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113TH CONGRESS
1ST SESSION

H. R. 2609

[Report No. 113-135]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 2, 2013

Mr. FRELINGHUYSEN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for en-
5 ergy and water development and related agencies for the
6 fiscal year ending September 30, 2014, and for other pur-
7 poses, namely:

8 TITLE I—CORPS OF ENGINEERS—CIVIL

9 DEPARTMENT OF THE ARMY

10 CORPS OF ENGINEERS—CIVIL

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

17 INVESTIGATIONS

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

1 construction; for restudy of authorized projects; and for
2 miscellaneous investigations, and, when authorized by law,
3 surveys and detailed studies, and plans and specifications
4 of projects prior to construction, \$90,000,000, to remain
5 available until expended.

6 CONSTRUCTION

7 For expenses necessary for the construction of river
8 and harbor, flood and storm damage reduction, shore pro-
9 tection, aquatic ecosystem restoration, and related
10 projects authorized by law; for conducting detailed studies,
11 and plans and specifications, of such projects (including
12 those involving participation by States, local governments,
13 or private groups) authorized or made eligible for selection
14 by law (but such detailed studies, and plans and specifica-
15 tions, shall not constitute a commitment of the Govern-
16 ment to construction), \$1,343,000,000, to remain avail-
17 able until expended; of which such sums as are necessary
18 to cover the Federal share of construction costs for facili-
19 ties under the Dredged Material Disposal Facilities pro-
20 gram shall be derived from the Harbor Maintenance Trust
21 Fund as authorized by Public Law 104–303; and of which
22 such sums as are necessary to cover one-half of the costs
23 of construction, replacement, rehabilitation, and expansion
24 of inland waterways projects shall be derived from the In-
25 land Waterways Trust Fund.

1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For expenses necessary for flood damage reduction
3 projects and related efforts in the Mississippi River allu-
4 vial valley below Cape Girardeau, Missouri, as authorized
5 by law, \$249,000,000, to remain available until expended,
6 of which such sums as are necessary to cover the Federal
7 share of eligible operation and maintenance costs for in-
8 land harbors shall be derived from the Harbor Mainte-
9 nance Trust Fund.

10 OPERATION AND MAINTENANCE

11 For expenses necessary for the operation, mainte-
12 nance, and care of existing river and harbor, flood and
13 storm damage reduction, aquatic ecosystem restoration,
14 and related projects authorized by law; providing security
15 for infrastructure owned or operated by the Corps, includ-
16 ing administrative buildings and laboratories; maintaining
17 harbor channels provided by a State, municipality, or
18 other public agency that serve essential navigation needs
19 of general commerce, where authorized by law; surveying
20 and charting northern and northwestern lakes and con-
21 necting waters; clearing and straightening channels; and
22 removing obstructions to navigation, \$2,682,000,000, to
23 remain available until expended, of which such sums as
24 are necessary to cover the Federal share of eligible oper-
25 ation and maintenance costs for coastal harbors and chan-

1 nels, and for inland harbors shall be derived from the Har-
2 bor Maintenance Trust Fund; of which such sums as be-
3 come available from the special account for the Corps of
4 Engineers established by the Land and Water Conserva-
5 tion Fund Act of 1965 shall be derived from that account
6 for resource protection, research, interpretation, and
7 maintenance activities related to resource protection in the
8 areas at which outdoor recreation is available; and of
9 which such sums as become available from fees collected
10 under section 217 of Public Law 104–303 shall be used
11 to cover the cost of operation and maintenance of the
12 dredged material disposal facilities for which such fees
13 have been collected: *Provided*, That 1 percent of the total
14 amount of funds provided for each of the programs,
15 projects or activities funded under this heading shall not
16 be allocated to a field operating activity prior to the begin-
17 ning of the fourth quarter of the fiscal year and shall be
18 available for use by the Chief of Engineers to fund such
19 emergency activities as the Chief of Engineers determines
20 to be necessary and appropriate, and that the Chief of En-
21 gineers shall allocate during the fourth quarter any re-
22 maining funds which have not been used for emergency
23 activities proportionally in accordance with the amounts
24 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 \$193,000,000, to remain available until September 30,
5 2015.

