pertaining to regulation of navigable waters and wetlands,
\$218,000,000, to remain available until September 30,
2025.

1 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

2 For expenses necessary to clean up contamination
3 from sites in the United States resulting from work per4 formed as part of the Nation's early atomic energy pro5 gram, \$200,000,000, to remain available until expended.

6 FLOOD CONTROL AND COASTAL EMERGENCIES

7 For expenses necessary to prepare for flood, hurri-8 cane, typhoon, and other natural disasters and support 9 emergency operations, repairs, and other activities in re-10 sponse to such disasters as authorized by law. 11 \$40,000,000 (reduced by \$1,000,000) (increased by 12 (1,000,000) (increased by (1,500,000)), to remain avail-13 able until expended.

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#### EXPENSES

15 For expenses necessary for the supervision and general administration of the civil works program in the head-16 17 quarters of the Corps of Engineers and the offices of the 18 Division Engineers; and for costs of management and op-19 eration of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States 20 21 Army Engineer Research and Development Center, and 22 the United States Army Corps of Engineers Finance Cen-23 ter allocable to the civil works program, \$215,000,000 (in-24 creased by \$1,500,000), to remain available until Sep-25 tember 30, 2025, of which not to exceed \$5,000 may be

used for official reception and representation purposes and 1 2 only during the current fiscal year: *Provided*, That no part 3 of any other appropriation provided in this title shall be 4 available to fund the civil works activities of the Office 5 of the Chief of Engineers or the civil works executive direction and management activities of the division offices: 6 7 Provided further, That any Flood Control and Coastal 8 Emergencies appropriation may be used to fund the super-9 vision and general administration of emergency oper-10 ations, repairs, and other activities in response to any flood, hurricane, typhoon, or other natural disaster. 11

12 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
13 FOR CIVIL WORKS

14 For the Office of the Assistant Secretary of the Army 15 for Civil Works as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until September 30, 2025: 16 17 *Provided*, That not more than 25 percent of such amount may be obligated or expended until the Assistant Sec-18 retary submits to the Committees on Appropriations of 19 20 both Houses of Congress the report required under section 21 101(d) of this Act and a work plan that allocates at least 22 95 percent of the additional funding provided under each 23 heading in the report accompanying this Act to specific 24 programs, projects, or activities.

1	WATER INFRASTRUCTURE FINANCE AND INNOVATION
2	PROGRAM ACCOUNT
3	For administrative expenses to carry out the direct
4	and guaranteed loan programs authorized by the Water
5	Infrastructure Finance and Innovation Act of 2014,
6	\$5,000,000, to remain available until September 30, 2025.
7	GENERAL PROVISIONS—CORPS OF
8	ENGINEERS—CIVIL
9	(INCLUDING TRANSFER OF FUNDS)
10	SEC. 101. (a) None of the funds provided in title I
11	of this Act, or provided by previous appropriations Acts
12	to the agencies or entities funded in title I of this Act
13	that remain available for obligation or expenditure in fiscal
14	year 2024, shall be available for obligation or expenditure
15	through a reprogramming of funds that:
16	(1) creates or initiates a new program, project,
17	or activity;
18	(2) eliminates a program, project, or activity;
19	(3) increases funds or personnel for any pro-
20	gram, project, or activity for which funds have been
21	denied or restricted by this Act, unless prior ap-
22	proval is received from the Committees on Appro-
23	priations of both Houses of Congress;
24	(4) proposes to use funds directed for a specific
25	activity for a different purpose, unless prior approval

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1	is received from the Committees on Appropriations
2	of both Houses of Congress;
3	(5) augments or reduces existing programs,
4	projects, or activities in excess of the amounts con-
5	tained in paragraphs (6) through (10), unless prior
6	approval is received from the Committees on Appro-
7	priations of both Houses of Congress;
8	(6) INVESTIGATIONS.—For a base level over
9	\$100,000, reprogramming of 25 percent of the base
10	amount up to a limit of \$150,000 per project, study
11	or activity is allowed: <i>Provided</i> , That for a base level
12	less than $$100,000$ , the reprogramming limit is
13	\$25,000: Provided further, That up to \$25,000 may
14	be reprogrammed into any continuing study or activ-
15	ity that did not receive an appropriation for existing
16	obligations and concomitant administrative expenses;
17	(7) CONSTRUCTION.—For a base level over
18	\$2,000,000, reprogramming of 15 percent of the
19	base amount up to a limit of \$3,000,000 per project,
20	study or activity is allowed: Provided, That for a
21	base level less than $$2,000,000$ , the reprogramming
22	limit is \$300,000: Provided further, That up to
23	3,000,000 may be reprogrammed for settled con-
24	tractor claims, changed conditions, or real estate de-
25	ficiency judgments: Provided further, That up to

\$300,000 may be reprogrammed into any continuing
 study or activity that did not receive an appropria tion for existing obligations and concomitant admin istrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlim-5 6 ited reprogramming authority is granted for the 7 Corps to be able to respond to emergencies: Pro-8 vided, That the Chief of Engineers shall notify the 9 Committees on Appropriations of both Houses of 10 Congress of these emergency actions as soon there-11 after as practicable: *Provided further*, That for a 12 base level over \$1,000,000, reprogramming of 15 13 percent of the base amount up to a limit of 14 \$5,000,000 per project, study, or activity is allowed: 15 *Provided further*, That for a base level less than 16 \$1,000,000, the reprogramming limit is \$150,000: 17 *Provided further*, That \$150,000 may be repro-18 grammed into any continuing study or activity that 19 did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—
The reprogramming guidelines in paragraphs (6),
(7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions
of the Mississippi River and Tributaries Account, respectively; and

(10) FORMERLY UTILIZED SITES REMEDIAL AC TION PROGRAM.—Reprogramming of up to 15 per cent of the base of the receiving project is permitted.
 (b) DE MINIMUS REPROGRAMMINGS.—In no case
 should a reprogramming for less than \$50,000 be sub mitted to the Committees on Appropriations of both
 Houses of Congress.

8 (c) CONTINUING AUTHORITIES PROGRAM.—Sub9 section (a)(1) shall not apply to any project or activity
10 funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to
the Committees on Appropriations of both Houses of Congress to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments
due to enacted rescissions, if applicable, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project
and activity as detailed in the budget appendix for
the respective appropriations; and

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

SEC. 102. The Secretary shall allocate funds made
available in this Act solely in accordance with the provisions of this Act and in the report accompanying this Act.
SEC. 103. None of the funds made available in this
title may be used to award or modify any contract that
commits funds beyond the amounts appropriated for that

9 program, project, or activity that remain unobligated, ex10 cept that such amounts may include any funds that have
11 been made available through reprogramming pursuant to
12 section 101.

SEC. 104. The Secretary of the Army may transfer
to the Fish and Wildlife Service, and the Fish and Wildlife
Service may accept and expend, up to \$8,200,000 of funds
provided in this title under the heading "Operation and
Maintenance" to mitigate for fisheries lost due to Corps
of Engineers projects.

19 SEC. 105. None of the funds in this Act shall be used 20 for an open lake placement alternative for dredged mate-21 rial, after evaluating the least costly, environmentally ac-22 ceptable manner for the disposal or management of 23 dredged material originating from Lake Erie or tributaries 24 thereto, unless it is approved under a State water quality 25 certification pursuant to section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341): *Provided*, That
 until an open lake placement alternative for dredged mate rial is approved under a State water quality certification,
 the Corps of Engineers shall continue upland placement
 of such dredged material consistent with the requirements
 of section 101 of the Water Resources Development Act
 of 1986 (33 U.S.C. 2211).

8 SEC. 106. None of the funds made available by this 9 Act may be used to carry out any water supply reallocation 10 study under the Wolf Creek Dam, Lake Cumberland, Ken-11 tucky, project authorized under the Act of July 24, 1946 12 (60 Stat. 636, ch. 595).

13 SEC. 107. None of the funds made available by this 14 Act or any other Act may be used to reorganize or to 15 transfer the Civil Works functions or authority of the 16 Corps of Engineers or the Secretary of the Army to an-17 other department or agency.

18 SEC. 108. Additional funding provided in this Act19 shall be allocated only to projects determined to be eligible20 by the Chief of Engineers.

SEC. 109. The rule submitted by the Department of
the Army, Corps of Engineers, Department of Defense,
and the Environmental Protection Agency relating to "Revised Definition of 'Waters of the United States'" (88)

Fed. Reg. 3004 (January 18, 2023)) shall have no force
 or effect.

3 SEC. 110. As of the date of enactment of this Act 4 and each fiscal year thereafter, the Secretary of the Army 5 shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including 6 7 an assembled or functional firearm, at a water resources 8 development project covered under section 327.0 of title 9 36, Code of Federal Regulations (as in effect on the date 10 of enactment of this Act) if:

(1) the individual is not otherwise prohibited bylaw from possessing a firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water
resources development project is located.

16 SEC. 111. None of the funds made available by this 17 Act or any other Act in any fiscal year may be used to 18 alter the eligibility requirements for assistance under sec-19 tion 5 of the Act of August 18, 1941 (33 U.S.C. 701n) 20 in effect on November 14, 2022, without express author-21 ization by Congress.

SEC. 112. Notwithstanding any other requirement,
unobligated balances from amounts made available under
the heading "Corps of Engineers—Civil—Construction"
in division J of the Infrastructure Investment and Jobs

Act (Public Law 117–58) for which spend plan allocations 1 have not been announced as of the date of enactment of 2 3 this Act may be made available for projects, regardless 4 of project purpose, that have previously received funds 5 under the heading "Corps of Engineers—Civil—Construction" in the Bipartisan Budget Act of 2018 (Public Law 6 7 115–123) and for which non-Federal interests have en-8 tered into binding agreements with the Secretary as of the 9 date of enactment of this Act: *Provided*, That projects re-10 ceiving Infrastructure Investment and Jobs Act (Public Law 117-58) funding pursuant to this section shall be 11 12 subject only to the terms and conditions of the Bipartisan 13 Budget Act of 2018 (Public Law 115–123): Provided further, That amounts repurposed pursuant to this section 14 15 that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget 16 17 and Emergency Deficit Control Act of 1985 or a concur-18 rent resolution on the budget are designated by the Con-19 gress as an emergency requirement pursuant to section 20 251(b)(2)(A)(i) of the Balanced Budget and Emergency 21 Deficit Control Act of 1985.

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, \$23,000,000, to remain
7	available until expended, of which \$4,650,000 shall be de-
8	posited into the Utah Reclamation Mitigation and Con-
9	servation Account for use by the Utah Reclamation Miti-
10	gation and Conservation Commission: Provided, That of
11	the amount provided under this heading, \$1,750,000 shall
12	be available until September 30, 2025, for expenses nec-
13	essary in carrying out related responsibilities of the Sec-
14	retary of the Interior: Provided further, That for fiscal
15	year 2024, of the amount made available to the Commis-
16	sion under this Act or any other Act, the Commission may
17	use an amount not to exceed \$1,990,000 for administra-
18	tive expenses.
19	BUREAU OF RECLAMATION

17

20 The following appropriations shall be expended to21 execute authorized functions of the Bureau of Reclama-22 tion:

WATER AND RELATED RESOURCES

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#### (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of water and related natural resources and for related activi-4 5 ties, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in 6 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, \$1,693,366,000 (increased by \$2,000,000) (increased by \$4,000,000) (in-11 12 creased by \$500,000) (increased by \$1,000,000), to re-13 main available until expended, of which \$1,051,000 (increased by \$2,000,000) shall be available for transfer to 14 15 the Upper Colorado River Basin Fund and \$7,584,000 shall be available for transfer to the Lower Colorado River 16 17 Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam 18 Fund: Provided, That \$500,000 shall be available for 19 20 transfer into the Aging Infrastructure Account established 21 by section 9603(d)(1) of the Omnibus Public Land Man-22 agement Act of 2009, as amended (43 U.S.C. 510b(d)(1)): 23 *Provided further*, That such transfers, except for the 24 transfer authorized by the preceding proviso, may be in-25 creased or decreased within the overall appropriation

under this heading: *Provided further*, That of the total ap-1 propriated, the amount for program activities that can be 2 3 financed by the Reclamation Fund, the Water Storage En-4 hancement Receipts account established by section 5 4011(e) of Public Law 114–322, or the Bureau of Reclamation special fee account established by 16 U.S.C. 6 7 6806 shall be derived from that Fund or account: *Provided* 8 *further*, That funds contributed under 43 U.S.C. 395 are 9 available until expended for the purposes for which the 10 funds were contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this ac-11 12 count and are available until expended for the same pur-13 poses as the sums appropriated under this heading: Provided further, That of the amounts made available under 14 15 this heading, \$5,500,000 shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 16 17 of title I of division B of appendix D of Public Law 106– 18 554: Provided further, That of the amounts provided herein, funds may be used for high-priority projects which 19 20shall be carried out by the Youth Conservation Corps, as 21 authorized by 16 U.S.C. 1706: Provided further, That within available funds, \$250,000 shall be for grants and 22 23 financial assistance for educational activities: Provided 24 *further*, That in accordance with section 4007 of Public 25 Law 114–322 and as recommended by the Secretary in letters dated February 13, 2019, June 22, 2020, and De cember 3, 2020, funding provided for such purpose in this
 and prior fiscal years shall be made available to the Shasta
 Dam and Reservoir Enlargement Project.

