

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000116TH CONGRESS
2^D SESSION**S. 0000****[Report No. 116-000]**

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2021, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER _____, 2020

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

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2021, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any

1 money in the Treasury not otherwise appropriated, for en-
2 ergy and water development and related agencies for the
3 fiscal year ending September 30, 2021, and for other pur-
4 poses, namely:

5 TITLE I

6 CORPS OF ENGINEERS—CIVIL

7 DEPARTMENT OF THE ARMY

8 CORPS OF ENGINEERS—CIVIL

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

15 INVESTIGATIONS

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

1 surveys and detailed studies, and plans and specifications
2 of projects prior to construction, \$151,149,000, to remain
3 available until expended: *Provided*, That the Secretary
4 shall initiate nine new study starts during fiscal year
5 2021: *Provided further*, That the Secretary shall not devi-
6 ate from the new starts proposed in the work plan, once
7 the plan has been submitted to the Committees on Appro-
8 priations of both Houses of Congress.

9
10 CONSTRUCTION

11 For expenses necessary for the construction of river
12 and harbor, flood and storm damage reduction, shore pro-
13 tection, aquatic ecosystem restoration, and related
14 projects authorized by law; for conducting detailed studies,
15 and plans and specifications, of such projects (including
16 those involving participation by States, local governments,
17 or private groups) authorized or made eligible for selection
18 by law (but such detailed studies, and plans and specifica-
19 tions, shall not constitute a commitment of the Govern-
20 ment to construction); \$2,661,000,000, to remain avail-
21 able until expended; of which such sums as are necessary
22 to cover the Federal share of construction costs for facili-
23 ties under the Dredged Material Disposal Facilities pro-
24 gram shall be derived from the Harbor Maintenance Trust
25 Fund as authorized by Public Law 104–303; and of which
such sums as are necessary to cover one-half of the costs

1 of construction, replacement, rehabilitation, and expansion
2 of inland waterways projects, except for Chickamauga
3 Lock, Tennessee River, Tennessee, which shall be 15 per-
4 cent during the fiscal year covered by this Act, shall be
5 derived from the Inland Waterways Trust Fund, except
6 as otherwise specifically provided for in law: *Provided*,
7 That the Secretary shall initiate seven new construction
8 starts during fiscal year 2021: *Provided further*, That for
9 new construction projects, project cost sharing agreements
10 shall be executed as soon as practicable but no later than
11 September 30, 2021: *Provided further*, That no allocation
12 for a new start shall be considered final and no work al-
13 lowance shall be made until the Secretary provides to the
14 Committees on Appropriations of both Houses of Congress
15 an out-year funding scenario demonstrating the afford-
16 ability of the selected new starts and the impacts on other
17 projects: *Provided further*, That the Secretary may not de-
18 viate from the new starts proposed in the work plan, once
19 the plan has been submitted to the Committees on Appro-
20 priations of both Houses of Congress.

21 MISSISSIPPI RIVER AND TRIBUTARIES

22 For expenses necessary for flood damage reduction
23 projects and related efforts in the Mississippi River allu-
24 vial valley below Cape Girardeau, Missouri, as authorized
25 by law, \$395,000,000, to remain available until expended,

1 of which such sums as are necessary to cover the Federal
2 share of eligible operation and maintenance costs for in-
3 land harbors shall be derived from the Harbor Mainte-
4 nance Trust Fund: *Provided*, That the Secretary shall ini-
5 tiate one new study start in fiscal year 2021: *Provided*
6 *further*, That the Secretary shall not deviate from the work
7 plan, once the plan has been submitted to the Committees
8 on Appropriations of both Houses of Congress.

9 OPERATION AND MAINTENANCE

10 For expenses necessary for the operation, mainte-
11 nance, and care of existing river and harbor, flood and
12 storm damage reduction, aquatic ecosystem restoration,
13 and related projects authorized by law; providing security
14 for infrastructure owned or operated by the Corps, includ-
15 ing administrative buildings and laboratories; maintaining
16 harbor channels provided by a State, municipality, or
17 other public agency that serve essential navigation needs
18 of general commerce, where authorized by law; surveying
19 and charting northern and northwestern lakes and con-
20 necting waters; clearing and straightening channels; and
21 removing obstructions to navigation, \$3,781,000,000, to
22 remain available until expended, of which such sums as
23 are necessary to cover the Federal share of eligible oper-
24 ation and maintenance costs for coastal harbors and chan-
25 nels, and for inland harbors shall be derived from the Har-

1 bor Maintenance Trust Fund; of which such sums as be-
2 come available from the special account for the Corps of
3 Engineers established by the Land and Water Conserva-
4 tion Fund Act of 1965 shall be derived from that account
5 for resource protection, research, interpretation, and
6 maintenance activities related to resource protection in the
7 areas at which outdoor recreation is available; and of
8 which such sums as become available from fees collected
9 under section 217 of Public Law 104–303 shall be used
10 to cover the cost of operation and maintenance of the
11 dredged material disposal facilities for which such fees
12 have been collected: *Provided*, That 1 percent of the total
13 amount of funds provided for each of the programs,
14 projects, or activities funded under this heading shall not
15 be allocated to a field operating activity prior to the begin-
16 ning of the fourth quarter of the fiscal year and shall be
17 available for use by the Chief of Engineers to fund such
18 emergency activities as the Chief of Engineers determines
19 to be necessary and appropriate, and that the Chief of En-
20 gineers shall allocate during the fourth quarter any re-
21 maining funds which have not been used for emergency
22 activities proportionally in accordance with the amounts
23 provided for the programs, projects, or activities.

1 REGULATORY PROGRAM

2 For expenses necessary for administration of laws
3 pertaining to regulation of navigable waters and wetlands,
4 \$210,000,000, to remain available until September 30,
5 2022.

6 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

11 FLOOD CONTROL AND COASTAL EMERGENCIES

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

17 EXPENSES

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

1 ter allocable to the civil works program, \$211,000,000, to
2 remain available until September 30, 2022, of which not
3 to exceed \$5,000 may be used for official reception and
4 representation purposes and only during the current fiscal
5 year: *Provided*, That no part of any other appropriation
6 provided in this title shall be available to fund the civil
7 works activities of the Office of the Chief of Engineers
8 or the civil works executive direction and management ac-
9 tivities of the division offices: *Provided further*, That any
10 Flood Control and Coastal Emergencies appropriation
11 may be used to fund the supervision and general adminis-
12 tration of emergency operations, repairs, and other activi-
13 ties in response to any flood, hurricane, or other natural
14 disaster.

15 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY

16 FOR CIVIL WORKS

17 For the Office of the Assistant Secretary of the Army
18 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
19 \$3,000,000, to remain available until September 30, 2022:
20 *Provided*, That not more than 75 percent of such amount
21 may be obligated or expended until the Assistant Sec-
22 retary submits to the Committees on Appropriations of
23 both Houses of Congress the report required under section
24 101(d) of this Act and a work plan that allocates at least
25 95 percent of the additional funding provided under each

1 heading in this title, as designated under such heading in
2 the explanatory statement accompanying this Act, to spe-
3 cific programs, projects, or activities.

