

House Committee on Appropriations
Subcommittee on Energy and Water Development and Related Agencies

Fiscal Year 2023 Energy and Water Development
and Related Agencies Appropriations Bill

MANAGER’S AMENDMENT

Offered by Ms. Kaptur of Ohio
(Kaptur)

In the REPORT:

On page **10**, after the first partial paragraph, insert the following:

Lithium-ion Battery Technology.—The Committee recognizes that battery metals are a critical resource for domestic manufacturing and supporting the U.S. supply chain and that other countries are investing funds to grow their own lithium-ion battery supply chains. In order to effectively compete internationally, the United States must accelerate current lithium production and the pursuit of future production to support national security and other applications, including electric vehicle manufacturing. The Committee urges the Department of Energy and the Corps of Engineers to support the expeditious development and production of lithium-ion battery technology.

On page **35**, after the sixth full paragraph, insert the following:

Implementation of Projects Receiving Supplemental Funds.—The Committee continues to have significant concerns with the Administration’s implementation of funding provided via supplemental appropriations Acts. As stated in the fiscal year 2022 Act, the Committee is troubled by the continued challenges with execution, cost overruns, and significant delays in completing projects funded under the Bipartisan Budget Act of 2018 (Public Law 115–123). In addition, the Administration, without notice or explanation to Congress, changed its interpretation of bill language that had not changed from previous supplemental appropriations Acts when allocating funding under the Disaster Relief Supplemental Appropriations Act of 2022 (DRSAA) (Public Law 117–43). Specifically, it has ignored congressional intent that construction projects receiving an allocation of funds under DRSAA be funded to completion using those funds and that ongoing construction projects be completed at full federal expense. The Committee recognizes that following a major disaster, non-federal sponsors likely do not have funding available to cost-share these lifesaving projects according to the normal rules. By allocating only incremental funding for some ongoing construction projects, the Administration’s decision means that the non-federal sponsors remain responsible for significant costs. Not later than 30 days after enactment of this Act, the Administration shall provide to the Committee a briefing on the legal and policy justification for the changed interpretation of law, plans for completing all construction projects funded under DRSAA, and options for addressing cost share issues that have arisen as a result of the Administration’s decision.

On page **86**, after the fifth full paragraph, insert the following:

Tualatin Project, Scoggins Dam, Oregon.—The Committee supports the budget request and remains concerned about the high risk associated with the project. Reclamation is encouraged to expeditiously complete the final environmental assessment and submit the formal safety of dam modification report thereafter.

On page **131**, after the first full paragraph, insert the following new paragraph:

The fiscal year 2022 Act directed the Department to provide a report related to thorium molten-salt reactors. The Committee is still awaiting this report and directs the Department to provide the report not later than 15 days after enactment of this Act. The Department is encouraged to conduct advanced fuel cycle research, development, demonstration, and commercial application programs to improve fuel cycle performance, minimize environmental and public health and safety impacts, and support a variety of options for used nuclear fuel storage, use, and disposal, including advanced reactor and non-reactor concepts.

On page **132**, after the second full paragraph, insert the following new paragraph:

The Committee recognizes that the long-term availability of HALEU is necessary for potential customers to fully commit to the purchase and construction of advanced reactors. As such, the Department is encouraged to utilize a competitive solicitation process to send a signal to potential domestic and international customers that the United States strongly supports the deployment of advanced reactors on the earliest possible schedule. Upon approval from the Committee, the Department may proceed with issuing a solicitation, awarding selections, and expeditiously executing the contracts without any further delays.

On page **132**, after the third full paragraph, insert the following new paragraph:

The Committee recognizes that the availability of HALEU to the ARDP reactors is critical to meeting deployment schedules and that the commercial production of HALEU may not meet the needs for the first core loads. The Department is directed to provide to the Committee not later than 30 days after enactment of this Act a report explaining how the Department plans to support the first core loads needed by the ARDP awardees to maintain and not delay the scheduled timelines of the demonstration projects.

On page **229**, after the first partial paragraph, insert the following new paragraph:

Diablo Canyon Power Plant.—The Nuclear Regulatory Commission is directed to provide to the Committee not later than 180 days after enactment of this Act a plan for the continued operation of the Diablo Canyon Power Plant. The plan shall include the steps necessary for the license process including extensions, timeframes necessary to ensure continued operation, and explanation of any certification that the plant can operate safely. Further, the Commission shall provide to the Committee not later than 180 days after enactment of this Act a report regarding its authority, and any changes to authority that would be required, to ensure the continued operation of a nuclear power plant in the absence of a license application extension request.