#### 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, such sums 9 as may be collected in fiscal year 2024 in the Central Val-10 ley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, 11 12 to remain available until expended: *Provided*, That the Bu-13 reau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration 14 15 payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made 16 17 available under this heading may be used for the acquisi-18 tion or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court 19 adopted decree or order. 20

21

#### CALIFORNIA BAY-DELTA RESTORATION

22 (INCLUDING TRANSFERS OF FUNDS)

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

the Interior, \$33,000,000, to remain available until ex-1 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 appropriated herein may be used for the Federal share of the 6 7 costs of Calfed Program management: Provided further, 8 That Calfed implementation shall be carried out in a bal-9 anced manner with clear performance measures dem-10 onstrating concurrent progress in achieving the goals and 11 objectives of the Program.

12

#### POLICY AND ADMINISTRATION

13 For expenses necessary for policy, administration, and related functions in the Office of the Commissioner, 14 15 the Denver office, and offices in the six regions of the Bureau of Reclamation, to remain available until September 16 17 30, 2025, \$65,079,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 18 U.S.C. 377, of which not to exceed \$5,000 may be used 19 20 for official reception and representation expenses: Pro-21 *vided*, That no part of any other appropriation in this Act 22 shall be available for activities or functions budgeted as policy and administration expenses. 23

#### ADMINISTRATIVE PROVISION

2 Appropriations for the Bureau of Reclamation shall
3 be available for purchase and replacement of not to exceed
4 30 motor vehicles, which are for replacement only.

#### 5 GENERAL PROVISIONS—DEPARTMENT OF THE

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#### INTERIOR

7 SEC. 201. (a) None of the funds provided in title II 8 of this Act for Water and Related Resources, or provided 9 by previous or subsequent appropriations Acts to the agencies or entities funded in title II of this Act for Water 10 11 and Related Resources that remain available for obligation 12 or expenditure in fiscal year 2024, shall be available for 13 obligation or expenditure through a reprogramming of 14 funds that—

- 15 (1) initiates or creates a new program, project,
  16 or activity;
- 17 (2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or
activity for which funds have been denied or restricted by this Act, unless prior approval is received
from the Committees on Appropriations of both
Houses of Congress;

(4) restarts or resumes any program, project oractivity for which funds are not provided in this Act,

1	unless prior approval is received from the Commit-
2	tees on Appropriations of both Houses of Congress;
3	(5) transfers funds in excess of the following
4	limits, unless prior approval is received from the
5	Committees on Appropriations of both Houses of
6	Congress:
7	(A) 15 percent for any program, project or
8	activity for which \$2,000,000 or more is avail-
9	able at the beginning of the fiscal year; or
10	(B) \$400,000 for any program, project or
11	activity for which less than \$2,000,000 is avail-
12	able at the beginning of the fiscal year;
13	(6) transfers more than $$500,000$ from either
14	the Facilities Operation, Maintenance, and Rehabili-
15	tation category or the Resources Management and
16	Development category to any program, project, or
17	activity in the other category, unless prior approval
18	is received from the Committees on Appropriations
19	of both Houses of Congress; or
20	(7) transfers, where necessary to discharge legal
21	obligations of the Bureau of Reclamation, more than
22	\$5,000,000 to provide adequate funds for settled
23	contractor claims, increased contractor earnings due
24	to accelerated rates of operations, and real estate de-
25	ficiency judgments, unless prior approval is received

from the Committees on Appropriations of both
 Houses of Congress.

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

6 (c) For purposes of this section, the term "transfer"
7 means any movement of funds into or out of a program,
8 project, or activity.

9 (d) Except as provided in subsections (a) and (b), the 10 amounts made available in this title under the heading 11 "Bureau of Reclamation—Water and Related Resources" 12 shall be expended for the programs, projects, and activities specified in the "House Recommended" columns in the 13 "Water and Related Resources" table included under the 14 15 heading "Title II—Department of the Interior" in the report accompanying this Act. 16

(e) The Bureau of Reclamation shall submit reports
on a quarterly basis to the Committees on Appropriations
of both Houses of Congress detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment
of this Act.

24 SEC. 202. (a) None of the funds appropriated or oth-25 erwise made available by this Act may be used to deter1 mine the final point of discharge for the interceptor drain
2 for the San Luis Unit until development by the Secretary
3 of the Interior and the State of California of a plan, which
4 shall conform to the water quality standards of the State
5 of California as approved by the Administrator of the En6 vironmental Protection Agency, to minimize any detri7 mental effect of the San Luis drainage waters.

8 (b) The costs of the Kesterson Reservoir Cleanup 9 Program and the costs of the San Joaquin Valley Drain-10 age Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected 11 until fully repaid pursuant to the "Cleanup Program— 12 Alternative Repayment Plan" and the "SJVDP—Alter-13 native Repayment Plan" described in the report entitled 14 15 "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, Feb-16 17 ruary 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds 18 by the United States relating to, or providing for, drainage 19 20 service or drainage studies for the San Luis Unit shall 21 be fully reimbursable by San Luis Unit beneficiaries of 22 such service or studies pursuant to Federal reclamation 23 law.

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	\$2,994,000,000 (reduced by $$1,000,000,000$ ), to remain
14	available until expended: Provided, That of such amount,
15	\$223,000,000 shall be available until September 30, 2025,
16	for program direction.
17	Cybersecurity, Energy Security, and Emergency

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18

#### Response

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy sector cybersecurity, energy security, and emergency response activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisi tion, construction, or expansion, \$200,000,000 (increased
 by \$5,000,000) (reduced by \$5,000,000) (reduced by
 \$7,000,000) (increased by \$7,000,000), to remain avail able until expended: *Provided*, That of such amount,
 \$25,143,000 shall be available until September 30, 2025,
 for program direction.

8

#### ELECTRICITY

9 For Department of Energy expenses including the 10 purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for elec-11 12 tricity activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et 13 seq.), including the acquisition or condemnation of any 14 15 real property or any facility or for plant or facility acquisition, construction, or expansion, \$315,600,000, to remain 16 17 available until expended: Provided, That of such amount, \$23,000,000 shall be available until September 30, 2025, 18 19 for program direction.

20

#### NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et

seq.), including the acquisition or condemnation of any 1 2 real property or any facility or for plant or facility acquisi-3 tion, construction, or expansion, \$1,783,000,000, to re-4 main available until expended. Provided, That of such 5 amount, \$85,500,000 shall be available until September 6 30, 2025, for program direction: *Provided further*, That 7 for the purpose of section 954(a)(6) of the Energy Policy 8 Act of 2005, as amended, the only amount available shall 9 be from the amount specified as including that purpose in the "House Recommended" column in the "Department 10 of Energy" table included under the heading "Title III— 11 Department of Energy" in the report accompanying this 12 13 Act.

#### 14 Fossil Energy and Carbon Management

15 For Department of Energy expenses necessary in carrying out fossil energy and carbon management research 16 17 and development activities, under the authority of the De-18 partment of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defea-19 20 sible and equitable interests in any real property or any 21 facility or for plant or facility acquisition or expansion, 22 and for conducting inquiries, technological investigations 23 and research concerning the extraction, processing, use, 24 and disposal of mineral substances without objectionable 25 social and environmental costs (30 U.S.C. 3, 1602, and

1 1603), \$857,904,000, to remain available until expended:
 2 Provided, That of such amount \$70,000,000 shall be avail 3 able until September 30, 2025, for program direction.

#### 4 NAVAL PETROLEUM AND OIL SHALE RESERVES

5 For Department of Energy expenses necessary to 6 carry out naval petroleum and oil shale reserve activities, 7 \$13,010,000, to remain available until expended: *Pro-*8 *vided*, That notwithstanding any other provision of law, 9 unobligated funds remaining from prior years shall be 10 available for all naval petroleum and oil shale reserve ac-11 tivities.

12 STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$280,969,000, to remain available until expended.

18 NORTHEAST HOME HEATING OIL RESERVE

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

ENERGY INFORMATION ADMINISTRATION
 For Department of Energy expenses necessary in car rying out the activities of the Energy Information Admin istration, \$135,000,000, to remain available until ex pended.

6 Non-Defense Environmental Cleanup

7 For Department of Energy expenses, including the 8 purchase, construction, and acquisition of plant and cap-9 ital equipment and other expenses necessary for non-de-10 fense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act 11 12 (42 U.S.C. 7101 et seq.), including the acquisition or con-13 demnation of any real property or any facility or for plant 14 facility acquisition, construction,  $\mathbf{or}$ or expansion, 15 \$341,700,000, to remain available until expended: Provided, That in addition, fees collected pursuant to sub-16 17 section (b)(1) of section 6939f of title 42, United States 18 Code, and deposited under this heading in fiscal year 2024 19 pursuant to section 309 of title III of division C of Public 20 Law 116–94 are appropriated, to remain available until 21 expended, for mercury storage costs.

## 22 URANIUM ENRICHMENT DECONTAMINATION AND

23

Decommissioning Fund

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

and decommissioning, remedial actions, and other activi-1 2 ties of title II of the Atomic Energy Act of 1954, and 3 title X, subtitle A, of the Energy Policy Act of 1992, 4 \$865,208,000, to be derived from the Uranium Enrich-5 ment Decontamination and Decommissioning Fund, to remain available until expended, of which \$10,000,000 shall 6 7 be available in accordance with title X, subtitle A, of the 8 Energy Policy Act of 1992.

9

#### SCIENCE

10 For Department of Energy expenses including the purchase, construction, and acquisition of plant and cap-11 12 ital equipment, and other expenses necessary for science 13 activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), in-14 15 cluding the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, con-16 17 struction, or expansion, and purchase of not more than 35 passenger motor vehicles, \$8,100,000,000, to remain 18 19 available until expended: *Provided*, That of such amount, 20 \$211,211,000 shall be available until September 30, 2025, 21 for program direction.

22 NUCLEAR WASTE DISPOSAL

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

425, as amended, \$12,040,000, to remain available until 1 2 expended, which shall be derived from the Nuclear Waste Fund. 3

4

#### **TECHNOLOGY TRANSITIONS**

5 For Department of Energy expenses necessary for carrying out the activities of technology transitions, 6 7 \$22,098,000, to remain available until expended: Pro-8 vided, That of such amount, \$13,183,000 shall be avail-9 able until September 30, 2025, for program direction.

10 **CLEAN ENERGY DEMONSTRATIONS** 

11 For Department of Energy expenses necessary to 12 carry out program direction of the Office of Clean Energy 13 Demonstrations, \$35,000,000, to remain available until September 30, 2025. 14

15 Advanced Research Projects Agency—Energy

16 For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the 17 18 America COMPETES Act (Public Law 110-69),19 \$470,000,000, to remain available until expended: Provided, That of such amount, \$37,000,000 shall be avail-20 21 able until September 30, 2025, 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

Policy Act of 2005 under this heading in prior Acts, shall 1 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, \$70,000,000 (reduced by \$3,000,000) (increased by 6 7 \$3,000,000) is appropriated, to remain available until 8 September 30, 2025: Provided further, That up to 9 \$70,000,000 of fees collected in fiscal year 2024 pursuant 10 to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections under this heading and 11 used for necessary administrative expenses in this appro-12 13 priation and shall remain available until September 30, 2025: Provided further, That to the extent that fees col-14 15 lected in fiscal year 2024 exceed \$70,000,000, those excess amounts shall be credited as offsetting collections 16 17 under this heading and available in future fiscal years only to the extent provided in advance in appropriations Acts: 18 19 *Provided further*, That the sum herein appropriated from 20 the general fund shall be reduced (1) as such fees are re-21 ceived during fiscal year 2024 (estimated at \$70,000,000) 22 and (2) to the extent that any remaining general fund ap-23 propriations can be derived from fees collected in previous 24 fiscal years that are not otherwise appropriated, so as to 25 result in a final fiscal year 2024 appropriation from the

general fund estimated at \$0: Provided further, That the
 Department of Energy shall not subordinate any loan obli gation to other financing in violation of section 1702 of
 the Energy Policy Act of 2005 or subordinate any Guaran teed Obligation to any loan or other debt obligations in
 violation of section 609.10 of title 10, Code of Federal
 Regulations.