4 WATER INFRASTRUCTURE FINANCE AND INNOVATION
5 PROGRAM ACCOUNT

6 For the cost of direct loans and for the cost of guar-
7 anteed loans, as authorized by the Water Infrastructure
8 Finance and Innovation Act of 2014, \$22,800,000, to re-
9 main available until expended, for safety projects to main-
10 tain, upgrade, and repair dams identified in the National
11 Inventory of Dams with a primary owner type of state,
12 local government, public utility, or private: *Provided*, That,
13 no project may be funded with amounts provided under
14 this heading for a dam that is identified as jointly owned
15 in the National Inventory of Dams and where one of those
16 joint owners is the Federal Government: *Provided further*,
17 That such costs, including the cost of modifying such
18 loans, shall be as defined in section 502 of the Congres-
19 sional Budget Act of 1974: *Provided further*, That these
20 funds are available to subsidize gross obligations for the
21 principal amount of direct loans, including capitalized in-
22 terest, and total loan principal, including capitalized inter-
23 est, any part of which is to be guaranteed, not to exceed
24 \$1,809,500,000: *Provided further*, That, within 30 days of
25 enactment of this Act, the Secretary, in consultation with

1 the Office of Management and Budget, shall transmit a
2 report to the Committees on Appropriations of the House
3 of Representatives and the Senate that provides: (1) an
4 analysis of how subsidy rates will be determined for loans
5 financed by appropriations provided under this heading in
6 this Act; (2) a comparison of the factors that will be con-
7 sidered in estimating subsidy rates for loans financed
8 under this heading in this Act with factors that will be
9 considered in estimates of subsidy rates for other projects
10 authorized by the Water Infrastructure Finance and Inno-
11 vation Act of 2014, including an analysis of how both sets
12 of rates will be determined; and (3) an analysis of the
13 process for developing draft regulations for the Water In-
14 frastructure Finance and Innovation program, including
15 a crosswalk from the statutory requirements for such pro-
16 gram, and a timetable for publishing such regulations:
17 *Provided further*, That the use of direct loans or loan guar-
18 antee authority under this heading for direct loans or com-
19 mitments to guarantee loans for any project shall be in
20 accordance with the criteria published in the Federal Reg-
21 ister on June 30, 2020 (85 FR 39189) pursuant to the
22 fourth proviso under the heading “Water Infrastructure
23 Finance and Innovation Program Account” in division D
24 of the Further Consolidated Appropriations Act, 2020
25 (Public Law 116–94): *Provided further*, That none of the

1 direct loans or loan guarantee authority made available
2 under this heading shall be available for any project unless
3 the Secretary and the Director of the Office of Manage-
4 ment and Budget have certified in advance in writing that
5 the direct loan or loan guarantee, as applicable, and the
6 project comply with the criteria referenced in the previous
7 proviso: *Provided further*, That any references to the Envi-
8 ronmental Protection Agency (EPA) or the Administrator
9 in the criteria referenced in the previous two provisos shall
10 be deemed to be references to the Army Corps of Engi-
11 neers or the Secretary of the Army, respectively, for pur-
12 poses of the direct loans or loan guarantee authority made
13 available under this heading: *Provided further*, That, for
14 the purposes of carrying out the Congressional Budget Act
15 of 1974, the Director of the Congressional Budget Office
16 may request, and the Secretary shall promptly provide,
17 documentation and information relating to a project iden-
18 tified in a Letter of Interest submitted to the Secretary
19 pursuant to a Notice of Funding Availability for applica-
20 tions for credit assistance under the Water Infrastructure
21 Finance and Innovation Act Program, including with re-
22 spect to a project that was initiated or completed before
23 the date of enactment of this Act.

24 In addition, fees authorized to be collected pursuant
25 to sections 5029 and 5030 of the Water Infrastructure

1 Finance and Innovation Act of 2014 shall be deposited
2 in this account, to remain available until expended.

3 In addition, for administrative expenses to carry out
4 the direct and guaranteed loan programs, \$2,200,000, to
5 remain available until September 30, 2022.

6 GENERAL PROVISIONS—CORPS OF
7 ENGINEERS—CIVIL

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 101. (a) None of the funds provided in title I
10 of this Act, or provided by previous appropriations Acts
11 to the agencies or entities funded in title I of this Act
12 that remain available for obligation or expenditure in fiscal
13 year 2021, shall be available for obligation or expenditure
14 through a reprogramming of funds that:

15 (1) creates or initiates a new program, project,
16 or activity;

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

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

23 (4) proposes to use funds directed for a specific
24 activity for a different purpose, unless prior approval

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: *Provided*, 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

1 \$300,000 may be reprogrammed into any continuing
2 study or activity that did not receive an appropria-
3 tion for existing obligations and concomitant admin-
4 istrative expenses;

5 (8) OPERATION AND MAINTENANCE.—Unlim-
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;

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

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

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

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

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

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

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

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

3 SEC. 102. The Secretary shall allocate funds made
4 available in this Act solely in accordance with the provi-
5 sions of this Act and the explanatory statement accom-
6 panying this Act, including the determination and designa-
7 tion of new starts.

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

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

21 SEC. 105. None of the funds in this Act shall be used
22 for an open lake placement alternative for dredged mate-
23 rial, after evaluating the least costly, environmentally ac-
24 ceptable manner for the disposal or management of
25 dredged material originating from Lake Erie or tributaries

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

10 SEC. 106. None of the funds made available by this
11 Act or any other Act may be used to reorganize or to
12 transfer the Civil Works functions or authority of the
13 Corps of Engineers or the Secretary of the Army to an-
14 other department or agency.

15 SEC. 107. Additional funding provided in this Act
16 shall be allocated only to projects determined to be eligible
17 by the Chief of Engineers.

18 SEC. 108. None of the funds made available by this
19 Act may be used to carry out any water supply reallocation
20 study under the Wolf Creek Dam, Lake Cumberland, Ken-
21 tucky, project authorized under the Act of July 24, 1946
22 (60 Stat. 636, ch. 595).

1 TITLE II
2 DEPARTMENT OF THE INTERIOR
3 CENTRAL UTAH PROJECT
4 CENTRAL UTAH PROJECT COMPLETION ACCOUNT
5 For carrying out activities authorized by the Central
6 Utah Project Completion Act, \$20,000,000, to remain
7 available until expended, of which \$1,800,000 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, \$1,500,000 shall
12 be available until September 30, 2022, 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 2021, 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 \$1,500,000 for administra-
18 tive expenses.

