

General Provisions - Department of Energy
(Including transfers of funds)

SEC. 301.

(a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)

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

- (A) make a grant allocation or discretionary grant award totaling \$1,000,000 or more;
- (B) make a discretionary contract award or Other Transaction Agreement totaling \$1,000,000 or more, including a contract covered by the Federal Acquisition Regulation;
- (C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or
- (D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

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

(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.

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

- (1) the contract, grant, or cooperative agreement is funded for the full period of performance as 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 "Final Bill" column in the "Department of Energy" table included under the heading "Title III—Department of Energy" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

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

- (1) creates, initiates, or eliminates a program, 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
- (3) reduces funds that are directed to be used for a specific program, project, or activity by this 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.

(2) The Secretary of Energy 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 otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

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

SEC. 302. None of the funds made available in this 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 Office of Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

SEC. 303. None of the funds made available in this title may be used to approve critical decision–2 or critical decision–3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 304. None of the funds made available in this title may be used to support a grant allocation award, discretionary grant award, or cooperative agreement that exceeds \$100,000,000 in Federal funding unless the project is carried out through internal independent project management procedures.

SEC. 305. 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. 306. Title III of division B of Public Law 112–74 is amended by striking section 304.

SEC. 307. Title VI of Public Law 95–619 is amended by striking Part 3.

SEC. 308. Of the funds appropriated to the Department of Energy by the Infrastructure Investment and Jobs Act (the Act; Public Law 117–58), the following are hereby permanently cancelled from the following accounts and programs in the specified amounts:

(1) \$1,588,655,377 from unobligated balances made available for fiscal years 2022 through 2026 in the "Electricity" account provided for Preventing Outages and Enhancing the Resilience of the Electric Grid, as authorized under section 40101 of division D of such Act.

(2) \$986,464,360 from unobligated balances made available for fiscal years 2022 through 2026 in the "Office of Clean Energy Demonstrations" account provided for grants for the Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency, as authorized under section 40103(b) of division D of such Act.

(3) \$473,653,000 from unobligated balances made available for fiscal years 2022 through 2026 in the "Office of Clean Energy Demonstrations" account provided for the Energy Improvement in Rural and Remote Areas Program, as authorized under section 40103(c) of division D of such Act.

(4) \$41,143,000 from unobligated balances made available for fiscal years 2022 through 2026 in the "Electricity" account provided for the Transmission Facilitation Program, as authorized under section 40106 of division D of such Act.

(5) \$667,730,525 from unobligated balances made available for fiscal years 2022 through 2026 in the "Electricity" account provided for the Smart Grid Investment Matching Program, as authorized under section 40107 of division D of such Act.

(6) \$47,148,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for the State Energy Program, as authorized under section 40109 of division D of such Act.

- (7) \$166,171,162 from unobligated balances made available for fiscal years 2022 through 2026 in the "Cybersecurity, Energy Security, and Emergency Response" account provided for the Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program, as authorized under section 40124 of division D of such Act.
- (8) \$107,446,314 from unobligated balances made available for fiscal years 2022 through 2026 in the "Cybersecurity, Energy Security, and Emergency Response" account provided for the Cybersecurity For the Energy Sector Research, Development, and Demonstration Program, as authorized under section 40125(b) of division D of such Act.
- (9) \$19,450,000 from unobligated balances in the "Electricity" account provided to carry out an advanced energy security program to secure energy networks, as authorized under section 40125(d) of division D of such Act.
- (10) \$633,042,559 from unobligated balances made available for fiscal years 2022 through 2026 in the "Energy Efficiency and Renewable Energy" account provided for Battery Manufacturing and Recycling Grants, as authorized under section 40207(c) of division D of such Act.
- (11) \$694,270 from unobligated balances available in the "Energy Efficiency and Renewable Energy" account provided for the Lithium-Ion Battery Recycling Prize Competition, as authorized under section 40207(e) of division D of such Act.
- (12) \$36,620,326 from unobligated balances made available for fiscal years 2022 through 2026 in the "Energy Efficiency and Renewable Energy" account provided to carry out activities authorized under section 40207(f) of division D of such Act.
- (13) \$72,298,954 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for the Electric Drive Vehicle Battery Recycling and Second-Life Applications Program, as authorized under subsection (k) of section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231), as amended by section 40208(1) of division D of the Act.
- (14) \$277,702,772 from unobligated balances made available for fiscal years 2022 through 2026 in the "Fossil Energy and Carbon Management" account provided for the Carbon Utilization Program, as authorized under section 40302 of division D of such Act.
- (15) \$68,640,068 from unobligated balances made available for fiscal years 2022 through 2026 in the "Fossil Energy and Carbon Management" account provided for the Front-End Engineering and Design, Carbon Capture Technology Program, as authorized under section 962 of the Energy Policy Act of 2005 (42 U.S.C. 16292), as amended by section 40303 of division D of the Act.
- (16) \$2,084,700,000 from unobligated balances made available for fiscal years 2022 through 2026 in the "Carbon Dioxide Transportation Infrastructure Finance and Innovation Program Account" provided for the Carbon Dioxide Transportation Infrastructure Finance and Innovation Program, as authorized by subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16181 et seq.), as amended by section 40304 of division D of the Act.
- (17) \$1,163,735,574 from unobligated balances made available for fiscal years 2022 through 2026 in the "Fossil Energy and Carbon Management" account provided for Carbon Storage Validation and Testing, as authorized under section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), as amended by section 40305 of division D of the Act.
- (18) \$2,002,474,357 from unobligated balances made available for fiscal years 2022 through 2026 in the "Fossil Energy and Carbon Management" account provided for Regional Direct Air Capture Hubs, as authorized under section 969D of the Energy Policy Act of 2005 (42 U.S.C. 16298d), as amended by section 40308 of division D of the Act.
- (19) \$92,000,000 from unobligated balances made available for fiscal years 2022 through 2026 in the "Office of Clean Energy Demonstrations" account provided for Regional Clean Hydrogen Hubs, as authorized under section 813 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of the Act.
- (20) \$184,198,304 from unobligated balances made available for fiscal years 2022 through 2026 in the "Energy Efficiency and Renewable Energy" account provided for the Clean Hydrogen Technology Recycling Research, Development, and Demonstration Program, as authorized under section 815 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of the Act.