# 8 Advanced Technology Vehicles Manufacturing 9 Loan Program

For Department of Energy administrative expenses
necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$13,000,000, to remain available until September 30, 2025.

14 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

For Department of Energy administrative expenses necessary in carrying out the Tribal Energy Loan Guarantee Program, \$6,300,000, to remain available until September 30, 2025.

19 INDIAN ENERGY POLICY AND PROGRAMS

For necessary expenses for Indian Energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$75,000,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, \$14,000,000 shall be available until September 30, 2025, for program
 direction.

3

#### DEPARTMENTAL ADMINISTRATION

4 For salaries and expenses of the Department of En-5 ergy necessary for departmental administration in carrying out the purposes of the Department of Energy Orga-6 7 nization Act (42 U.S.C. 7101 et seq.), \$383,578,000 (re-8 duced by \$2,000,000) (reduced by \$4,000,000) (reduced 9 by \$500,000) (reduced by \$1,000,000), to remain avail-10 able until September 30, 2025, including the hire of passenger motor vehicles and official reception and represen-11 12 tation expenses not to exceed \$30,000, plus such addi-13 tional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding 14 15 the provisions of the Anti-Deficiency Act (31 U.S.C. 1511) et seq.): *Provided*, That such increases in cost of work are 16 17 offset by revenue increases of the same or greater amount: *Provided further*, That moneys received by the Department 18 19 for miscellaneous revenues estimated to total 20 \$100,578,000 in fiscal year 2024 may be retained and 21 used for operating expenses within this account, as au-22 thorized by section 201 of Public Law 95–238, notwith-23 standing the provisions of 31 U.S.C. 3302: Provided fur-24 ther, That the sum herein appropriated shall be reduced 25 as collections are received during the fiscal year so as to

1	result in a final fiscal year 2024 appropriation from the
2	general fund estimated at not more than \$283,000,000.

#### **3** Office of the Inspector General

For expenses necessary for the Office of the Inspector
General in carrying out the provisions of the Inspector
General Act of 1978, \$92,000,000, to remain available
until September 30, 2025.

# 8 ATOMIC ENERGY DEFENSE ACTIVITIES 9 NATIONAL NUCLEAR SECURITY 10 ADMINISTRATION

11

#### WEAPONS ACTIVITIES

12 For Department of Energy expenses, including the 13 purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for 14 15 atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization 16 17 Act (42 U.S.C. 7101 et seq.), including the acquisition or 18 condemnation of any real property or any facility or for 19 plant or facility acquisition, construction, or expansion, 20 \$19,114,167,000 (increased by \$3,000,000), to remain 21 available until expended: Provided, That of such amount, 22 \$118,056,000 shall be available until September 30, 2025, 23 for program direction.

1 DEFENSE NUCLEAR NONPROLIFERATION 2 For Department of Energy expenses, including the 3 purchase, construction, and acquisition of plant and cap-4 ital equipment and other incidental expenses necessary for 5 defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization 6 7 Act (42 U.S.C. 7101 et seq.), including the acquisition or 8 condemnation of any real property or any facility or for 9 plant or facility acquisition, construction, or expansion, 10 \$2,380,037,000, to remain available until expended.

11 NAVAL REACTORS

12 (INCLUDING TRANSFER OF FUNDS)

13 For Department of Energy expenses necessary for naval reactors activities to carry out the Department of 14 15 Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construc-16 tion, or otherwise) of real property, plant, and capital 17 18 equipment, facilities, and facility expansion, \$1,946,049,000, to remain available until expended, of 19 which \$99,747,000 shall be transferred to "Department 20 21 of Energy—Energy Programs—Nuclear Energy", for the 22 Advanced Test Reactor: Provided, That of such amount, 23 \$61,540,000 shall be available until September 30, 2025, 24 for program direction.

FEDERAL SALARIES AND EXPENSES
 For expenses necessary for Federal Salaries and Ex penses in the National Nuclear Security Administration,
 \$518,994,000 (reduced by \$3,000,000), to remain avail able until September 30, 2025, including official reception
 and representation expenses not to exceed \$17,000.

# 7 ENVIRONMENTAL AND OTHER DEFENSE8 ACTIVITIES

Defense Environmental Cleanup

10 For Department of Energy expenses, including the purchase, construction, and acquisition of plant and cap-11 12 ital equipment and other expenses necessary for atomic 13 energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Orga-14 15 nization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility 16 17 or for plant or facility acquisition, construction, or expansion, \$7,073,556,000, to remain available until expended: 18 19 *Provided*, That of such amount, \$326,893,000 shall be available until September 30, 2025, for program direction. 20

21

9

### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified ac-

tivities, in carrying out the purposes of the Department 1 2 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-3 cluding the acquisition or condemnation of any real prop-4 erty or any facility or for plant or facility acquisition, con-5 struction, or expansion, \$1,075,197,000, to remain avail-6 able until expended: *Provided*, That of such amount, 7 \$381,460,000 shall be available until September 30, 2025, 8 for program direction.

### 9 POWER MARKETING ADMINISTRATIONS

10 BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed \$5,000: *Provided*, That during fiscal year 2024, no new direct loan obligations may be made.

### 17 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER18 ADMINISTRATION

For expenses necessary for operation and maintenance of power transmission facilities and for marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$8,449,000, including official reception and representation expenses in an amount not to

exceed \$1,500, to remain available until expended: Pro-1 2 vided, That notwithstanding 31 U.S.C. 3302 and section 3 5 of the Flood Control Act of 1944, up to \$8,449,000 col-4 lected by the Southeastern Power Administration from the 5 sale of power and related services shall be credited to this 6 account as discretionary offsetting collections, to remain 7 available until expended for the sole purpose of funding 8 the annual expenses of the Southeastern Power Adminis-9 tration: *Provided further*, That the sum herein appro-10 priated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final 11 12 fiscal year 2024 appropriation estimated at not more than 13 \$0: Provided further, That notwithstanding 31 U.S.C. 3302, up to \$71,850,000 collected by the Southeastern 14 15 Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses 16 17 shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose 18 19 of making purchase power and wheeling expenditures: 20 *Provided further*, That for purposes of this appropriation, 21 annual expenses means expenditures that are generally re-22 covered in the same year that they are incurred (excluding 23 purchase power and wheeling expenses).

1 Operation and Maintenance, Southwestern

2

### Power Administration

3 For expenses necessary for operation and mainte-4 nance of power transmission facilities and for marketing 5 electric power and energy, for construction and acquisition of transmission lines, substations and appurtement facili-6 7 ties, and for administrative expenses, including official re-8 ception and representation expenses in an amount not to 9 exceed \$1,500 in carrying out section 5 of the Flood Con-10 trol Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$52,326,000, to re-11 12 main available until expended: *Provided*, That notwith-13 standing 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$40,886,000 col-14 15 lected by the Southwestern Power Administration from the sale of power and related services shall be credited to 16 17 this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of 18 19 funding the annual expenses of the Southwestern Power 20Administration: *Provided further*, That the sum herein ap-21 propriated for annual expenses shall be reduced as collec-22 tions are received during the fiscal year so as to result 23 in a final fiscal year 2024 appropriation estimated at not 24 more than \$11,440,000: Provided further, That notwith-25 standing 31 U.S.C. 3302, up to \$80,000,000 collected by

the Southwestern Power Administration pursuant to the 1 2 Flood Control Act of 1944 to recover purchase power and 3 wheeling expenses shall be credited to this account as off-4 setting collections, to remain available until expended for 5 the sole purpose of making purchase power and wheeling 6 expenditures: *Provided further*, That for purposes of this 7 appropriation, annual expenses means expenditures that 8 are generally recovered in the same year that they are in-9 curred (excluding purchase power and wheeling expenses). 10 CONSTRUCTION, REHABILITATION, **OPERATION** AND 11 MAINTENANCE, WESTERN AREA POWER ADMINIS-12 TRATION

13 For carrying out the functions authorized by title III, 14 section 302(a)(1)(E) of the Act of August 4, 1977 (42) 15 U.S.C. 7152), and other related activities including conservation and renewable resources programs as author-16 ized, \$313,289,000, including official reception and rep-17 18 resentation expenses in an amount not to exceed \$1,500, to remain available until expended, of which \$313,289,000 19 20 shall be derived from the Department of the Interior Rec-21 lamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 22 23 U.S.C. 825s), and section 1 of the Interior Department 24 Appropriation Act, 1939 (43 U.S.C. 392a), up to 25 \$213,417,000 collected by the Western Area Power Ad-

ministration from the sale of power and related services 1 2 shall be credited to this account as discretionary offsetting 3 collections, to remain available until expended, for the sole 4 purpose of funding the annual expenses of the Western 5 Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be re-6 7 duced as collections are received during the fiscal year so 8 as to result in a final fiscal year 2024 appropriation esti-9 mated at not more than \$99,872,000, of which 10 \$99,872,000 is derived from the Reclamation Fund: Provided further, That notwithstanding 31 U.S.C. 3302, up 11 12 to \$475,000,000 collected by the Western Area Power Ad-13 ministration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover pur-14 15 chase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available 16 until expended for the sole purpose of making purchase 17 power and wheeling expenditures: *Provided further*, That 18 19 for purposes of this appropriation, annual expenses means 20 expenditures that are generally recovered in the same year 21 that they are incurred (excluding purchase power and 22 wheeling expenses).

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE

2

### Fund

3 For operation, maintenance, and emergency costs for 4 the hydroelectric facilities at the Falcon and Amistad 5 Dams, \$3,425,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating 6 7 and Maintenance Fund of the Western Area Power Ad-8 ministration, as provided in section 2 of the Act of June 9 18, 1954 (68 Stat. 255): Provided, That notwithstanding 10 the provisions of that Act and of 31 U.S.C. 3302, up to \$3,197,000 collected by the Western Area Power Adminis-11 12 tration from the sale of power and related services from 13 the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain 14 15 available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these 16 Dams and associated Western Area Power Administration 17 activities: *Provided further*, That the sum herein appro-18 19 priated for annual expenses shall be reduced as collections 20are received during the fiscal year so as to result in a final 21 fiscal year 2024 appropriation estimated at not more than 22 \$228,000: Provided further, That for purposes of this ap-23 propriation, annual expenses means expenditures that are 24 generally recovered in the same year that they are in-25 curred: *Provided further*, That for fiscal year 2024, the

Administrator of the Western Area Power Administration 1 2 may accept up to \$1,872,000 in funds contributed by 3 United States power customers of the Falcon and Amistad 4 Dams for deposit into the Falcon and Amistad Operating 5 and Maintenance Fund, and such funds shall be available 6 for the purpose for which contributed in like manner as 7 if said sums had been specifically appropriated for such 8 purpose: *Provided further*, That any such funds shall be 9 available without further appropriation and without fiscal 10 year limitation for use by the Commissioner of the United States Section of the International Boundary and Water 11 12 Commission for the sole purpose of operating, maintain-13 ing, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with 14 15 agreements reached between the Administrator, Commissioner, and the power customers. 16

### 17 FEDERAL ENERGY REGULATORY COMMISSION

18

#### SALARIES AND EXPENSES

For expenses necessary for the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, official reception and representation expenses not to exceed \$3,000, and the hire of passenger motor vehicles, \$520,000,000, to remain available until expended: *Pro-*

*vided*, That notwithstanding any other provision of law, 1 not to exceed \$520,000,000 of revenues from fees and an-2 3 nual charges, and other services and collections in fiscal 4 year 2024 shall be retained and used for expenses nec-5 essary in this account, and shall remain available until expended: *Provided further*, That the sum herein appro-6 7 priated from the general fund shall be reduced as revenues 8 are received during fiscal year 2024 so as to result in a 9 final fiscal year 2024 appropriation from the general fund 10 estimated at not more than \$0.

## GENERAL PROVISIONS—DEPARTMENT OF ENERGY

13 (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

14 SEC. 301. (a) No appropriation, funds, or authority 15 made available by this title for the Department of Energy shall be used to initiate or resume any program, project, 16 or activity or to prepare or initiate Requests For Proposals 17 18 similar arrangements (including or Requests for 19 Quotations, Requests for Information, and Funding Op-20 portunity Announcements) for a program, project, or ac-21 tivity if the program, project, or activity has not been 22 funded by Congress.