19 BUREAU OF RECLAMATION

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

1 WATER AND RELATED RESOURCES
2 (INCLUDING TRANSFERS OF FUNDS)

3 For management, development, and restoration of
4 water and related natural resources and for related activi-
5 ties, including the operation, maintenance, and rehabilita-
6 tion of reclamation and other facilities, participation in
7 fulfilling related Federal responsibilities to Native Ameri-
8 cans, and related grants to, and cooperative and other
9 agreements with, State and local governments, federally
10 recognized Indian tribes, and others, \$1,521,125,000, to
11 remain available until expended, of which \$58,476,000
12 shall be available for transfer to the Upper Colorado River
13 Basin Fund and \$5,584,000 shall be available for transfer
14 to the Lower Colorado River Basin Development Fund;
15 of which such amounts as may be necessary may be ad-
16 vanced to the Colorado River Dam Fund: *Provided*, That
17 \$25,882,000 shall be available for transfer into the Black-
18 feet Water Settlement Implementation Fund established
19 by section 3717 of Public Law 114–322: *Provided further*,
20 That such transfers may be increased or decreased within
21 the overall appropriation under this heading: *Provided fur-*
22 *ther*, That within available funds, \$250,000 shall be for
23 grants and financial assistance for educational activities:
24 *Provided further*, That of the total appropriated, the
25 amount for program activities that can be financed by the

1 Reclamation Fund or the Bureau of Reclamation special
2 fee account established by 16 U.S.C. 6806 shall be derived
3 from that Fund or account: *Provided further*, That funds
4 contributed under 43 U.S.C. 395 are available until ex-
5 pended for the purposes for which the funds were contrib-
6 uted: *Provided further*, That funds advanced under 43
7 U.S.C. 397a shall be credited to this account and are
8 available until expended for the same purposes as the
9 sums appropriated under this heading: *Provided further*,
10 That of the amounts provided herein, funds may be used
11 for high-priority projects which shall be carried out by the
12 Youth Conservation Corps, as authorized by 16 U.S.C.
13 1706.

14 CENTRAL VALLEY PROJECT RESTORATION FUND

15 For carrying out the programs, projects, plans, habi-
16 tat restoration, improvement, and acquisition provisions of
17 the Central Valley Project Improvement Act, \$55,875,000,
18 to be derived from such sums as may be collected in the
19 Central Valley Project Restoration Fund pursuant to sec-
20 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
21 102-575, to remain available until expended: *Provided*,
22 That the Bureau of Reclamation is directed to assess and
23 collect the full amount of the additional mitigation and
24 restoration payments authorized by section 3407(d) of
25 Public Law 102-575: *Provided further*, That none of the

1 funds made available under this heading may be used for
2 the acquisition or leasing of water for in-stream purposes
3 if the water is already committed to in-stream purposes
4 by a court adopted decree or order.

5 CALIFORNIA BAY-DELTA RESTORATION
6 (INCLUDING TRANSFERS OF FUNDS)

7 For carrying out activities authorized by the Water
8 Supply, Reliability, and Environmental Improvement Act,
9 consistent with plans to be approved by the Secretary of
10 the Interior, \$33,000,000, to remain available until ex-
11 pended, of which such amounts as may be necessary to
12 carry out such activities may be transferred to appropriate
13 accounts of other participating Federal agencies to carry
14 out authorized purposes: *Provided*, That funds appro-
15 priated herein may be used for the Federal share of the
16 costs of CALFED Program management: *Provided fur-*
17 *ther*, That CALFED implementation shall be carried out
18 in a balanced manner with clear performance measures
19 demonstrating concurrent progress in achieving the goals
20 and objectives of the Program.

21 POLICY AND ADMINISTRATION

22 For expenses necessary for policy, administration,
23 and related functions in the Office of the Commissioner,
24 the Denver office, and offices in the six regions of the Bu-
25 reau of Reclamation, to remain available until September

1 30, 2022, \$60,000,000, to be derived from the Reclama-
2 tion Fund and be nonreimbursable as provided in 43
3 U.S.C. 377: *Provided*, That no part of any other appro-
4 priation in this Act shall be available for activities or func-
5 tions budgeted as policy and administration expenses.

6 ADMINISTRATIVE PROVISION

7 Appropriations for the Bureau of Reclamation shall
8 be available for purchase of not to exceed five passenger
9 motor vehicles, which are for replacement only.

10 GENERAL PROVISIONS—DEPARTMENT OF THE
11 INTERIOR

12 SEC. 201. (a) None of the funds provided in title II
13 of this Act for Water and Related Resources, or provided
14 by previous or subsequent appropriations Acts to the agen-
15 cies or entities funded in title II of this Act for Water
16 and Related Resources that remain available for obligation
17 or expenditure in fiscal year 2021, shall be available for
18 obligation or expenditure through a reprogramming of
19 funds that—

20 (1) initiates or creates a new program, project,
21 or activity;

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

23 (3) increases funds for any program, project, or
24 activity for which funds have been denied or re-
25 stricted by this Act, unless prior approval is received

1 from the Committees on Appropriations of both
2 Houses of Congress;

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

7 (5) transfers funds in excess of the following
8 limits, unless prior approval is received from the
9 Committees on Appropriations of both Houses of
10 Congress:

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

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

17 (6) transfers more than \$500,000 from either
18 the Facilities Operation, Maintenance, and Rehabili-
19 tation category or the Resources Management and
20 Development category to any program, project, or
21 activity in the other category, unless prior approval
22 is received from the Committees on Appropriations
23 of both Houses of Congress; or

24 (7) transfers, where necessary to discharge legal
25 obligations of the Bureau of Reclamation, more than

1 \$5,000,000 to provide adequate funds for settled
2 contractor claims, increased contractor earnings due
3 to accelerated rates of operations, and real estate de-
4 ficiency judgments, unless prior approval is received
5 from the Committees on Appropriations of both
6 Houses of Congress.

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

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

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

20 SEC. 202. (a) None of the funds appropriated or oth-
21 erwise made available by this Act may be used to deter-
22 mine the final point of discharge for the interceptor drain
23 for the San Luis Unit until development by the Secretary
24 of the Interior and the State of California of a plan, which
25 shall conform to the water quality standards of the State

1 of California as approved by the Administrator of the En-
2 vironmental Protection Agency, to minimize any detri-
3 mental effect of the San Luis drainage waters.

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

20 SEC. 203. Section 9504(e) of the Omnibus Public
21 Land Management Act of 2009 (42 U.S.C. 10364(e)) is
22 amended by striking “ \$530,000,000” and inserting “
23 \$600,000,000”.

24 SEC. 204. Title I of Public Law 108–361 (the
25 CALFED Bay-Delta Authorization Act) (118 Stat. 1681),

1 as amended by section 4007(k) of Public Law 114–322,
2 is amended by striking “2020” each place it appears and
3 inserting “2021”.

4 SEC. 205. Section 9106(g)(2) of Public Law 111–11
5 (Omnibus Public Land Management Act of 2009) is
6 amended by striking “2020” and inserting “2021”.

7 SEC. 206. (a) Section 104(c) of the Reclamation
8 States Emergency Drought Relief Act of 1991 (43 U.S.C.
9 2214(c)) is amended by striking “2020” and inserting
10 “2021”.

11 (b) Section 301 of the Reclamation States Emergency
12 Drought Relief Act of 1991 (43 U.S.C. 2241) is amended
13 by striking “2020” and inserting “2021”.

14 SEC. 207. Section 6002(g)(4) of the Omnibus Public
15 Land Management Act of 2009 (Public Law 111–11) is
16 amended by striking “2020” and inserting “2021”.