(21) \$350,084,449 from unobligated balances made available for fiscal years 2022 through 2026 in the "Energy Efficiency and Renewable Energy" account provided for activities for the Clean Hydrogen Electrolysis Program, as authorized under section 816 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of the Act.

(22) \$981,479,556 from unobligated balances made available for fiscal year 2026 in the "Nuclear Energy" account provided for the Civil Nuclear Credit Program, as authorized under section 40323 of division D of such Act.

(23) \$69,617,632 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities under section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881), as amended by section 40331 of division D of the Act.

(24) \$1,097,435 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities under section 243 of the Energy Policy Act of 2005 (42 U.S.C. 15882), as amended by section 40332 of division D of the Act.

(25) \$52,628,890 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for activities for Hydroelectric Incentives, as authorized under section 247 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 674), as amended by section 40333 of division D of the Act.

(26) \$964,421 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for activities for the Pumped Storage Hydropower Wind and Solar Integration and System Reliability Initiative, as authorized under section 3201 of the Energy Policy Act of 2020 (42 U.S.C. 17232), as amended by section 40334 of division D of the Act.

(27) \$9,500,000 from unobligated balances made available for fiscal years 2022 through 2026 in the "Office of Clean Energy Demonstrations" account provided for the Clean Energy Demonstration Program on Current and Former Mine Land, as authorized under section 40342 of division D of such Act.

(28) \$10,691,071 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for the Energy Auditor Training Grant Program, as authorized under section 40503 of division D of such Act.

(29) \$54,462,256 from unobligated balances made available for fiscal years 2022 through 2026 in the "Energy Efficiency and Renewable Energy" account provided for grants for implementing of updated building energy codes, as authorized under section 309 of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.), as amended by section 40511(a) of division D of the Act.

(30) \$670,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for Building, Training, and Assessment Centers, as authorized under section 40512 of division D of such Act.

(31) \$1,205,411 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for Career Skills Training, as authorized under section 40513 of division D of such Act.

(32) \$36,519,000 from unobligated balances made available for fiscal years 2022 through 2026 in the "Energy Efficiency and Renewable Energy" account provided for Industrial Research and Assessment Centers, as authorized under section 40521(b) of division D of such Act.

(33) \$233,901,000 from unobligated balances made available for fiscal years 2022 through 2026 in the "Energy Efficiency and Renewable Energy" account provided for Industrial Research and Assessment Center Implementation Grants, as authorized under section 457(i) of the Energy Independence and Security act of 2007 (42 U.S.C. 17111 et seq.), as amended by section 40521(b) of division D of the Act.

(34) \$4,533,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for the Manufacturing Leadership program, as authorized under section 40534 of division D of such Act.

(35) \$195,807,333 from unobligated balances made available for fiscal years 2022 through 2026 in the "Energy Efficiency and Renewable Energy" account provided for Grants for Energy Efficiency Improvements and Renewable Improvements

at Public School Facilities, as authorized under section 40541 of division D of such Act.

(36) \$1,146,529 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for the Energy Efficiency Materials Pilot Program, as authorized under section 40542 of division D of such Act.

(37) \$138,040,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities for the Weatherization Assistance Program, as authorized under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

(38) \$91,850,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities for the Energy Efficiency and Conservation Block Grant Program, as authorized under section 542(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(a)).

(39) \$8,407,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for Extended Product System Rebates, as authorized under section 1005 of the Energy Act of 2020 (42 U.S.C. 6311 note; Public Law 116–260).