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, \$104,000,000, 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, \$28,000,000, 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, \$182,000,000, to
2 remain available until September 30, 2015, 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 \$5,000,000, to remain available until September 30, 2015.

20 ADMINISTRATIVE PROVISION

21 The Revolving Fund, Corps of Engineers, shall be
22 available during the current fiscal year for purchase (not
23 to exceed 100 for replacement only) and hire of passenger
24 motor vehicles for the civil works program.

1 GENERAL PROVISIONS, CORPS OF
2 ENGINEERS—CIVIL
3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 101. (a) None of the funds provided in this title
5 shall be available for obligation or expenditure through a
6 reprogramming of funds that—

7 (1) creates or initiates a new program, project,
8 or activity;

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

10 (3) increases funds or personnel for any pro-
11 gram, project, or activity for which funds are denied
12 or restricted by this Act;

13 (4) reduces funds that are directed to be used
14 for a specific program, project, or activity by this
15 Act;

16 (5) increases funds for any program, project, or
17 activity by more than \$2,000,000 or 10 percent,
18 whichever is less; or

19 (6) reduces funds for any program, project, or
20 activity by more than \$2,000,000 or 10 percent,
21 whichever is less.

22 (b) Subsection (a)(1) shall not apply to any project
23 or activity authorized under section 205 of the Flood Con-
24 trol Act of 1948, section 14 of the Flood Control Act of
25 1946, section 208 of the Flood Control Act of 1954, sec-

1 tion 107 of the River and Harbor Act of 1960, section
2 103 of the River and Harbor Act of 1962, section 111
3 of the River and Harbor Act of 1968, section 1135 of the
4 Water Resources Development Act of 1986, section 206
5 of the Water Resources Development Act of 1996, or sec-
6 tion 204 of the Water Resources Development Act of
7 1992.

8 (c) The Corps of Engineers shall submit reports on
9 a quarterly basis to the Committees on Appropriations of
10 the House of Representatives and the Senate detailing all
11 the funds reprogrammed between programs, projects, ac-
12 tivities, or categories of funding. The first quarterly report
13 shall be submitted not later than 60 days after the date
14 of enactment of this Act.

15 SEC. 102. None of the funds made available in this
16 title may be used to award or modify any contract that
17 commits funds beyond the amounts appropriated for that
18 program, project, or activity that remain unobligated, ex-
19 cept that such amounts may include any funds that have
20 been made available through reprogramming pursuant to
21 section 101.

22 SEC. 103. None of the funds in this Act, or previous
23 Acts, making funds available for Energy and Water Devel-
24 opment, shall be used to award any continuing contract
25 that commits additional funding from the Inland Water-

1 ways Trust Fund unless or until such time that a long-
2 term mechanism to enhance revenues in this Fund suffi-
3 cient to meet the cost-sharing authorized in the Water Re-
4 sources Development Act of 1986 (Public Law 99-662)
5 is enacted.

6 SEC. 104. Not later than 120 days after the date of
7 the Chief of Engineers Report on a water resource matter,
8 the Assistant Secretary of the Army (Civil Works) shall
9 submit the report to the appropriate authorizing and ap-
10 propriating committees of the Congress.

11 SEC. 105. During the fiscal year period covered by
12 this Act, the Secretary of the Army is authorized to imple-
13 ment measures recommended in the efficacy study author-
14 ized under section 3061 of the Water Resources Develop-
15 ment Act of 2007 (Public Law 110–114; 121 Stat. 1121)
16 or in interim reports, with such modifications or emer-
17 gency measures as the Secretary of the Army determines
18 to be appropriate, to prevent aquatic nuisance species
19 from dispersing into the Great Lakes by way of any hydro-
20 logic connection between the Great Lakes and the Mis-
21 sissippi River Basin.

22 SEC. 106. As of the date of enactment of this Act
23 and each fiscal year hereafter, the Secretary of the Army
24 may transfer to the Fish and Wildlife Service, and the
25 Fish and Wildlife Service may accept and expend, such

1 funds as the Secretary and the Director of the Fish and
2 Wildlife Service determine to be necessary to mitigate for
3 fisheries lost due to Corps of Engineers projects, except
4 that in no event may the amount of funds transferred pur-
5 suant to this section during any fiscal year exceed the
6 amount identified for such purpose in the report accom-
7 panying the appropriations for that fiscal year.