1 TITLE III
2 DEPARTMENT OF ENERGY
3 ENERGY PROGRAMS
4 ENERGY EFFICIENCY AND RENEWABLE ENERGY
5 (INCLUDING RESCISSION OF FUNDS)
6 For Department of Energy expenses including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment, and other expenses necessary for energy
9 efficiency and renewable energy activities in carrying out
10 the purposes of the Department of Energy Organization
11 Act (42 U.S.C. 7101 et seq.), including the acquisition or
12 condemnation of any real property or any facility or for
13 plant or facility acquisition, construction, or expansion,
14 \$2,850,240,000, to remain available until expended: *Pro-*
15 *vided*, That of such amount, \$161,000,000 shall be avail-
16 able until September 30, 2022, for program direction: *Pro-*
17 *vided further*, That of the unobligated balances available
18 from amounts appropriated in Public Law 111–8 under
19 this heading, \$806,831 is hereby rescinded: *Provided fur-*
20 *ther*, That of the unobligated balances available from
21 amounts appropriated in Public Law 111–85 under this
22 heading, \$1,433,463 is hereby rescinded: *Provided further*,
23 That no amounts may be rescinded under the previous two
24 provisos from amounts that were designated by the Con-
25 gress as an emergency requirement pursuant to the Con-

1 current Resolution on the Budget or the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY
4 RESPONSE

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 sector cybersecurity, energy security, and emergency re-
9 sponse activities in carrying out the purposes of the De-
10 partment of Energy Organization Act (42 U.S.C. 7101 et
11 seq.), including the acquisition or condemnation of any
12 real property or any facility or for plant or facility acquisi-
13 tion, construction, or expansion, \$156,000,000, to remain
14 available until expended: *Provided*, That of such amount,
15 \$11,521,000 shall be available until September 30, 2022,
16 for program direction.

17 ELECTRICITY

18 For Department of Energy expenses including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment, and other expenses necessary for elec-
21 tricity activities in carrying out the purposes of the De-
22 partment of Energy Organization Act (42 U.S.C. 7101 et
23 seq.), including the acquisition or condemnation of any
24 real property or any facility or for plant or facility acquisi-
25 tion, construction, or expansion, \$223,000,000, to remain

1 available until expended: *Provided*, That of such amount,
2 \$18,000,000 shall be available until September 30, 2022,
3 for program direction.

4 NUCLEAR 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 nuclear
8 energy activities in carrying out the purposes of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including the acquisition or condemnation of any
11 real property or any facility or for plant or facility acquisi-
12 tion, construction, or expansion, \$1,505,300,000, to re-
13 main available until expended: *Provided*, That of such
14 amount, \$27,500,000 shall be derived from the Nuclear
15 Waste Fund and shall be available for expenses necessary
16 for activities to carry out the purposes of the Nuclear
17 Waste Policy Act of 1982, including interim storage activi-
18 ties: *Provided further*, That of such amount, \$75,131,000
19 shall be available until September 30, 2022, for program
20 direction.

21 URANIUM RESERVE PROGRAM

22 For Department of Energy expenses necessary for
23 Uranium Reserve activities to carry out the purposes of
24 the Department of Energy Organization Act (42 U.S.C.

1 7101 et seq., \$120,000,000 to remain available until ex-
2 pended.

3 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

4 For Department of Energy expenses necessary in car-
5 rying out fossil energy research and development activi-
6 ties, under the authority of the Department of Energy Or-
7 ganization Act (42 U.S.C. 7101 et seq.), including the ac-
8 quisition of interest, including defeasible and equitable in-
9 terests in any real property or any facility or for plant
10 or facility acquisition or expansion, and for conducting in-
11 quiries, technological investigations and research con-
12 cerning the extraction, processing, use, and disposal of
13 mineral substances without objectionable social and envi-
14 ronmental costs (30 U.S.C. 3, 1602, and 1603),
15 \$750,000,000, to remain available until expended: *Pro-*
16 *vided*, That of such amount \$61,500,000 shall be available
17 until September 30, 2022, for program direction.

18 NAVAL PETROLEUM AND OIL SHALE RESERVES

19 For Department of Energy expenses necessary to
20 carry out naval petroleum and oil shale reserve activities,
21 \$13,006,000, to remain available until expended: *Pro-*
22 *vided*, That notwithstanding any other provision of law,
23 unobligated funds remaining from prior years shall be
24 available for all naval petroleum and oil shale reserve ac-
25 tivities.

1 STRATEGIC PETROLEUM RESERVE

2 For Department of Energy expenses necessary for
3 Strategic Petroleum Reserve facility development and op-
4 erations and program management activities pursuant to
5 the Energy Policy and Conservation Act (42 U.S.C. 6201
6 et seq.), \$187,081,000, to remain available until expended.

7 SPR PETROLEUM ACCOUNT

8 For the acquisition, transportation, and injection of
9 petroleum products, and for other necessary expenses pur-
10 suant to the Energy Policy and Conservation Act of 1975,
11 as amended (42 U.S.C. 6201 et seq.), sections 403 and
12 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
13 6241, 6239 note), and section 5010 of the 21st Century
14 Cures Act (Public Law 114–255), \$1,000,000, to remain
15 available until expended.

16 NORTHEAST HOME HEATING OIL RESERVE

17 For Department of Energy expenses necessary for
18 Northeast Home Heating Oil Reserve storage, operation,
19 and management activities pursuant to the Energy Policy
20 and Conservation Act (42 U.S.C. 6201 et seq.),
21 \$10,000,000, to remain available until expended.

22 ENERGY INFORMATION ADMINISTRATION

23 For Department of Energy expenses necessary in car-
24 rying out the activities of the Energy Information Admin-

1 istration, \$126,800,000, to remain available until ex-
2 pended.

3 NON-DEFENSE ENVIRONMENTAL CLEANUP

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other expenses necessary for non-de-
7 fense environmental cleanup activities in carrying out the
8 purposes of the Department of Energy Organization Act
9 (42 U.S.C. 7101 et seq.), including the acquisition or con-
10 demnation of any real property or any facility or for plant
11 or facility acquisition, construction, or expansion,
12 \$326,000,000, to remain available until expended: *Pro-*
13 *vided*, That, in addition, fees collected pursuant to sub-
14 section (b)(1) of section 6939f of title 42, United States
15 Code, and deposited under this heading in fiscal year 2021
16 pursuant to section 309 of title III of division C of Public
17 Law 116–94 are appropriated, to remain available until
18 expended, for mercury storage costs.

19 URANIUM ENRICHMENT DECONTAMINATION AND
20 DECOMMISSIONING FUND

21 For Department of Energy expenses necessary in car-
22 rying out uranium enrichment facility decontamination
23 and decommissioning, remedial actions, and other activi-
24 ties of title II of the Atomic Energy Act of 1954, and
25 title X, subtitle A, of the Energy Policy Act of 1992,

1 \$848,000,000, to be derived from the Uranium Enrich-
2 ment Decontamination and Decommissioning Fund, to re-
3 main available until expended, of which \$10,000,000 shall
4 be available in accordance with title X, subtitle A, of the
5 Energy Policy Act of 1992.