(40) \$8,877,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for Energy Efficient Transformer Rebates, as authorized under section 1006 of the Energy Act of 2020 (42 U.S.C. 6317 note; Public Law 116–260).

(41) \$116,385,099 from unobligated balances in the "Office of Clean Energy Demonstrations" account provided to carry out the Energy Storage Demonstration Projects Pilot Grant Program, as authorized under section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)).

(42) \$36,398,247 from unobligated balances in the "Office of Clean Energy Demonstrations" account provided to carry out the Long-Duration Demonstration Initiative and Joint Program, as authorized under section 3201(d) of the Energy Act of 2020 (42 U.S.C. 17232(d)).

(43) \$573,319,000 from unobligated balances in the "Office of Clean Energy Demonstrations" account provided to carry out the Carbon Capture Large-Scale Pilot Projects, as authorized under section 962(b)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(B)).

(44) \$1,400,655,719 from unobligated balances in the "Office of Clean Energy Demonstrations" account provided for the Carbon Capture Demonstration Projects Program, as authorized under section 962(b)(2)(C) of the Energy Policy Act of 2005 (42 U.S.C. 16292(b)(2)(C)).

(45) \$6,630,000 from unobligated balances in the "Fossil Energy and Carbon Management" account provided for Precommercial Direct Air Capture Technologies Prize Competitions, as authorized under section 969D(e)(2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(A)).

(46) \$66,705,000 from unobligated balances in the "Fossil Energy and Carbon Management" account provided for Commercial Direct Air Capture Technologies Prize Competitions, as authorized under section 969D(e)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16298d(e)(2)(B)).

(47) \$5,989,570 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities as authorized under section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213).

(48) \$5,946,822 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities as authorized under section 635 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17214).

(49) \$2,186,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities for the National Marine Energy Centers, as authorized under section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215).

(50) \$19,551,040 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for

carrying out activities authorized under section 615(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17194(d)).

(51) \$14,484,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities for the Wind Energy Technology Program, as authorized under section 3003(b)(2) of the Energy Act of 2020 (42 U.S.C. 16237(b)(2)).

(52) \$24,775,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for the Wind Energy Technology Recycling Research, Development, and Demonstration Program, as authorized under section 3003(b)(4) of the Energy Act of 2020 (42 U.S.C. 16237(b)(4)).

(53) \$2,868,000 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities authorized under section 3004(b)(2) of the Energy Act of 2020 (42 U.S.C. 16238(b)(2)).

(54) \$3,169,027 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for carrying out activities authorized under section 3004(b)(3) of the Energy Act of 2020 (42 U.S.C. 16238(b)(3)).

(55) \$1,565,197 from unobligated balances in the "Energy Efficiency and Renewable Energy" account provided for the Solar Energy Technology Recycling Research, Development, and Demonstration Program, as authorized under section 3004(b)(4) of the Energy Act of 2020 (42 U.S.C. 16238(b)(4)).

(56) \$1,000,000 from unobligated balances in the "Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration" account provided for the purchase of power and transmission services, as authorized under division J of such Act.

SEC. 309.

- (a) None of the funds made available by this Act may be used by the Secretary of Energy to award any grant, contract, cooperative agreement, or loan of \$10,000,000 or greater to an entity of concern as defined in section 10114 of division B of Public Law 117–167.
- (b) The Secretary shall implement the requirements under subsection (a) using a risk-based approach and analytical tools to aggregate, link, analyze, and maintain information reported by an entity seeking or receiving such funds made available by this Act.
- (c) This section shall be applied in a manner consistent with the obligations of the United States under applicable international agreements.
- (d) The Secretary shall have the authority to require the submission to the agency, by an entity seeking or receiving such funds made available by this Act, documentation necessary to implement the requirements under subsection (a).
- (e) Chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act"), shall not apply to the implementation of the requirements under this section.
- (f) The Secretary and other Federal agencies shall coordinate to share relevant information necessary to implement the requirements under subsection (a).

SEC. 310.

- (a) Subject to subsection (b), none of the funds made available to the Department of Energy in this or any other Act, including prior Acts and Acts other than appropriations Acts, may be used to pay the salaries and expenses of any contractor detailed to a Congressional Committee or Member Office or to the Executive Branch for longer than a 24-month period, to perform a scope of work, or participate in any matter, with the intent to influence decisions or determinations regarding a Department of Energy National Laboratory, or participate in any matter that may have a direct and predictable effect on the contractor's employer or personal financial interest: Provided, That with respect to contractors detailed to a Congressional Committee or Member Office or to the Executive Branch as of the date of enactment of this Act, the initial 24-month period described in this subsection shall be deemed to have begun on the later of the date on which such contractor was detailed or the date that is 12 months before the date of enactment of this Act.
- (b) For the purposes of this section, the term "contractor" is defined to mean any contracted employee of a Department of Energy National Laboratory, as defined by section 2 (3) of the Energy Policy Act of 2005 (42 U.S.C. 15801).

Title V - General Provisions

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

SEC. 502.

- (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.