(b)(1) Unless the Secretary of Energy notifies theCommittees on Appropriations of both Houses of Congress

1	at least 3 full business days in advance, none of the funds
2	made available in this title may be used to—
3	(A) make a grant allocation or discretionary
4	grant award totaling \$1,000,000 or more;
5	(B) make a discretionary contract award or
6	Other Transaction Agreement totaling \$1,000,000
7	or more, including a contract covered by the Federal
8	Acquisition Regulation;
9	(C) issue a letter of intent to make an alloca-
10	tion, award, or Agreement in excess of the limits in
11	subparagraph (A) or (B); or
12	(D) announce publicly the intention to make an
13	allocation, award, or Agreement in excess of the lim-
14	its in subparagraph (A) or (B).
15	(2) The Secretary of Energy shall submit to the Com-
16	mittees on Appropriations of both Houses of Congress
17	within 15 days of the conclusion of each quarter a report
18	detailing each grant allocation or discretionary grant
19	award totaling less than \$1,000,000 provided during the
20	previous quarter.
21	(3) The notification required by paragraph $(1)$ and
$\mathbf{r}$	the report required by performable (9) shall include the re-

(3) The notification required by paragraph (1) and
the report required by paragraph (2) shall include the recipient of the award, the amount of the award, the fiscal
year for which the funds for the award were appropriated,
the account and program, project, or activity from which

the funds are being drawn, the title of the award, and
 a brief description of the activity for which the award is
 made.

4 (c) The Department of Energy may not, with respect
5 to any program, project, or activity that uses budget au6 thority made available in this title under the heading "De7 partment of Energy—Energy Programs", enter into a
8 multiyear contract, award a multiyear grant, or enter into
9 a multiyear cooperative agreement unless—

10 (1) the contract, grant, or cooperative agree11 ment is funded for the full period of performance as
12 anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future
year budget authority and the Secretary notifies the
Committees on Appropriations of both Houses of
Congress at least 3 days in advance.

(d) Except as provided in subsections (e), (f), and (g),
the amounts made available by this title shall be expended
as authorized by law for the programs, projects, and activities specified in the "House Recommended" column in
the "Department of Energy" table included under the
heading "Title III—Department of Energy" in the report
accompanying this Act.

1 (e) The amounts made available by this title may be 2 reprogrammed for any program, project, or activity, and the Department shall notify, and obtain the prior approval 3 4 of, the Committees on Appropriations of both Houses of 5 Congress at least 30 days prior to the use of any proposed reprogramming that would cause any program, project, or 6 7 activity funding level to increase or decrease by more than 8 \$5,000,000 or 10 percent, whichever is less, during the 9 time period covered by this Act.

(f) None of the funds provided in this title shall be
available for obligation or expenditure through a reprogramming of funds that—

13 (1) creates, initiates, or eliminates a program,
14 project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied
or restricted by this Act; or

18 (3) reduces funds that are directed to be used
19 for a specific program, project, or activity by this
20 Act.

(g)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the
use of funds made available for the Department of Energy
if compliance with such requirement or restriction would

pose a substantial risk to human health, the environment,
 welfare, or national security.

3 (2) The Secretary of Energy shall notify the Commit4 tees on Appropriations of both Houses of Congress of any
5 waiver under paragraph (1) as soon as practicable, but
6 not later than 3 days after the date of the activity to which
7 a requirement or restriction would otherwise have applied.
8 Such notice shall include an explanation of the substantial
9 risk under paragraph (1) that permitted such waiver.

10 (h) The unexpended balances of prior appropriations 11 provided for activities in this Act may be available to the 12 same appropriation accounts for such activities established 13 pursuant to this title. Available balances may be merged 14 with funds in the applicable established accounts and 15 thereafter may be accounted for as one fund for the same 16 time period as originally enacted.

17 SEC. 302. Funds appropriated by this or any other 18 Act, or made available by the transfer of funds in this 19 Act, for intelligence activities are deemed to be specifically 20 authorized by the Congress for purposes of section 504 21 of the National Security Act of 1947 (50 U.S.C. 3094) 22 during fiscal year 2024 until the enactment of the Intel-23 ligence Authorization Act for fiscal year 2024.

24 SEC. 303. None of the funds made available in this 25 title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part
 830 unless independent oversight is conducted by the Of fice of Enterprise Assessments to ensure the project is in
 compliance with nuclear safety requirements.

5 SEC. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical 6 7 decision-3 under Department of Energy Order 413.3B, or 8 any successive departmental guidance, for construction 9 projects where the total project cost exceeds 10 \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical deci-11 12 sion.

13 SEC. 305. None of the funds made available in this 14 title may be used to support a grant allocation award, dis-15 cretionary grant award, or cooperative agreement that ex-16 ceeds \$100,000,000 in Federal funding unless the project 17 is carried out through internal independent project man-18 agement procedures.

SEC. 306. No funds shall be transferred directly from
"Department of Energy—Power Marketing Administration—Colorado River Basins Power Marketing Fund,
Western Area Power Administration" to the general fund
of the Treasury in the current fiscal year.

SEC. 307. None of the funds made available by thisAct may be used to finalize, implement, administer, or en-

force an energy efficiency standard that increases effi ciency standards on distribution transformers, including
 the proposed rule entitled "Energy Conservation Program:
 Energy Conservation Standards for Distribution Trans formers" published by the Department of Energy in the
 Federal Register on January 11, 2023 (88 Fed. Reg.
 1722) or any substantially similar rule.

8 SEC. 308. Notwithstanding section 301(c) of this Act, 9 none of the funds made available under the heading "De-10 partment of Energy—Energy Programs—Science" may 11 be used for a multiyear contract, grant, cooperative agree-12 ment, or Other Transaction Agreement of \$5,000,000 or 13 less unless the contract, grant, cooperative agreement, or Other Transaction Agreement is funded for the full period 14 15 of performance as anticipated at the time of award.

16 SEC. 309. (a) Of the unobligated balances of amounts 17 made available to the Department of Energy under each heading in title III of division J of Public Law 117–58, 18 19 an amount equal to the amount transferred from each 20such heading as of the date of enactment of this Act pur-21 suant to section 303 of Public Law 117–58 shall be trans-22 ferred on October 1, 2023, to the Office of the Inspector 23 General of the Department of Energy to oversee the funds made available to the Department of Energy in Public 24 25 Law 117–58: *Provided*, That any amounts so transferred

1 that were previously designated by the Congress as an
2 emergency requirement pursuant to the Balanced Budget
3 and Emergency Deficit Control Act of 1985 or a concur4 rent resolution on the budget are designated by the Con5 gress as an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 (b) Beginning on October 1, 2023, of the amounts 9 made available to the Department of Energy under each 10 of sections 50121, 50141, 50142, 50143, 50144, 50145, 50151, 50152, 50153, and 50161 of Public Law 117–169, 11 two-tenths of one percent of such amounts shall be trans-12 13 ferred to the Office of the Inspector General of the Department of Energy to oversee the funds made available 14 15 to the Department of Energy in Public Law 117–169: *Provided*, That amounts so transferred shall be derived 16 from the unobligated balances of amounts under each such 17 18 section.

19 (c) Section 303 of Public Law 117–58 is amended20 by—

(1) striking "One-tenth" and inserting "(a) Except as provided in subsection (b), one-tenth"; and
(2) adding at the end the following new provision:

1 "(b) Beginning on October 1, 2023, of the 2 amounts made available to the Department of 3 Energy under each heading in this title in this 4 Act, two-tenths of one percent of such amounts 5 in each of fiscal years 2024 through 2026 shall 6 be transferred to the Office of the Inspector 7 General of the Department of Energy to over-8 see the funds made available to the Department 9 of Energy in this title in this Act: *Provided*, 10 That any amounts so transferred that were pre-11 viously designated by the Congress as an emer-12 gency requirement pursuant to the Balanced 13 Budget and Emergency Deficit Control Act of 14 1985 or a concurrent resolution on the budget 15 are designated by the Congress as an emer-16 requirement pursuant section gency to 17 251(b)(2)(A)(i) of the Balanced Budget and 18 Emergency Deficit Control Act of 1985."

SEC. 310. (a) Notwithstanding sections 161 and 167
of the Energy Policy and Conservation Act (42 U.S.C.
6241, 6247), the Secretary of Energy shall draw down and
sell one million barrels of refined petroleum product from
the Strategic Petroleum Reserve during fiscal year 2024.
(b) All proceeds from such sale shall be deposited into
the general fund of the Treasury during fiscal year 2024.

(c) Upon the completion of such sale, the Secretary
 shall carry out the closure of the Northeast Gasoline Sup ply Reserve.

4 (d)(1) The Secretary of Energy may not establish any 5 new regional petroleum product reserve unless funding for the proposed regional petroleum product reserve is explic-6 7 itly requested in advance in an annual budget submission 8 and approved by the Congress in an appropriations Act. 9 (2) The budget request or notification shall in-10 clude— 11 (A) the justification for the new reserve; 12 (B) a cost estimate for the establishment, 13 operation, and maintenance of the reserve, in-14 cluding funding sources; 15 (C) a detailed plan for operation of the re-16 serve, including the conditions upon which the 17 products may be released; 18 (D) the location of the reserve; and 19 (E) the estimate of the total inventory of 20 the reserve. 21 SEC. 311. Of the authority made available in Public 22 Law 117–328 for the Title 17 Innovative Technology 23 Loan Guarantee Program for commitments to guarantee 24 loans for eligible projects under title XVII of the Energy Policy Act of 2005, a total principal of \$15,000,000,000
 is hereby permanently rescinded.

3 SEC. 312. (a) Of the unobligated balances from 4 amounts made available in section 50131 of Public Law 5 117–169, \$1,000,000,000 are hereby permanently re-6 scinded.

7 (b) Of the unobligated balances from amounts made
8 available in section 50122 of Public Law 117–169,
9 \$4,500,000,000 are hereby permanently rescinded.

(c) Of the unobligated balances from amounts made
available in section 50123 of Public Law 117–169,
\$200,000,000 are hereby permanently rescinded.

SEC. 313. None of the funds appropriated or otherwise made available by this Act may be expended to support the Department of Energy Justice40 initiative as defined by or required by Executive Order 14008.

17 SEC. 314. None of the funds made available by this 18 Act may be used to draw down and sell petroleum prod-19 ucts from the Strategic Petroleum Reserve (1) to any enti-20 ty that is under the ownership, control, or influence of 21 the Chinese Communist Party; or (2) except on condition 22 that such petroleum products will not be exported to the 23 People's Republic of China.

24 SEC. 315. The funds made available to the Depart-25 ment of Energy in this Act shall be applied in a manner consistent with subtitle D of title VI of the Research and
 Development, Competition, and Innovation Act (enacted
 as division B of the CHIPS Act of 2022 (Public Law 117–
 167; 42 U.S.C. 19231 et seq.)).

5 SEC. 316. (a) Of the unobligated amounts available 6 under the heading "Department of Energy—Energy Pro-7 grams—Nuclear Energy" in division J of the Infrastruc-8 ture Investment and Jobs Act (Public Law 117–58) for 9 fiscal years 2024, 2025, and 2026, the following are avail-10 able, in addition to amounts otherwise made available for 11 these purposes:

(1) (A) \$2,400,000,000 for Advanced Nuclear
Fuel Availability, of which \$800,000,000, to remain
available until expended, shall be available in each of
fiscal years 2024, 2025, 2026.

16 (B) Funds available under subparagraph 17 (A) shall only be available if a law is enacted 18 after May 1, 2023, that specifically authorizes 19 a program for the Secretary of Energy to sup-20 port the availability of low-enriched uranium, 21 including high-assay low-enriched uranium, for 22 civilian domestic research, development, dem-23 onstration, and commercial use.

24 (2) \$1,197,000,000 to carry out the ongoing
25 demonstration project under the Advanced Small

Modular Reactor RD&D program, of which
 \$399,000,000, to remain available until expended,
 shall be available in each of fiscal years 2024, 2025,
 and 2026.

5 (b) Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an 6 7 emergency requirement pursuant to the Balanced Budget 8 and Emergency Deficit Control Act of 1985 or a concur-9 rent resolution on the budget are designated by the Con-10 gress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency 11 Deficit Control Act of 1985. 12

13 SEC. 317. None of the funds made available in this title may be used to finalize, implement, administer, or 14 15 enforce the proposed rule titled "Energy Conservation Program: Energy Conservation Standards for Consumer 16 Conventional Cooking Products; Supplemental Notice of 17 Proposed Rulemaking and announcement of public meet-18 ing" (88 Fed. Reg. 6818; published February 1, 2023) 19 20 with respect to energy conservation standards for gas 21 kitchen ranges and ovens, or any substantially similar 22 rule, including any rule that would directly or indirectly 23 limit consumer access to gas kitchen ranges or ovens.