6 SCIENCE

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 science
10 activities in carrying out the purposes of the Department
11 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
12 cluding the acquisition or condemnation of any real prop-
13 erty or any facility or for plant or facility acquisition, con-
14 struction, or expansion, and purchase of not more than
15 35 passenger motor vehicles for replacement only,
16 \$7,026,000,000, to remain available until expended: *Pro-*
17 *vided*, That of such amount, \$188,000,000 shall be avail-
18 able until September 30, 2022, for program direction.

19 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

20 For Department of Energy expenses necessary in car-
21 rying out the activities authorized by section 5012 of the
22 America COMPETES Act (Public Law 110–69),
23 \$430,000,000, to remain available until expended: *Pro-*
24 *vided*, That of such amount, \$35,000,000 shall be avail-
25 able until September 30, 2022, for program direction.

1 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
2 PROGRAM

3 Such sums as are derived from amounts received
4 from borrowers pursuant to section 1702(b) of the Energy
5 Policy Act of 2005 under this heading in prior Acts, shall
6 be collected in accordance with section 502(7) of the Con-
7 gressional Budget Act of 1974: *Provided*, That for nec-
8 essary administrative expenses of the Title 17 Innovative
9 Technology Loan Guarantee Program, as authorized,
10 \$32,000,000 is appropriated, to remain available until
11 September 30, 2022: *Provided further*, That up to
12 \$32,000,000 of fees collected in fiscal year 2021 pursuant
13 to section 1702(h) of the Energy Policy Act of 2005 shall
14 be credited as offsetting collections under this heading and
15 used for necessary administrative expenses in this appro-
16 priation and shall remain available until September 30,
17 2022: *Provided further*, That to the extent that fees col-
18 lected in fiscal year 2021 exceed \$32,000,000, those ex-
19 cess amounts shall be credited as offsetting collections
20 under this heading and available in future fiscal years only
21 to the extent provided in advance in appropriations Acts:
22 *Provided further*, That the sum herein appropriated from
23 the general fund shall be reduced (1) as such fees are re-
24 ceived during fiscal year 2021 (estimated at \$3,000,000)
25 and (2) to the extent that any remaining general fund ap-

1 appropriations can be derived from fees collected in previous
2 fiscal years that are not otherwise appropriated, so as to
3 result in a final fiscal year 2021 appropriation from the
4 general fund estimated at \$0: *Provided further*, That the
5 Department of Energy shall not subordinate any loan obli-
6 gation to other financing in violation of section 1702 of
7 the Energy Policy Act of 2005 or subordinate any Guar-
8 teed Obligation to any loan or other debt obligations in
9 violation of section 609.10 of title 10, Code of Federal
10 Regulations.

11 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
12 LOAN PROGRAM

13 For Department of Energy administrative expenses
14 necessary in carrying out the Advanced Technology Vehi-
15 cles Manufacturing Loan Program, \$5,000,000, to remain
16 available until September 30, 2022.

17 TRIBAL ENERGY LOAN GUARANTEE PROGRAM

18 For Department of Energy administrative expenses
19 necessary in carrying out the Tribal Energy Loan Guar-
20 antee Program, \$2,000,000, to remain available until Sep-
21 tember 30, 2022.

22 OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

23 For necessary expenses for Indian Energy activities
24 in carrying out the purposes of the Department of Energy
25 Organization Act (42 U.S.C. 7101 et seq.), \$22,000,000,

1 to remain available until expended: *Provided*, That, of the
2 amount appropriated under this heading, \$5,000,000 shall
3 be available until September 30, 2022, for program direc-
4 tion.

5 DEPARTMENTAL ADMINISTRATION

6 For salaries and expenses of the Department of En-
7 ergy necessary for departmental administration in car-
8 rying out the purposes of the Department of Energy Orga-
9 nization Act (42 U.S.C. 7101 et seq.), \$254,378,000, to
10 remain available until September 30, 2022, including the
11 hire of passenger motor vehicles and official reception and
12 representation expenses not to exceed \$30,000, plus such
13 additional amounts as necessary to cover increases in the
14 estimated amount of cost of work for others notwith-
15 standing the provisions of the Anti-Deficiency Act (31
16 U.S.C. 1511 et seq.): *Provided*, That such increases in
17 cost of work are offset by revenue increases of the same
18 or greater amount: *Provided further*, That moneys received
19 by the Department for miscellaneous revenues estimated
20 to total \$93,378,000 in fiscal year 2021 may be retained
21 and used for operating expenses within this account, as
22 authorized 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 2021 appropriation from the
2 general fund estimated at not more than \$161,000,000.

3 OFFICE OF THE INSPECTOR GENERAL

4 For expenses necessary for the Office of the Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$57,739,000, to remain available
7 until September 30, 2022.

8 ATOMIC ENERGY DEFENSE ACTIVITIES NA-
9 TIONAL NUCLEAR SECURITY ADMINISTRA-
10 TION

11 WEAPONS ACTIVITIES

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other incidental expenses necessary for
15 atomic energy defense weapons activities in carrying out
16 the purposes of the Department of Energy Organization
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 and the purchase of not to exceed one ambulance for re-
21 placement only, \$15,602,000,000, to remain available
22 until expended: *Provided*, That of such amount,
23 \$123,684,000 shall be available until September 30, 2022,
24 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
6 the purposes of the Department of Energy Organization
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 and the purchase of not to exceed two aircraft,
11 \$2,095,000,000, to remain available until expended: *Pro-*
12 *vided*, That of such amount, \$30,000,000 shall be for the
13 Uranium Reserve Program.

14 NAVAL REACTORS

15 (INCLUDING TRANSFER OF FUNDS)

16 For Department of Energy expenses necessary for
17 naval reactors activities to carry out the Department of
18 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
19 ing the acquisition (by purchase, condemnation, construc-
20 tion, or otherwise) of real property, plant, and capital
21 equipment, facilities, and facility expansion,
22 \$1,684,000,000, to remain available until expended, of
23 which, \$87,275,000 shall be transferred to “Department
24 of Energy—Energy Programs—Nuclear Energy”, for the
25 Advanced Test Reactor: *Provided*, That of such amount,

1 \$51,700,000 shall be available until September 30, 2022,
2 for program direction.

3 FEDERAL SALARIES AND EXPENSES

4 For expenses necessary for Federal Salaries and Ex-
5 penses in the National Nuclear Security Administration,
6 \$443,200,000, to remain available until September 30,
7 2022, including official reception and representation ex-
8 penses not to exceed \$17,000.

9 ENVIRONMENTAL AND OTHER DEFENSE

10 ACTIVITIES

11 DEFENSE ENVIRONMENTAL CLEANUP

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment and other expenses necessary for atomic
15 energy defense environmental cleanup activities in car-
16 rying out the purposes of the Department of Energy Orga-
17 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
18 sition or condemnation of any real property or any facility
19 or for plant or facility acquisition, construction, or expan-
20 sion, \$6,360,000,000, to remain available until expended:
21 *Provided*, That of such amount, \$289,000,000 shall be
22 available until September 30, 2022, for program direction.

23 OTHER DEFENSE ACTIVITIES

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other expenses, necessary for atomic
2 energy defense, other defense activities, and classified ac-
3 tivities, in carrying out the purposes of the Department
4 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
5 cluding the acquisition or condemnation of any real prop-
6 erty or any facility or for plant or facility acquisition, con-
7 struction, or expansion, and purchase of not more than
8 one passenger motor vehicle, \$906,000,000, to remain
9 available until expended: *Provided*, That of such amount,
10 \$333,127,000 shall be available until September 30, 2022,
11 for program direction.

12 POWER MARKETING ADMINISTRATIONS

13 BONNEVILLE POWER ADMINISTRATION FUND

14 Expenditures from the Bonneville Power Administra-
15 tion Fund, established pursuant to Public Law 93-454,
16 are approved for official reception and representation ex-
17 penses in an amount not to exceed \$5,000: *Provided*, That
18 during fiscal year 2021, no new direct loan obligations
19 may be made.

20 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
21 ADMINISTRATION

22 For expenses necessary for operation and mainte-
23 nance of power transmission facilities and for marketing
24 electric power and energy, including transmission wheeling
25 and ancillary services, pursuant to section 5 of the Flood

1 Control Act of 1944 (16 U.S.C. 825s), as applied to the
2 southeastern power area, \$7,246,000, including official re-
3 ception and representation expenses in an amount not to
4 exceed \$1,500, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding 31 U.S.C. 3302 and section
6 5 of the Flood Control Act of 1944, up to \$7,246,000 col-
7 lected by the Southeastern Power Administration from the
8 sale of power and related services shall be credited to this
9 account as discretionary offsetting collections, to remain
10 available until expended for the sole purpose of funding
11 the annual expenses of the Southeastern Power Adminis-
12 tration: *Provided further*, That the sum herein appro-
13 priated for annual expenses shall be reduced as collections
14 are received during the fiscal year so as to result in a final
15 fiscal year 2021 appropriation estimated at not more than
16 \$0: *Provided further*, That notwithstanding 31 U.S.C.
17 3302, up to \$52,000,000 collected by the Southeastern
18 Power Administration pursuant to the Flood Control Act
19 of 1944 to recover purchase power and wheeling expenses
20 shall be credited to this account as offsetting collections,
21 to remain available until expended for the sole purpose
22 of making purchase power and wheeling expenditures:
23 *Provided further*, That for purposes of this appropriation,
24 annual expenses means expenditures that are generally re-

1 covered in the same year that they are incurred (excluding
2 purchase power and wheeling expenses).

3 OPERATION AND MAINTENANCE, SOUTHWESTERN
4 POWER ADMINISTRATION

5 For expenses necessary for operation and mainte-
6 nance of power transmission facilities and for marketing
7 electric power and energy, for construction and acquisition
8 of transmission lines, substations and appurtenant facili-
9 ties, and for administrative expenses, including official re-
10 ception and representation expenses in an amount not to
11 exceed \$1,500 in carrying out section 5 of the Flood Con-
12 trol Act of 1944 (16 U.S.C. 825s), as applied to the
13 Southwestern Power Administration, \$47,540,000, to re-
14 main available until expended: *Provided*, That notwith-
15 standing 31 U.S.C. 3302 and section 5 of the Flood Con-
16 trol Act of 1944 (16 U.S.C. 825s), up to \$37,140,000 col-
17 lected by the Southwestern Power Administration from
18 the sale of power and related services shall be credited to
19 this account as discretionary offsetting collections, to re-
20 main available until expended, for the sole purpose of
21 funding the annual expenses of the Southwestern Power
22 Administration: *Provided further*, That the sum herein ap-
23 propriated for annual expenses shall be reduced as collec-
24 tions are received during the fiscal year so as to result
25 in a final fiscal year 2021 appropriation estimated at not

1 more than \$10,400,000: *Provided further*, That notwith-
2 standing 31 U.S.C. 3302, up to \$15,000,000 collected by
3 the Southwestern Power Administration pursuant to the
4 Flood Control Act of 1944 to recover purchase power and
5 wheeling expenses shall be credited to this account as off-
6 setting collections, to remain available until expended for
7 the sole purpose of making purchase power and wheeling
8 expenditures: *Provided further*, That for purposes of this
9 appropriation, annual expenses means expenditures that
10 are generally recovered in the same year that they are in-
11 curred (excluding purchase power and wheeling expenses).

12 CONSTRUCTION, REHABILITATION, OPERATION AND
13 MAINTENANCE, WESTERN AREA POWER ADMINIS-
14 TRATION

15 For carrying out the functions authorized by title III,
16 section 302(a)(1)(E) of the Act of August 4, 1977 (42
17 U.S.C. 7152), and other related activities including con-
18 servation and renewable resources programs as author-
19 ized, \$259,126,000, including official reception and rep-
20 resentation expenses in an amount not to exceed \$1,500,
21 to remain available until expended, of which \$259,126,000
22 shall be derived from the Department of the Interior Rec-
23 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
24 3302, section 5 of the Flood Control Act of 1944 (16
25 U.S.C. 825s), and section 1 of the Interior Department

1 Appropriation Act, 1939 (43 U.S.C. 392a), up to
2 \$169,754,000 collected by the Western Area Power Ad-
3 ministration from the sale of power and related services
4 shall be credited to this account as discretionary offsetting
5 collections, to remain available until expended, for the sole
6 purpose of funding the annual expenses of the Western
7 Area Power Administration: *Provided further*, That the
8 sum herein appropriated for annual expenses shall be re-
9 duced as collections are received during the fiscal year so
10 as to result in a final fiscal year 2021 appropriation esti-
11 mated at not more than \$89,372,000, of which
12 \$89,372,000 is derived from the Reclamation Fund: *Pro-*
13 *vided further*, That notwithstanding 31 U.S.C. 3302, up
14 to \$172,000,000 collected by the Western Area Power Ad-
15 ministration pursuant to the Flood Control Act of 1944
16 and the Reclamation Project Act of 1939 to recover pur-
17 chase power and wheeling expenses shall be credited to
18 this account as offsetting collections, to remain available
19 until expended for the sole purpose of making purchase
20 power and wheeling expenditures: *Provided further*, That
21 for purposes of this appropriation, annual expenses means
22 expenditures that are generally recovered in the same year
23 that they are incurred (excluding purchase power and
24 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, \$5,776,000, to remain available until expended,
6 and to be derived from the Falcon and Amistad Operating
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
11 \$5,548,000 collected by the Western Area Power Adminis-
12 tration from the sale of power and related services from
13 the Falcon and Amistad Dams shall be credited to this
14 account as discretionary offsetting collections, to remain
15 available until expended for the sole purpose of funding
16 the annual expenses of the hydroelectric facilities of these
17 Dams and associated Western Area Power Administration
18 activities: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2021 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 2021, the

1 Administrator of the Western Area Power Administration
2 may accept up to \$1,526,000 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
11 States Section of the International Boundary and Water
12 Commission for the sole purpose of operating, maintain-
13 ing, repairing, rehabilitating, replacing, or upgrading the
14 hydroelectric facilities at these Dams in accordance with
15 agreements reached between the Administrator, Commis-
16 sioner, and the power customers.