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### TITLE IV

### INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

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

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD 14

### SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Facilities Safety Board in carrying out activities authorized 16 17 by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$45,000,000, to remain 18 19 available until September 30, 2025, of which not to exceed 20 \$1,000 shall be available for official reception and rep-21 resentation expenses.

22 Delta Regional Authority 23 SALARIES AND EXPENSES

24 For expenses necessary for the Delta Regional Au-25 thority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwith standing sections 382F(d), 382M, and 382N of said Act,
 \$31,100,000, to remain available until expended.

4

### DENALI COMMISSION

5 For expenses necessary for the Denali Commission including the purchase, construction, and acquisition of 6 7 plant and capital equipment as necessary and other ex-8 penses, \$17,000,000, to remain available until expended, 9 notwithstanding the limitations contained in section 10 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects for 11 which the Denali Commission is the sole or primary fund-12 13 ing source in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by sec-14 15 tion 307 of the Denali Commission Act of 1998 (division 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 19 cent for non-distressed communities: Provided further, 20 That notwithstanding any other provision of law regarding 21 payment of a non-Federal share in connection with a 22 grant-in-aid program, amounts under this heading shall 23 be available for the payment of such a non-Federal share 24 for any project for which the Denali Commission is not the sole or primary funding source, provided that such
 project is consistent with the purposes of the Commission.

3 NORTHERN BORDER REGIONAL COMMISSION

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

11 Southeast Crescent Regional Commission

For expenses necessary for the Southeast Crescent
Regional Commission in carrying out activities authorized
by subtitle V of title 40, United States Code, \$20,000,000,
to remain available until expended.

16 Southwest Border Regional Commission

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

21 Great Lakes Authority

For expenses necessary for the Great Lakes Authority in carrying out activities authorized by subtitle V of title 40, United States Code, \$5,000,000, to remain available until expended. 2

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### NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

3 For expenses necessary for the Commission in car-4 rying out the purposes of the Energy Reorganization Act 5 of 1974and the Atomic Energy Act of 1954, 960,560,450 (reduced by 1,000,000) (increased by 6 7 \$1,000,000), including official representation expenses not 8 to exceed \$30,000, to remain available until expended: 9 *Provided*, That of the amount appropriated herein, not 10 more than \$10,350,720 may be made available for sala-11 ries, travel, and other support costs for the Office of the 12 Commission, to remain available until September 30, 13 2025: Provided further, That revenues from licensing fees, inspection services, and other services and collections esti-14 15 mated at \$807,727,130 in fiscal year 2024 shall be retained and used for necessary salaries and expenses in this 16 account, notwithstanding 31 U.S.C. 3302, and shall re-17 18 main available until expended: *Provided further*, That the 19 sum herein appropriated shall be reduced by the amount 20 of revenues received during fiscal year 2024 so as to result 21 in a final fiscal year 2024 appropriation estimated at not 22 more than \$152,833,320.

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### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector25 General in carrying out the provisions of the Inspector

General Act of 1978, \$18,648,340, to remain available 1 until September 30, 2025: Provided, That revenues from 2 3 licensing fees, inspection services, and other services and 4 collections estimated at \$15,481,566 in fiscal year 2024 5 shall be retained and be available until September 30, 6 2025, for necessary salaries and expenses in this account, 7 notwithstanding section 3302 of title 31, United States 8 Code: *Provided further*, That the sum herein appropriated 9 shall be reduced by the amount of revenues received dur-10 ing fiscal year 2024 so as to result in a final fiscal year 11 2024appropriation estimated at not more than 12 \$3,166,774: Provided further, That of the amounts appro-13 priated under this heading, \$1,534,900 shall be for In-14 spector General services for the Defense Nuclear Facilities 15 Safety Board.

16 NUCLEAR WASTE TECHNICAL REVIEW BOARD

17 SALARIES AND EXPENSES

For expenses necessary for the Nuclear Waste Technical Review Board, as authorized by Public Law 100–
203, section 5051, \$4,064,000, to be derived from the Nuclear Waste Fund, to remain available until September 30,
2025.

### GENERAL PROVISIONS—INDEPENDENT AGENCIES

1

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3 SEC. 401. The Nuclear Regulatory Commission shall 4 comply with the July 5, 2011, version of Chapter VI of 5 its Internal Commission Procedures when responding to Congressional requests for information, consistent with 6 7 Department of Justice guidance for all Federal agencies. 8 SEC. 402. (a) The amounts made available by this 9 title for the Nuclear Regulatory Commission may be re-10 programmed for any program, project, or activity, and the Commission shall notify the Committees on Appropria-11 tions of both Houses of Congress at least 30 days prior 12 13 to the use of any proposed reprogramming that would cause any program funding level to increase or decrease 14 15 by more than \$500,000 or 10 percent, whichever is less, during the time period covered by this Act. 16

17 (b)(1) The Nuclear Regulatory Commission may
18 waive the notification requirement in subsection (a) if
19 compliance with such requirement would pose a substan20 tial risk to human health, the environment, welfare, or na21 tional security.

(2) The Nuclear Regulatory Commission shall notify
the Committees on Appropriations of both Houses of Congress of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the

activity to which a requirement or restriction would other wise have applied. Such notice shall include an explanation
 of the substantial risk under paragraph (1) that permitted
 such waiver and shall provide a detailed report to the
 Committees of such waiver and changes to funding levels
 to programs, projects, or activities.

7 (c) Except as provided in subsections (a), (b), and
8 (d), the amounts made available by this title for "Nuclear
9 Regulatory Commission—Salaries and Expenses" shall be
10 expended as directed in the report accompanying this Act.

(d) None of the funds provided for the Nuclear Regulatory Commission shall be available for obligation or expenditure through a reprogramming of funds that increases funds or personnel for any program, project, or
activity for which funds are denied or restricted by this
Act.

(e) The Commission shall provide a monthly report
to the Committees on Appropriations of both Houses of
Congress, which includes the following for each program,
project, or activity, including any prior year appropriations—

- 22 (1) total budget authority;
- 23 (2) total unobligated balances; and
- 24 (3) total unliquidated obligations.

1	TITLE V—WATER FOR CALIFORNIA
2	SEC. 501. DEFINITIONS.
3	In Subtitle A through Subtitle D, the following defini-
4	tions apply:
5	(1) CVP.—The term "CVP" means the Central
6	Valley Project.
7	(2) CVP CONTRACTOR.—The term "CVP con-
8	tractor" means any public water agency, water user
9	organization, or person that has entered into a con-
10	tract with the United States for water service from
11	the CVP, whether in the form of a water service
12	contract, repayment contract, water rights settle-
13	ment contract, exchange contract, or refuge con-
14	tract.
15	(3) FWS BIOLOGICAL OPINION.—The term
16	"FWS Biological Opinion" means the United States
17	Fish and Wildlife Service "Biological Opinion for the
18	Reinitiation of Consultation on the Coordinated Op-
19	erations of the Central Valley Project and State
20	Water Project" (Service File No. 08FBTD00–2019–
21	F-0164) signed on October 21, 2019.
22	(4) NOAA BIOLOGICAL OPINION.—The term
23	"NOAA Biological Opinion" means the National
24	Oceanic and Atmospheric Administration Fisheries
25	"Biological Opinion on the Long-term Operation of

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1	the Central Valley Project and the State Water
2	Project" (Consultation Tracking Number: WCRO-
3	2016–00069) signed on October 21, 2019.

4 ALTERNATIVE.—The (5)Preferred term 5 "Preferred Alternative" means the Alternative 1 6 (Preferred Alternative), as described in the Final 7 **Environmental Impact Statement on the Reinitiation** 8 of Consultation on the Coordinated Long-Term Op-9 eration of the Central Valley Project and the State 10 Water Project, issued by the Bureau of Reclamation, 11 and dated December 2019.

12 (6) SWP.—The term "SWP" means the Cali-13 fornia State Water Project.

14 (7) SWP CONTRACTOR.—The term "SWP con15 tractor" means a public agency that has entered into
16 a long-term water supply contract with the Cali17 fornia Department of Water Resources for water
18 service from the SWP.

19 SEC. 502. TREATMENT OF FUNDS.

20 Amounts repurposed pursuant to this title that were 21 previously designated by the Congress as an emergency 22 requirement pursuant to the Balanced Budget and Emer-23 gency Deficit Control Act of 1985 or a concurrent resolu-24 tion on the budget are designated by the Congress as an 25 emergency requirement pursuant to section

251(b)(2)(A)(i) of the Balanced Budget and Emergency
 Deficit Control Act of 1985.

3 Subtitle A—CVP and SWP Operations

4 SEC. 511. OPERATION OF THE CVP AND SWP.

5 (a) CONGRESSIONAL DIRECTION REGARDING CVP
6 AND SWP OPERATIONS.—The CVP and the SWP shall be
7 operated, and reporting shall be done, in accordance with
8 the Preferred Alternative and FWS Biological Opinion
9 and NOAA Biological Opinion.

10 (b) EXCEPTIONS.—Operation of the CVP and SWP
11 shall proceed pursuant to subsection (a) of this section,
12 except:

13 (1) to the extent changes to operations are un-14 dertaken pursuant to one or more agreements, which 15 are voluntarily entered into, approved, and imple-16 mented by CVP contractors, for operations of the 17 CVP, and SWP contractors, for operations of the 18 SWP, with all applicable Federal departments and 19 the State of California, including any agency or 20 board of the State of California; or

(2) to the extent changes in operations of the
(2) to the extent changes in operations of the
(2) CVP, SWP, or both can be made while improving
the supply of water available to CVP contractors,
SWP contractors, or both.

1 (c) COSTS.—No cost, including water supply, finan-2 cial, mintigation-related, or otherwise, associated with the 3 implementation of any agreement under subsection (b)(1)4 or the implementation of any reoperation under subsection 5 (b)(2) shall be imposed by any Federal department or agency or the State of California, including any agency 6 7 or board of the State of California, directly or indirectly 8 on any CVP contractor, SWP contractor, or any other per-9 son or entity, unless such costs are incurred on a voluntary 10 basis.

11 (d) NO REDIRECTED ADVERSE IMPACTS.—The Sec-12 retary of the Interior and Secretary of Commerce shall 13 not carry out any specific action authorized under the applicable provisions of this subtitle that would directly or 14 15 through State agency action indirectly result in the involuntary reduction of water supply to an individual, district, 16 17 or agency that has in effect a contract for water with the 18 SWP or the CVP, including settlement, exchange, and ref-19 uge contracts, and Friant Division contracts.

(e) ENDANGERED SPECIES ACT.—Notwithstanding
subsection (b), implementation of subsection (a) shall not
conflict with the FWS Biological Opinion and the NOAA
Biological Opinion.

24 (f) NATIVE SPECIES PROTECTION.—The State of25 California shall not impose any bag, catch, or size restric-

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tion or limit on the take or harvest of striped bass or any
 species of black bass, including largemouth bass,
 smallmouth bass, and spotted bass, that occupy the Sac ramento-San Joaquin Rivers Delta or its tributaries.

5 SEC. 512. OPERATIONS AND REVIEWS.

6 In carrying out section 511(a), the Secretary of the 7 Interior and the Secretary of Commerce shall implement 8 their statutory authorities in a manner that improves 9 water supply reliability and enables the CVP and SWP 10 to provide the maximum quantity of water supplies practicable to CVP agricultural, municipal, and industrial con-11 tractors, water service or repayment contractors, water 12 13 rights settlement contractors, exchange contractors, refuge contractors, and SWP contractors, in accordance with 14 15 the Preferred Alternative, NOAA Biological Opinion, and FWS Biological Opinion. 16

17 SEC. 513. APPLICATION OF STATE LAWS.

18 (a) REDUCED WATER SUPPLY.—If, as a result of the application of applicable State law or regulation, the State 19 20 of California (including any agency or board of the State 21 of California) alters operation of the SWP in a manner 22 that directly or indirectly results in reduced water supply 23 to the SWP as compared with the water supply available 24 under the Preferred Alternative, and as a result, CVP 25 yield is greater than it otherwise would have been under

the Preferred Alternative, then that additional yield shall 1 be made available to the SWP for delivery to SWP Con-2 3 tractors to offset that reduced water supply. If it is nec-4 essary to reduce water supplies for any authorized uses 5 of the CVP or CVP Contractors to make available to the 6 SWP that additional yield, such reductions shall be ap-7 plied proportionately to those authorized uses or CVP con-8 tractors that benefit from that increased yield.

9 WATER (b) No RESTRICTION OF CERTAIN 10 RIGHTS.—The State of California (including any agency or board of the State of California) shall not restrict the 11 12 exercise of any water right obtained pursuant to State law, 13 including but not limited to a pre-1914 appropriative right or riparian right in order to offset any impact resulting 14 15 from the implementation of this subtitle on any species affected by operations of the CVP or the SWP. 16

17 (c) NO INVOLUNTARY WATER REDUCTION.—The State of California (including any agency or board of the 18 19 State of California), the Secretary of the Interior and Sec-20 retary of Commerce shall not take any action related to 21 operation of the CVP or SWP that would directly or indi-22 rectly result in the involuntary reduction of water supply 23 to any CVP agricultural, municipal and industrial con-24 tractor, water service or repayment contractor, water 25 rights settlement contractor, exchange contractor, refuge

contractor or any SWP contractor, as compared to the
 water supply available under the Preferred Alternative;
 and nothing in this section is intended to modify, amend,
 or affect any of the rights and obligations of the parties
 to such contracts.

6 SEC. 514. RECONSULTATION OF NOAA BIOLOGICAL7 OPINION AND FWS BIOLOGICAL OPINION.

8 (a) REQUIREMENT FOR RECONSULTATION.—

9 (1) REQUIREMENT.—Unless action is taken 10 pursuant to section 101(b), neither the Secretary of 11 the Interior, acting through the Commissioner of the 12 Bureau of Reclamation, nor the Secretary of Com-13 merce, or their designees shall commence, complete, 14 or request reinitiation of consultation on the coordi-15 nated long-term operation of the Central Valley 16 Project and the State Water Project that will result 17 in changes to or the replacement of the documents 18 listed in paragraph (2) unless—

19 (A) more than 75 percent of California has
20 experienced 4 consecutive years of D3 or D4
21 level drought, as defined by the U.S. Drought
22 Monitor;

23 (B) the Commissioner of the Bureau of24 Reclamation identifies one specific factor or

	••
1	combination of factors under section $402.16$ of
2	title 50, Code of Federal Regulations; and
3	(C) not fewer than 120 days before offi-
4	cially commencing or requesting reinitiation, the
5	Secretary of the Interior notifies the Committee
6	on Natural Resources of the House of Rep-
7	resentatives, and the Committee on Energy and
8	Natural Resources of the Senate, in writing,
9	of—
10	(i) the intent to commence or request
11	reinitiation under this section; and
12	(ii) the detailed justification for the
13	identification of the specific factor or com-
14	bination of factors under section 402.16 of
15	title 50, Code of Federal Regulations, that
16	was identified to satisfy the requirement in
17	subparagraph (B).
18	(2) DOCUMENTS.—The documents referred to
19	in paragraph (1) are the following:
20	(A) The FWS Biological Opinion.
21	(B) The NOAA Biological Opinion.
22	(C) The Record of Decision for the Reiniti-
23	ation of Consultation on the Coordinated Long-
24	Term Modified Operations of the Central Valley

Project and State Water Project, signed on February 18, 2020.

3 (b) APPLICABLE PROCEDURES AND REVIEW.—For the purposes of this Act, before reinitiating consultation 4 5 on the Long-Term Operation of the CVP and SWP, a request by the Secretary of the Interior, the Secretary of 6 7 the Commerce, or any other Federal employee, to reini-8 tiate consultation shall be made in writing and considered 9 a rule under section 551 of title 5, United States Code, 10 and subject to the requirements of sections 801 through 11 808 of that title.

(c) COOPERATION.—In implementing this section, the
Secretary of the Interior and the Secretary of Commerce
shall comply with requirements included in section 4004
of the Water Infrastructure Improvements for the Nation
Act (Public Law 114–322).

17 (d) EXCLUSION.—Notwithstanding subsection (b), in
18 implementing this section, section 801(b)(2) of title 5,
19 United States Code, shall not apply.

20 SEC. 515. SUNSET.

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Sections 511 through 514 shall have no force or effect on and after the date that is 7 years after the date
of the enactment of this Act.

24 SEC. 516. CONSULTATION ON COORDINATED OPER-25 ATIONS.

The Water Infrastructure Improvements for the Na-
tion Act (Public Law 114–322) is amended—
(1) in section 4004(a)—
(A) in the matter preceding paragraph (1),
strike "public water agency that contracts" and
insert "contractor";
(B) in paragraph (1), by inserting "or pro-
posed action" after "biological assessment,";
(C) in paragraph (2), by inserting "or pro-
posed action" after "biological assessment,";
(D) by redesignating paragraphs (3)
through $(6)$ as paragraphs $(4)$ through $(7)$ , re-
spectively;
(E) after paragraph (2), by inserting the
following new paragraph:
"(3) receive a copy of the draft proposed action
and have the opportunity to review that document
and provide comment to the action agency, which
comments shall be afforded due consideration during
development;"; and
(F) in paragraph (7), as redesignated by
subparagraph (C) of this paragraph—
(i) in the matter preceding subpara-
graph (A), by inserting "action agency pro-

1	poses a proposed action or" before "the
2	consulting agency";
3	(ii) in subparagraph (A), by inserting
4	"proposed action or" before "alternative
5	will"; and
6	(iii) in subparagraph (B), by striking
7	"alternative actions" and insert "actions
8	or alternatives"; and
9	(2) in section 4013, by deleting "section 4004,
10	which shall expire 10 years after the date of its en-
11	actment;" and inserting "section 4004, which shall
12	expire on December 16, 2033;".
12	1
13	Subtitle B—Allocations for Sacramento Valley
13	Subtitle B—Allocations for Sacramento Valley
13 14	Subtitle B—Allocations for Sacramento Valley Contractors
13 14 15	Subtitle B—Allocations for Sacramento Valley Contractors SEC. 521. DEFINITIONS.
13 14 15 16	Subtitle B—Allocations for Sacramento Valley Contractors SEC. 521. DEFINITIONS. In this subtitle, the following definitions apply:
13 14 15 16 17	Subtitle B—Allocations for Sacramento Valley Contractors SEC. 521. DEFINITIONS. In this subtitle, the following definitions apply: (1) The term "existing CVP agricultural water
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> </ol>	Subtitle B—Allocations for Sacramento Valley Contractors SEC. 521. DEFINITIONS. In this subtitle, the following definitions apply: (1) The term "existing CVP agricultural water service or repayment contractor within the Sac-
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> </ol>	Subtitle B—Allocations for Sacramento Valley Contractors SEC. 521. DEFINITIONS. In this subtitle, the following definitions apply: (1) The term "existing CVP agricultural water service or repayment contractor within the Sac- ramento River Watershed" means any water service
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> </ol>	Subtitle B—Allocations for Sacramento Valley Contractors SEC. 521. DEFINITIONS. In this subtitle, the following definitions apply: (1) The term "existing CVP agricultural water service or repayment contractor within the Sac- ramento River Watershed" means any water service or repayment contractor within the Shasta, Trinity,
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	Subtitle B—Allocations for Sacramento Valley Contractors SEC. 521. DEFINITIONS. In this subtitle, the following definitions apply: (1) The term "existing CVP agricultural water service or repayment contractor within the Sac- ramento River Watershed" means any water service or repayment contractor within the Shasta, Trinity, or Sacramento River division of the CVP that has

(2) The terms "Above Normal", "Below Nor mal", "Dry", and "Wet", with respect to a year,
 have the meanings given those terms in the Sac ramento Valley Water Year Type (40–30–30) Index.
 SEC. 522. ALLOCATIONS OF WATER.

6 Subject to section 523, the Secretary of the Interior 7 shall make every reasonable effort in the operation of the 8 CVP to allocate water provided for irrigation purposes to 9 each existing CVP agricultural water service contractor 10 within the Sacramento River Watershed in accordance 11 with the following:

(1) Not less than 100 percent of the contract
quantity of the existing CVP agricultural water service contractor within the Sacramento River Watershed in a Wet year.

16 (2) Not less than 100 percent of the contract
17 quantity of the existing CVP agricultural water serv18 ice contractor within the Sacramento River Water19 shed in an Above Normal year.

20 (3) Not less than 100 percent of the contract
21 quantity of the existing CVP agricultural water serv22 ice contractor within the Sacramento River Water23 shed in a Below Normal year that is preceded by an
24 Above Normal or Wet year.

1	(4) Not less than 50 percent of the contract
2	quantity of the existing CVP agricultural water serv-
3	ice contractor within the Sacramento River Water-
4	shed in a Dry year that is preceded by a Below Nor-
5	mal, Above Normal, or Wet year.
6	(5) In any other year not identified in para-
7	graphs $(1)$ through $(4)$ , not less than twice the allo-
8	cation percentage to south-of-Delta CVP agricultural
9	water service contractors, up to 100 percent.
10	SEC. 523. PROTECTION OF REFUGE, MUNICIPAL AND
11	INDUSTRIAL, AND OTHER CONTRACTORS.
12	Nothing in section 522 shall—
13	(1) adversely affect any protections for the envi-
14	ronment, including the obligation of the Secretary of
15	the Interior to make water available to managed
16	wetlands pursuant to section 3406(d) of the Central
17	Valley Project Improvement Act (title XXXIV of
18	Public Law 102–575; 106 Stat. 4722);
19	(2) adversely affect any obligation of the Sec-
20	retary of the Interior or the Secretary of Commerce
21	under the FWS Biological Opinion or the NOAA Bi-
22	ological Opinion;
23	(3) modify any provision of a water service con-
24	tract that addresses municipal or industrial water
25	shortage policies of the Secretary of the Interior;

	10
1	(4) affect or limit the authority of the Secretary
2	of the Interior to adopt or modify municipal and in-
3	dustrial water shortage policies;
4	(5) constrain, govern, or affect, directly or indi-
5	rectly, the operations of the American River division
6	of the CVP or any deliveries from that division or
7	a unit or facility of that division; or
8	(6) affect any allocation to a CVP municipal or
9	industrial water service contractor by increasing or
10	decreasing allocations to the contractor, as compared
11	to the allocation the contractor would have received
12	absent section 522.
13	Sec. 524. Other contractors.
14	Nothing in section 522 shall—
15	(1) affect the priority of any individual or entity
16	with a Sacramento River settlement contract over
17	water service or repayment contractors;
18	(2) affect the United States ability to deliver
19	water to the San Joaquin River exchange contrac-
20	tors from the Sacramento River and the Delta via
21	the Delta-Mendota Canal or modify or amend the
22	rights and obligations under the Purchase Contract
23	between Miller and Lux and the United States and
24	the Second Amended Exchange Contract between
25	the United States, Department of the Interior, Bu-

1	reau of Reclamation and Central California Irriga-
2	tion District, San Luis Canal Company, Firebaugh
3	Canal Water District and Columbia Canal Company;
4	(3) affect the allocation of water to Friant divi-
5	sion contractors of the CVP;
6	(4) result in the involuntary reduction in con-
7	tract water allocations to individuals or entities with
8	contracts to receive water from the Friant division;
9	(5) result in the involuntary reduction in water
10	allocations to refuge contractors; or
11	(6) authorize any actions inconsistent with
12	State water rights law.
13	Subtitle C—Infrastructure
14	SEC. 531. SHASTA RESERVOIR ENLARGEMENT
15	PROJECT.
16	Section 40902(a)(2) of the Infrastructure Investment
17	and Jobs Act (Public Law 117–58) is amended—
18	(1) in subparagraph (B)—
19	(A) in the matter preceding clause (i), by
20	striking "this Act, except for any project for
21	which—" and inserting "this Act; or"; and
22	(B) by striking clauses (i) and (ii); and
23	(2) in subparagraph (C), by striking "(except
24	that projects described in clauses (i) and (ii) of sub-
25	paragraph (B) shall not be eligible)".

1 SEC. 532. WATER SUPPLY PLAN; PROJECTS.

2 (a) PLAN.—Not later than 180 days after the date
3 of the enactment of this Act, the Commissioner of the Bu4 reau of Reclamation shall develop a water deficit report,
5 which shall identify—

6 (1) projected water supply shortages in the 7 State of California for irrigation water service, mu-8 nicipal and industrial water service, water supply for 9 wildlife refuges supplied by the CVP or the SWP; 10 and

11 (2) infrastructure projects or actions which, if
12 taken, would—

13 (A) significantly reduce or eliminate the14 projected water supply shortage; or

(B) fulfill water allocations consistent with
agricultural, municipal and industrial contractors,
tors, water service or repayment contractors,
water rights settlement contractors, exchange
contractors, and SWP contractors with water
delivery contractors on the CVP and SWP.