17 FEDERAL ENERGY REGULATORY COMMISSION

18 SALARIES AND EXPENSES

19 For expenses necessary for the Federal Energy Regu-
20 latory Commission to carry out the provisions of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including services as authorized by 5 U.S.C. 3109,
23 official reception and representation expenses not to ex-
24 ceed \$3,000, and the hire of passenger motor vehicles,
25 \$404,350,000, to remain available until expended: *Pro-*

1 *vided*, That notwithstanding any other provision of law,
2 not to exceed \$404,350,000 of revenues from fees and an-
3 nual charges, and other services and collections in fiscal
4 year 2021 shall be retained and used for expenses nec-
5 essary in this account, and shall remain available until ex-
6 pended: *Provided further*, That the sum herein appro-
7 priated from the general fund shall be reduced as revenues
8 are received during fiscal year 2021 so as to result in a
9 final fiscal year 2021 appropriation from the general fund
10 estimated at not more than \$0.

11 GENERAL PROVISIONS—DEPARTMENT OF

12 ENERGY

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 301. (a) No appropriation, funds, or authority
15 made available by this title for the Department of Energy
16 shall be used to initiate or resume any program, project,
17 or activity or to prepare or initiate Requests For Proposals
18 or similar arrangements (including 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.

23 (b)(1) Unless the Secretary of Energy notifies the
24 Committees 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 discre-
4 tionary grant award totaling \$1,000,000 or
5 more;

6 (B) make a discretionary contract award
7 or Other Transaction Agreement totaling
8 \$1,000,000 or more, including a contract cov-
9 ered by the Federal Acquisition Regulation;

10 (C) issue a letter of intent to make an allo-
11 cation, award, or Agreement in excess of the
12 limits in subparagraph (A) or (B); or

13 (D) announce publicly the intention to
14 make an allocation, award, or Agreement in ex-
15 cess of the limits in subparagraph (A) or (B).

16 (2) The Secretary of Energy shall submit to the
17 Committees on Appropriations of both Houses of
18 Congress within 15 days of the conclusion of each
19 quarter a report detailing each grant allocation or
20 discretionary grant award totaling less than
21 \$1,000,000 provided during the previous quarter.

22 (3) The notification required by paragraph (1)
23 and the report required by paragraph (2) shall in-
24 clude the recipient of the award, the amount of the
25 award, the fiscal year for which the funds for the

1 award were appropriated, the account and program,
2 project, or activity from which the funds are being
3 drawn, the title of the award, and a brief description
4 of the activity for which the award is made.

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

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

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

20 (d) Except as provided in subsections (e), (f), and (g),
21 the amounts made available by this title shall be expended
22 as authorized by law for the programs, projects, and ac-
23 tivities specified in the “Final Bill” column in the “De-
24 partment of Energy” table included under the heading

1 “Title III—Department of Energy” in the explanatory
2 statement accompanying this Act.

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

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

15 (1) creates, initiates, or eliminates a program,
16 project, or activity;

17 (2) increases funds or personnel for any pro-
18 gram, project, or activity for which funds are denied
19 or restricted by this Act; or

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

23 (g)(1) The Secretary of Energy may waive any re-
24 quirement or restriction in this section that applies to the
25 use of funds made available for the Department of Energy

1 if compliance with such requirement or restriction would
2 pose a substantial risk to human health, the environment,
3 welfare, or national security.

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

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

19 SEC. 302. Funds appropriated by this or any other
20 Act, or made available by the transfer of funds in this
21 Act, for intelligence activities are deemed to be specifically
22 authorized by the Congress for purposes of section 504
23 of the National Security Act of 1947 (50 U.S.C. 3094)
24 during fiscal year 2021 until the enactment of the Intel-
25 ligence Authorization Act for fiscal year 2021.

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

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

15 SEC. 305. (a) Of the offsetting collections, including
16 unobligated balances of such collections, in the “Depart-
17 ment of Energy—Power Marketing Administration—Col-
18 orado River Basins Power Marketing Fund, Western Area
19 Power Administration”, \$21,400,000 shall be transferred
20 to the “Department of Interior—Bureau of Reclama-
21 tion—Upper Colorado River Basin Fund” for the Bureau
22 of Reclamation to carry out environmental stewardship
23 and endangered species recovery efforts.

24 (b) No funds shall be transferred directly from “De-
25 partment of Energy—Power Marketing Administration—

1 Colorado River Basins Power Marketing Fund, Western
2 Area Power Administration” to the general fund of the
3 Treasury in the current fiscal year.

4 SEC. 306. (a) DEFINITIONS.—In this section:

5 (1) AFFECTED INDIAN TRIBE.—The term “af-
6 fected Indian tribe” has the meaning given the term
7 in section 2 of the Nuclear Waste Policy Act of 1982
8 (42 U.S.C. 10101).

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

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

17 (4) SECRETARY.—The term “Secretary” means
18 the Secretary of Energy.

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

23 (b) PILOT PROGRAM.—Notwithstanding any provi-
24 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
25 10101 et seq.), the Secretary is authorized, in the current

1 fiscal year and subsequent fiscal years, to conduct a pilot
2 program to license, construct, and operate 1 or more Fed-
3 eral consolidated storage facilities to provide interim stor-
4 age as needed for spent nuclear fuel and high-level radio-
5 active waste, with priority for storage given to spent nu-
6 clear fuel located on sites without an operating nuclear
7 reactor.

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

12 (1) to obtain any license necessary from the
13 Nuclear Regulatory Commission for the construction
14 of 1 or more consolidated storage facilities;

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

18 (3) to demonstrate the safe storage of spent nu-
19 clear fuel and high-level radioactive waste, as appli-
20 cable, at the 1 or more consolidated storage facilities
21 pending the construction and operation of deep geo-
22 logic disposal capacity for the permanent disposal of
23 the spent nuclear fuel.

24 (d) CONSENT-BASED APPROVAL.—Prior to siting a
25 consolidated storage facility pursuant to this section, the

1 Secretary shall enter into an agreement to host the facility
2 with—

3 (1) the Governor of the State;

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

7 (3) each affected Indian tribe.

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

10 (1) all licensing requirements and regulations of
11 the Nuclear Regulatory Commission; and

12 (2) all other applicable laws (including regula-
13 tions).

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

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

23 (2) a schedule for—

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

4 (B) constructing the facility;

5 (C) transporting spent fuel to the facility;

6 and

7 (D) removing the spent fuel and decom-
8 missioning the facility;

9 (3) an estimate of the cost of any financial as-
10 sistance, compensation, or incentives proposed to be
11 paid to the host State, Indian tribe, or local govern-
12 ment;

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

18 (5) recommendations for any additional legisla-
19 tion needed to authorize and implement the pilot
20 program; and

21 (6) recommendations for a mechanism to en-
22 sure that any spent nuclear fuel or high-level radio-
23 active waste stored at a consolidated storage facility
24 pursuant to this section shall move to deep geologic
25 disposal capacity, following a consent-based approval

1 process for that deep geologic disposal capacity con-
2 sistent with subsection (d), within a reasonable time
3 after the issuance of a license to construct and oper-
4 ate the consolidated storage facility.