(b) REPORT TO CONGRESS.—The Commissioner of
the Bureau of Reclamation shall provide a report described in subsection (a) to the House Committee on Appropriations, the Senate Committee on Appropriations,
the House Committee on Natural Resources, the Senate

1	Committee on Energy, and the Senate Committee on Nat-
2	ural Resources upon its completion.
3	Sec. 533. Conservation fish hatcheries.
4	Section 4010(b)(5) of the Water Infrastructure Im-
5	provements for the Nation Act (Public Law 114–322) is
6	amended by adding at the end the following:
7	"(D) Semi-annual report.—The Sec-
8	retary of the Interior and the Secretary of
9	Commerce shall submit to the Committee on
10	Natural Resources of the House of Representa-
11	tives, and the Committee on Energy and Nat-
12	ural Resources of the Senate semi-annual re-
13	ports that detail activities carried out under
14	this paragraph.".
15	SEC. 534. STORAGE; DURATION.
16	(a) Storage.—Section 4007 of the Water Infra-
17	structure Improvements for the Nation Act (Public Law
18	114–322) is amended—
19	(1) in subsection $(b)(1)$ , by striking "or any
20	public agency organized pursuant to State law" and
21	inserting "any public agency organized pursuant to
22	State law, or any stakeholder"; and
23	(2) in subsection (i), by striking "January 1,

(2) in subsection (i), by striking "January 1,
2021" and inserting "January 1, 2028".

1	(b) DURATION.—Section 4013 of the Water Infra-
2	structure Improvements for the Nation Act (Public Law
3	114–322) is amended—
4	(1) in paragraph (1), by striking "and";
5	(2) by redesignating paragraph $(2)$ as para-
6	graph (3); and
7	(3) by inserting after paragraph $(1)$ the fol-
8	lowing:
9	((2) section 4007, which (except as provided in
10	paragraph (3)), shall expire on December 31, 2028;
11	and".
12	Sec. 535. Shasta dam enlargement
13	No provision of State law shall preclude or otherwise
14	prevent any public water agency, including a public agency
15	of the State, that contracts for the delivery of CVP water
16	from assisting or cooperating with, whether by loan, grant,
17	license, or otherwise, the planning and construction of any
18	project undertaken by the Bureau of Reclamation to en-
19	large Shasta Dam.
20	Subtitle D—CVPIA Actions
21	Sec. 541. CVPIA restoration actions.
22	(a) Refuge Water Supply Program.—Not later
23	than 2 years after the date of enactment of this Act, the
24	Secretary of the Interior shall complete the refuge water
25	supply program under section 3406(d) of the Central Val-

ley Project Improvement Act (title XXXIV of Public Law 1 102-575; 106 Stat. 4722) and shall, within that 2-year 2 3 period, give priority to completing the refuge water supply 4 program when making funding decisions from the Central 5 Valley Project Restoration Fund established under section 3407 of the Central Valley Project Improvement Act (106 6 7 Stat. 4726), the Infrastructure Investment and Jobs Act 8 (Public Law 117–25), the Land and Water Conservation 9 Fund Act (Public Law 88–578), and other sources of 10 funding.

11 (b) RESTORATION ACTIONS DEEMED COMPLETE.— 12 Upon completion of the refuge water supply program pur-13 suant to subsection (a), or September 30, 2025, whichever occurs first, the Secretary of the Interior shall deem com-14 15 plete the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of the Central 16 17 Valley Project Improvement Act (title XXXIV of Public 18 Law 102–575; 106 Stat. 4714).

19 Subtitle E—Water Supply Permitting Coordination Act

20 SEC. 551. DEFINITIONS.

21 In this subtitle:

22 (1) BUREAU.—The term "Bureau" means the23 Bureau of Reclamation.

24 (2) COOPERATING AGENCIES.—The term "co25 operating agency" means a Federal agency with ju-

risdiction over a review, analysis, opinion, statement,
permit, license, or other approval or decision required for a qualifying project under applicable Federal laws and regulations, or a State agency subject
to section 503(c).

6 (3) QUALIFYING PROJECTS.—The term "quali-7 fying projects" means new surface water storage 8 projects in the States covered under the Act of June 9 17, 1902 (32 Stat. 388, chapter 1093), and Acts 10 supplemental to and amendatory of that Act (43) 11 U.S.C. 371 et seq.) constructed on lands adminis-12 tered by the Department of the Interior or the De-13 partment of Agriculture, exclusive of any easement, 14 right-of-way, lease, or any private holding, if the 15 project applicant or sponsor elects to participate in 16 the process authorized by this title. Such term shall 17 also include State-led projects (as defined in section 18 4007(a)(2) of the WIIN Act) for new surface water 19 storage projects in the States covered under the Act 20 of June 17, 1902 (32 Stat. 388, chapter 1093), and 21 Acts supplemental to and amendatory of that Act 22 (43 U.S.C. 371 et seq.) constructed on lands admin-23 istered by the Department of the Interior or the De-24 partment of Agriculture, exclusive of any easement, 25 right-of-way, lease, or any private holding, unless the project applicant elects not to participate in the
 process authorized by this title.

3 (4) SECRETARY.—The term "Secretary" means
4 the Secretary of the Interior.

5 SEC. 552. ESTABLISHMENT OF LEAD AGENCY AND6 COOPERATING AGENCIES.

7 (a) ESTABLISHMENT OF LEAD AGENCY.—The Bu8 reau is established as the lead agency for purposes of co9 ordinating all reviews, analyses, opinions, statements, per10 mits, licenses, or other approvals or decisions required
11 under Federal law to construct qualifying projects.

12 (b) IDENTIFICATION AND ESTABLISHMENT OF CO13 OPERATING AGENCIES.—The Commissioner of the Bureau
14 shall—

(1) identify, as early as practicable upon receipt
of an application for a qualifying project, any Federal agency that may have jurisdiction over a review,
analysis, opinion, statement, permit, license, approval, or decision required for a qualifying project
under applicable Federal laws and regulations; and

(2) notify any such agency, within a reasonable
timeframe, that the agency has been designated as
a cooperating agency in regards to the qualifying
project unless that agency responds to the Bureau in

1	writing, within a timeframe set forth by the Bureau,
2	notifying the Bureau that the agency—
3	(A) has no jurisdiction or authority with
4	respect to the qualifying project;
5	(B) has no expertise or information rel-
6	evant to the qualifying project or any review,
7	analysis, opinion, statement, permit, license, or
8	other approval or decision associated therewith;
9	or
10	(C) does not intend to submit comments
11	on the qualifying project or conduct any review
12	of such a project or make any decision with re-
13	spect to such project in a manner other than in
14	cooperation with the Bureau.
15	(c) STATE AUTHORITY.—A State in which a quali-
16	fying project is being considered may choose, consistent
17	with State law—
18	(1) to participate as a cooperating agency; and
19	(2) to make subject to the processes of this sub-
20	title all State agencies that—
21	(A) have jurisdiction over the qualifying
22	project;
23	(B) are required to conduct or issue a re-
24	view, analysis, or opinion for the qualifying
25	project; or

1	(C) are required to make a determination
2	on issuing a permit, license, or approval for the
3	qualifying project.
4	Sec. 553. Bureau responsibilities.
5	(a) IN GENERAL.—The principal responsibilities of
6	the Bureau under this subtitle are—
7	(1) to serve as the point of contact for appli-
8	cants, State agencies, Indian Tribes, and others re-
9	garding proposed qualifying projects;
10	(2) to coordinate preparation of unified environ-
11	mental documentation that will serve as the basis for
12	all Federal decisions necessary to authorize the use
13	of Federal lands for qualifying projects; and
14	(3) to coordinate all Federal agency reviews
15	necessary for project development and construction
16	of qualifying projects.
17	(b) COORDINATION PROCESS.—The Bureau shall
18	have the following coordination responsibilities:
19	(1) PREAPPLICATION COORDINATION.—Notify
20	cooperating agencies of proposed qualifying projects
21	not later than 30 days after receipt of a proposal
22	and facilitate a preapplication meeting for prospec-
23	tive applicants, relevant Federal and State agencies,
24	and Indian Tribes—

1	(A) to explain applicable processes, data
2	requirements, and applicant submissions nec-
3	essary to complete the required Federal agency
4	reviews within the timeframe established; and
5	(B) to establish the schedule for the quali-
6	fying project.
7	(2) Consultation with cooperating agen-
8	CIES.—Consult with the cooperating agencies
9	throughout the Federal agency review process, iden-
10	tify and obtain relevant data in a timely manner,
11	and set necessary deadlines for cooperating agencies.
12	(3) Schedule.—Work with the qualifying
13	project applicant and cooperating agencies to estab-
14	lish a project schedule. In establishing the schedule,
15	the Bureau shall consider, among other factors—
16	(A) the responsibilities of cooperating
17	agencies under applicable laws and regulations;
18	(B) the resources available to the cooper-
19	ating agencies and the non-Federal qualifying
20	project sponsor, as applicable;
21	(C) the overall size and complexity of the
22	qualifying project;
23	(D) the overall schedule for and cost of the
24	qualifying project; and

1 (E) the sensitivity of the natural and his-2 toric resources that may be affected by the 3 qualifying project.

4 (4) Environmental compliance.—Prepare a 5 unified environmental review document for each 6 qualifying project application, incorporating a single 7 environmental record on which all cooperating agen-8 cies with authority to issue approvals for a given 9 qualifying project shall base project approval deci-10 sions. Help ensure that cooperating agencies make 11 necessary decisions, within their respective authori-12 ties, regarding Federal approvals in accordance with 13 the following timelines:

14 (A) Not later than 1 year after acceptance
15 of a completed project application when an en16 vironmental assessment and finding of no sig17 nificant impact is determined to be the appro18 priate level of review under the National Envi19 ronmental Policy Act of 1969 (42 U.S.C. 4321
20 et seq.).

(B) Not later than 1 year and 30 days
after the close of the public comment period for
a draft environmental impact statement under
the National Environmental Policy Act of 1969
(42 U.S.C. 4321 et seq.), when an environ-

mental impact statement is required under the
 same.

3 (5) CONSOLIDATED ADMINISTRATIVE 4 RECORD.—Maintain a consolidated administrative 5 record of the information assembled and used by the 6 cooperating agencies as the basis for agency deci-7 sions.

8 (6) PROJECT DATA RECORDS.—To the extent 9 practicable and consistent with Federal law, ensure 10 that all project data is submitted and maintained in 11 generally accessible electronic format, compile, and 12 where authorized under existing law, make available 13 such project data to cooperating agencies, the quali-14 fying project applicant, and to the public.

15 (7) PROJECT MANAGER.—Appoint a project 16 manager for each qualifying project. The project 17 manager shall have authority to oversee the project 18 and to facilitate the issuance of the relevant final 19 authorizing documents, and shall be responsible for 20 ensuring fulfillment of all Bureau responsibilities set 21 forth in this section and all cooperating agency re-22 sponsibilities under section 554.

23 SEC. 554. COOPERATING AGENCY RESPONSIBILITIES.

24 (a) Adherence to Bureau Schedule.—

91

1	(1) TIMEFRAMES.—On notification of an appli-
2	cation for a qualifying project, the head of each co-
3	operating agency shall submit to the Bureau a time-
4	frame under which the cooperating agency reason-
5	ably will be able to complete the authorizing respon-
6	sibilities of the cooperating agency.
7	(2) Schedule.—
8	(A) USE OF TIMEFRAMES.—The Bureau
9	shall use the timeframes submitted under this
10	subsection to establish the project schedule
11	under section 504.
12	(B) ADHERENCE.—Each cooperating agen-
13	cy shall adhere to the project schedule estab-
14	lished by the Bureau under subparagraph (A).
15	(b) ENVIRONMENTAL RECORD.—The head of each
16	cooperating agency shall submit to the Bureau all environ-
17	mental review material produced or compiled in the course
18	of carrying out activities required under Federal law, con-
19	sistent with the project schedule established by the Bureau
20	under subsection (a)(2).
21	(c) DATA SUBMISSION.—To the extent practicable
22	and consistent with Federal law, the head of each cooper-
23	ating agency shall submit all relevant project data to the

 $24 \hspace{0.1in} \text{Bureau in a generally accessible electronic format, subject}$ 

to the project schedule established by the Bureau under
 subsection (a)(2).

3 SEC. 555. FUNDING TO PROCESS PERMITS.

4 (a) IN GENERAL.—The Secretary, after public notice 5 in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 6 7 "Administrative Procedure Act"), may accept and expend 8 funds, to the extent provided in advance in appropriations 9 Acts, contributed by a non-Federal public entity to expe-10 dite the evaluation of a permit of that entity related to a qualifying project. 11

12 (b) EFFECT ON PERMITTING.—

(1) EVALUATION OF PERMITS.—In carrying out
this section, the Secretary shall ensure that the evaluation of permits carried out using funds accepted
under this section shall—

17 (A) be reviewed by the Regional Director
18 of the Bureau of the region in which the quali19 fying project or activity is located (or a des20 ignee); and

(B) use the same procedures for decisions
that would otherwise be required for the evaluation of permits for similar projects or activities
not carried out using funds authorized under
this section.

1	(2) Impartial decision making.—In carrying
2	out this section, the Secretary shall ensure that the
3	use of the funds accepted under this section for a
4	qualifying project shall not—
5	(A) substantively or procedurally impact
6	impartial decision making with respect to the
7	issuance of permits; or
8	(B) diminish, modify, or otherwise affect
9	the statutory or regulatory authorities of the
10	cooperating agency.
11	(c) LIMITATION ON USE OF FUNDS.—None of the
12	funds accepted under this section shall be used to carry
13	out a review of the evaluation of permits required under
14	subsection $(b)(1)(A)$ .
15	(d) Public Availability.—The Secretary shall en-
16	sure that all final permit decisions carried out using funds
17	authorized under this section are made available to the
18	public, including on the internet.
19	TITLE VI
20	GENERAL PROVISIONS
21	(INCLUDING TRANSFER OF FUNDS)
22	SEC. 601. None of the funds appropriated by this Act
23	may be used in any way, directly or indirectly, to influence
24	congressional action on any legislation or appropriation
25	matters pending before Congress, other than to commu-

nicate to Members of Congress as described in 18 U.S.C.
 1913.

3 SEC. 602. (a) None of the funds made available in 4 title III of this Act may be transferred to any department, 5 agency, or instrumentality of the United States Govern-6 ment, except pursuant to a transfer made by or transfer 7 authority provided in this Act or any other appropriations 8 Act for any fiscal year, transfer authority referenced in 9 the report accompanying this Act, or any authority where-10 by a department, agency, or instrumentality of the United States Government may provide goods or services to an-11 12 other department, agency, or instrumentality.

13 (b) None of the funds made available for any department, agency, or instrumentality of the United States 14 15 Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or 16 17 transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority ref-18 19 erenced in the report accompanying this Act, or any au-20 thority whereby a department, agency, or instrumentality 21 of the United States Government may provide goods or 22 services to another department, agency, or instrumen-23 tality.

(c) The head of any relevant department or agencyfunded in this Act utilizing any transfer authority shall

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

SEC. 603. (a) None of the funds made available in
this Act may be used to maintain or establish a computer
network unless such network blocks the viewing,
downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of
funds necessary for any Federal, State, Tribal, or local
law enforcement agency or any other entity carrying out
criminal investigations, prosecution, or adjudication activities.

SEC. 604. (a) No federal monies shall be expended
in furtherance of any agreement among private entities
for consolidated interim storage of spent nuclear fuel that
is not specifically authorized under federal law until such

time that host state and local governments and any af fected Indian tribes have formalized their consent.

3 (b) Provided that the prohibition provided for in this
4 section shall not apply to facilities presently storing com5 mercial spent nuclear fuel, pursuant to an NRC license,
6 as of the date of enactment of this Act.

7 (c) For purposes of this section, "spent nuclear fuel"
8 shall have the same meaning as provided in section 2 of
9 the Nuclear Waste Policy Act of 1982.

10 SEC. 605. None of the funds made available by this 11 Act may be used to carry out any program, project, or 12 activity that promotes or advances Critical Race Theory 13 or any concept associated with Critical Race Theory.

SEC. 606. None of the funds appropriated or other-14 15 wise made available by this Act may be made available to implement, administer, apply, enforce, or carry out the 16 17 Equity Action Plan of the Department of Energy, or Executive Order 13985 of January 20, 2021 (86 Fed. Reg. 18 19 7009, relating to advancing racial equity and support for 20 underserved communities through the Federal Govern-21 ment), Executive Order 14035 of June 25, 2021 (86 Fed. 22 Reg. 34593, relating to diversity, equity, inclusion, and 23 accessibility in the Federal workforce), or Executive Order 24 14091 of February 16, 2023 (88 Fed. Reg. 10825, relat-

ing to further advancing racial equity and support for un-1 2 derserved communities through the Federal Government). 3 SEC. 607. (a) In general.—Notwithstanding section 4 7 of title 1, United States Code, section 1738C of title 5 28, United States Code, or any other provision of law, none of the funds provided by this Act, or previous appro-6 7 priations Acts, shall be used in whole or in part to take 8 any discriminatory action against a person, wholly or par-9 tially, on the basis that such person speaks, or acts, in 10 accordance with a sincerely held religious belief, or moral conviction, that marriage is, or should be recognized as, 11 a union of one man and one woman. 12

(b) Discriminatory action defined.—As used in subsection (a), a discriminatory action means any action
taken by the Federal Government to—

(1) alter in any way the Federal tax treatment
of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, or revoke an exemption from taxation under section 501(a) of the Internal Revenue Code of 1986 of, any person referred to
in subsection (a);

(2) disallow a deduction for Federal tax purposes of any charitable contribution made to or by
such person;

(3) withhold, reduce the amount or funding for,
 exclude, terminate, or otherwise make unavailable or
 deny, any Federal grant, contract, subcontract, co operative agreement, guarantee, loan, scholarship, li cense, certification, accreditation, employment, or
 other similar position or status from or to such per son;

8 (4) withhold, reduce, exclude, terminate, or oth-9 erwise make unavailable or deny, any entitlement or 10 benefit under a Federal benefit program, including 11 admission to, equal treatment in, or eligibility for a 12 degree from an educational program, from or to 13 such person; or

(5) withhold, reduce, exclude, terminate, or otherwise make unavailable or deny access or an entitlement to Federal property, facilities, educational institutions, speech fora (including traditional, limited,
and nonpublic fora), or charitable fundraising campaigns from or to such person.

(c) Accreditation; Licensure; Certification.—The
Federal Government shall consider accredited, licensed, or
certified for purposes of Federal law any person that
would be accredited, licensed, or certified, respectively, for
such purposes but for a determination against such person
wholly or partially on the basis that the person speaks,

or acts, in accordance with a sincerely held religious belief
 or moral conviction described in subsection (a).

SEC. 608. None of the funds made available by this
Act may be used to finalize, implement, administer, apply,
or enforce the proposed rule entitled "Energy Conservation Program: Energy Conservation Standards for Residential Clothes Washers" published by the Department of
Energy in the Federal Register on March 3, 2023 (88)
Fed. Reg. 13520), or any substantively similar rule.

SEC. 609. None of the funds made available by this
Act may be used to implement, administer, apply, enforce,
or carry out any diversity, equity, and inclusion office, program, or training.

14 SEC. 610. None of the funds made available by this 15 Act may be used to implement or enforce section 370 of Public Law 116–283 with respect to civil works projects. 16 17 SEC. 611. None of the funds made available by this Act may be used by the Department of Energy to award 18 19 any grant, contract, subcontract, award, loan, program, 20support, or other activity, to any entity who enters into, 21 or maintains, partnerships or licensing agreements with 22 any entity of concern, as defined in section 10114 of title 23 I of division B of Public Law 117–167.

1	STATE-OWNED ENTERPRISES PROHIBITION
2	SEC. 612. (a) INNOVATE IN AMERICA.—None of the
3	funds made available by this Act may be used by the Sec-
4	retary of Energy to award a contract, subcontract, grant,
5	or loan to an entity that—
6	(1) is owned or controlled by, is a subsidiary of,
7	or is otherwise related legally or financially to a cor-
8	poration based in a country that—
9	(A) is identified as a nonmarket economy
10	country (as defined in section $771(18)$ of the
11	Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
12	the date of enactment of this Act;
13	(B) was identified by the United States
14	Trade Representative in the most recent report
15	required by section 182 of the Trade Act of
16	1974 (19 U.S.C. $2242$ ) as a priority foreign
17	country under subsection $(a)(2)$ of that section;
18	and
19	(C) is subject to monitoring by the Trade
20	Representative under section 306 of the Trade
21	Act of 1974 (19 U.S.C. 2416); or
22	(2) is listed pursuant to section $9(b)(3)$ of the
23	Uyghur Human Rights Policy Act of 2020 (Public
24	Law 116–145).

(b) EXCEPTION.—For purposes of subsection (a), the
 Secretary of Energy may issue a waiver, to be made pub licly available, to an entity in which the legal or financial
 connection to a corporation is a minority relationship or
 investment.

6 (c) INTERNATIONAL AGREEMENTS.—This section
7 shall be applied in a manner consistent with the obliga8 tions of the United States under applicable international
9 agreements.

10 Spending Reduction Account

11 SEC. 613. \$0.

12 SEC. 614. None of the funds appropriated or other-13 wise made available by this Act may be made available 14 to finalize any rule or regulation that meets the definition 15 of section 804(2)(A) of title 5, United States Code.

16 SEC. 615. None of the funds made available by this 17 Act may be used to implement, administer, or enforce the 18 final rule of the Department of Energy entitled "Energy 19 Conservation Program: Energy Conservation Standards 20 for Consumer Furnaces" signed on September 28, 2023 21 (Docket ID: EERE–2014–BT–STD–0031; RIN 1904– 22 AD20).

23 SEC. 616. None of the funds made available by this24 Act may be used to implement the Industrial

Decarbonization Roadmap published by the Department 1 of Energy and dated September 2022 (DOE/EE–2635). 2 3 SEC. 617. None of the funds made available by this 4 Act may be used to finalize, implement, administer, or enforce the proposed rule entitled "Energy Conservation 5 Program: Energy Conservation Standards for Consumer 6 7 Water Heaters" published by the Department of Energy 8 in the Federal Register on July 28, 2023 (88 Fed. Reg. 49058). 9

SEC. 618. None of the funds made available by this
Act may be used by the National Nuclear Security Administration to halt the construction of a High Explosive Synthesis, Formulation, and Production facility at the Pantex
Plant near Amarillo, Texas.

15 SEC. 619. None of the funds appropriated or other-16 wise made available by this Act may be used to admit any 17 individual who is a citizen of any country on the current 18 list of sensitive countries to any facility of a national secu-19 rity laboratory, as such term is defined in section 4002 20 of the Atomic Energy Defense Act, other than areas acces-21 sible to the general public.

SEC. 620. None of the funds made available by this
Act may be used to implement or enforce Corps of Engineers memorandum CERE-AP, issued by the South Atlantic division on July 9, 1996, relating to "Approval of

Perpetual Beach Storm Damage Reduction Easement as
 a Standard Estate".

3 SEC. 621. None of the funds made available by this
4 Act may be used to close the Toto Creek, Bolding Mill,
5 Duckett Mill, Old Federal, Van Pugh South Campground,
6 Sawnee, or Bald Ridge Creek campgrounds located at
7 Lake Sidney Lanier, Georgia.

8 SEC. 622. None of the funds made available by this 9 Act may be used to carry out the final rule titled "Energy 10 Conservation Program: Energy Conservation Standards 11 for Manufactured Housing" (88 Fed. Reg. 32728 (May 12 31, 2022)).

SEC. 623. None of the funds made available by this
Act may be used for the Interagency Working Group on
the Social Cost of Greenhouse Gases.

16 SEC. 624. None of the funds made available by this 17 Act may be used to consider the social cost of greenhouse 18 gases in the development and implementation of a budget 19 for a Federal agency, in any Federal procurement proc-20 esses, or when preparing an environmental review pursu-21 ant to the National Environmental Policy Act of 1969 (42 22 U.S.C. 4321 et seq.).

SEC. 625. None of the funds made available by this
Act may be used to enforce any COVID-19 mask mandates.

SEC. 626. None of the funds made available by this
 Act may be used to finalize the rule entitled "Energy Con servation Program: Energy Conservation Standards for
 Automatic Commercial Ice Makers" published by the De partment of Energy in the Federal Register on September
 25, 2023 (88 Fed. Reg. 65628).

SEC. 627. None of the funds made available by this
Act may be used to implement, administer, or enforce the
rule entitled "Energy Conservation Program: Energy Conservation Standards for Room Air Conditioners" published
by the Department of Energy in the Federal Register on
May 26, 2023 (88 Fed. Reg. 34298).

SEC. 628. None of the funds made available by this
Act may be used for the Department of Energy Office of
Science's Office of Scientific Workforce Diversity, Equity,
and Inclusion.

SEC. 629. None of the funds made available by thisAct may be used for the American Climate Corps.

This Act may be cited as the "Energy and Water De velopment and Related Agencies Appropriations Act,
 2024".

Passed the House of Representatives October 26, 2023.

Attest:

Clerk.

118TH CONGRESS H. R. 4394

## AN ACT

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