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

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

15 SEC. 307. Notwithstanding section 161 of the Energy
16 Policy and Conservation Act (42 U.S.C. 6241), upon a
17 determination by the President in this fiscal year that a
18 regional supply shortage of refined petroleum product of
19 significant scope and duration exists, that a severe in-
20 crease in the price of refined petroleum product will likely
21 result from such shortage, and that a draw down and sale
22 of refined petroleum product would assist directly and sig-
23 nificantly in reducing the adverse impact of such shortage,
24 the Secretary of Energy may draw down and sell refined
25 petroleum product from the Strategic Petroleum Reserve.

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

1 TITLE IV
2 INDEPENDENT AGENCIES
3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, and for expenses necessary for the Federal Co-
7 Chairman and the Alternate on the Appalachian Regional
8 Commission, for payment of the Federal share of the ad-
9 ministrative expenses of the Commission, including serv-
10 ices as authorized by 5 U.S.C. 3109, and hire of passenger
11 motor vehicles, \$180,000,000, to remain available until ex-
12 pended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
14 SALARIES AND EXPENSES

15 For expenses necessary for the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100–456, section 1441, \$31,000,000, to remain
19 available until September 30, 2022.

20 DELTA REGIONAL AUTHORITY
21 SALARIES AND EXPENSES

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

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

3 DENALI COMMISSION

4 For expenses necessary for the Denali Commission
5 including the purchase, construction, and acquisition of
6 plant and capital equipment as necessary and other ex-
7 penses, \$15,000,000, to remain available until expended,
8 notwithstanding the limitations contained in section
9 306(g) of the Denali Commission Act of 1998: *Provided*,
10 That funds shall be available for construction projects in
11 an amount not to exceed 80 percent of total project cost
12 for distressed communities, as defined by section 307 of
13 the Denali Commission Act of 1998 (division C, title III,
14 Public Law 105–277), as amended by section 701 of ap-
15 pendix D, title VII, Public Law 106–113 (113 Stat.
16 1501A–280), and an amount not to exceed 50 percent for
17 non-distressed communities: *Provided further*, That not-
18 withstanding any other provision of law regarding pay-
19 ment of a non-Federal share in connection with a grant-
20 in-aid program, amounts under this heading shall be avail-
21 able for the payment of such a non-Federal share for pro-
22 grams undertaken to carry out the purposes of the Com-
23 mission.

1 NORTHERN BORDER REGIONAL COMMISSION

2 For expenses necessary for the Northern Border Re-
3 gional Commission in carrying out activities authorized by
4 subtitle V of title 40, United States Code, \$30,000,000,
5 to remain available until expended: *Provided*, That such
6 amounts shall be available for administrative expenses,
7 notwithstanding section 15751(b) of title 40, United
8 States Code.

9 NUCLEAR REGULATORY COMMISSION

10 SALARIES AND EXPENSES

11 For expenses necessary for the Commission in car-
12 rying out the purposes of the Energy Reorganization Act
13 of 1974 and the Atomic Energy Act of 1954,
14 \$849,900,000, including official representation expenses
15 not to exceed \$25,000, to remain available until expended:
16 *Provided*, That of the amount appropriated herein, not
17 more than \$9,500,000 may be made available for salaries,
18 travel, and other support costs for the Office of the Com-
19 mission, to remain available until September 30, 2022:
20 *Provided further*, That revenues from licensing fees, in-
21 spection services, and other services and collections esti-
22 mated at \$729,293,000 in fiscal year 2021 shall be re-
23 tained and used for necessary salaries and expenses in this
24 account, notwithstanding 31 U.S.C. 3302, and shall re-
25 main available until expended: *Provided further*, That the

1 sum herein appropriated shall be reduced by the amount
2 of revenues received during fiscal year 2021 so as to result
3 in a final fiscal year 2021 appropriation estimated at not
4 more than \$120,607,000.

5 OFFICE OF INSPECTOR GENERAL

6 For expenses necessary for the Office of Inspector
7 General in carrying out the provisions of the Inspector
8 General Act of 1978, \$13,499,000, to remain available
9 until September 30, 2022: *Provided*, That revenues from
10 licensing fees, inspection services, and other services and
11 collections estimated at \$11,106,000 in fiscal year 2021
12 shall be retained and be available until September 30,
13 2022, for necessary salaries and expenses in this account,
14 notwithstanding section 3302 of title 31, United States
15 Code: *Provided further*, That the sum herein appropriated
16 shall be reduced by the amount of revenues received dur-
17 ing fiscal year 2021 so as to result in a final fiscal year
18 2021 appropriation estimated at not more than
19 \$2,393,000: *Provided further*, That of the amounts appro-
20 priated under this heading, \$1,206,000 shall be for In-
21 spector General services for the Defense Nuclear Facilities
22 Safety Board.

1 NUCLEAR WASTE TECHNICAL REVIEW BOARD
2 SALARIES AND EXPENSES

3 For expenses necessary for the Nuclear Waste Tech-
4 nical Review Board, as authorized by Public Law 100-
5 203, section 5051, \$3,600,000, to be derived from the Nu-
6 clear Waste Fund, to remain available until September 30,
7 2022.

8 GENERAL PROVISIONS—INDEPENDENT
9 AGENCIES

10 SEC. 401. The Nuclear Regulatory Commission shall
11 comply with the July 5, 2011, version of Chapter VI of
12 its Internal Commission Procedures when responding to
13 Congressional requests for information, consistent with
14 Department of Justice guidance for all Federal agencies.

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

24 (b)(1) The Nuclear Regulatory Commission may
25 waive the notification requirement in subsection (a) if

1 compliance with such requirement would pose a substan-
2 tial risk to human health, the environment, welfare, or na-
3 tional security.

4 (2) The Nuclear Regulatory Commission shall
5 notify the Committees on Appropriations of both
6 Houses of Congress of any waiver under paragraph
7 (1) as soon as practicable, but not later than 3 days
8 after the date of the activity to which a requirement
9 or restriction would otherwise have applied. Such no-
10 tice shall include an explanation of the substantial
11 risk under paragraph (1) that permitted such waiver
12 and shall provide a detailed report to the Commit-
13 tees of such waiver and changes to funding levels to
14 programs, projects, or activities.

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

20 (d) None of the funds provided for the Nuclear Regu-
21 latory Commission shall be available for obligation or ex-
22 penditure through a reprogramming of funds that in-
23 creases funds or personnel for any program, project, or
24 activity for which funds are denied or restricted by this
25 Act.

1 (e) The Commission shall provide a monthly report
2 to the Committees on Appropriations of both Houses of
3 Congress, which includes the following for each program,
4 project, or activity, including any prior year appropria-
5 tions—

- 6 (1) total budget authority;
- 7 (2) total unobligated balances; and
- 8 (3) total unliquidated obligations.

1 TITLE V
2 GENERAL PROVISIONS
3 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

9 This Act may be cited as the “Energy and Water De-
10 velopment and Related Agencies Appropriations Act,
11 2021”.