8 SEC. 107. None of the funds made available in this
9 Act or any other Act making appropriations for Energy
10 and Water Development may be used by the Corps of En-
11 gineers to develop, adopt, implement, administer, or en-
12 force any change to the regulations and guidance in effect
13 on October 1, 2012, pertaining to the definition of waters
14 under the jurisdiction of the Federal Water Pollution Con-
15 trol Act (33 U.S.C. 1251 et seq.), including the provisions
16 of the rules dated November 13, 1986, and August 25,
17 1993, relating to such jurisdiction, and the guidance docu-
18 ments dated January 15, 2003, and December 2, 2008,
19 relating to such jurisdiction.

20 SEC. 108. Section 3(a)(6) of the Water Resources
21 Development Act of 1988 (Public Law 100–676; 102 Stat.
22 4013) is amended by striking “\$775,000,000” each place
23 it appears and inserting “\$2,918,000,000”.

1 SEC. 109. (a) Section 1001(17)(A) of the Water Re-
2 sources Development Act of 2007 (Public Law 110–114;
3 121 Stat. 1052) is amended—

4 (1) by striking “\$125,270,000” and inserting
5 “\$152,510,000”;

6 (2) by striking “\$75,140,000” and inserting
7 “\$92,007,000”; and

8 (3) by striking “\$50,130,000” and inserting
9 “\$60,503,000”.

10 (b) The amendments made by subsection (a) shall
11 take effect as of November 8, 2007.

12 SEC. 110. The authorization under the heading “Lit-
13 tle Calumet River Basin (Cady Marsh Ditch), Indiana”,
14 in section 401(a) of the Water Resources Development Act
15 of 1986 (Public Law 99–662; 100 Stat. 4115), as modi-
16 fied by section 127 of Public Law 109–103 (119 Stat.
17 2259), is further modified to authorize completion of the
18 project at a total cost of \$269,988,000 with an estimated
19 Federal cost of \$202,800,000 and an estimated non-Fed-
20 eral cost of \$67,188,000.

21 SEC. 111. During fiscal year 2014, the limitation re-
22 lating to total project costs in section 902 of the Water
23 Resources Development Act of 1986 (33 U.S.C. 2280)
24 shall not apply with respect to any project that receives
25 funds made available by this title.

1 SEC. 112. None of the funds made available in this
2 or any other Act making appropriations for Energy and
3 Water Development for any fiscal year may be used by
4 the Corps of Engineers to develop, adopt, implement, ad-
5 minister, or enforce any change to the regulations in effect
6 on October 1, 2012, pertaining to the definitions of the
7 terms “fill material” or “discharge of fill material” for the
8 purposes of the Federal Water Pollution Control Act (33
9 U.S.C. 1251 et seq.).

10 SEC. 113. As of the date of enactment of this Act
11 and thereafter, the Secretary of the Army shall not pro-
12 mulgate or enforce any regulation that prohibits an indi-
13 vidual from possessing a firearm, including an assembled
14 or functional firearm, at a water resources development
15 project covered under section 327.0 of title 36, Code of
16 Federal Regulations (as in effect on the date of enactment
17 of this Act), if (1) the individual is not otherwise prohib-
18 ited by law from possessing the firearm; and (2) the pos-
19 session of the firearm is in compliance with the law of
20 the State in which the water resources development
21 project is located.

1 TITLE II—DEPARTMENT OF THE INTERIOR

2 CENTRAL UTAH PROJECT

3 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

4 For carrying out activities authorized by the Central
5 Utah Project Completion Act, \$7,425,000, to remain
6 available until expended, of which \$1,000,000 shall be de-
7 posited into the Utah Reclamation Mitigation and Con-
8 servation Account for use by the Utah Reclamation Miti-
9 gation and Conservation Commission. In addition, for nec-
10 essary expenses incurred in carrying out related respon-
11 sibilities of the Secretary of the Interior, \$1,300,000, to
12 remain available until September 30, 2015.

13 For fiscal year 2014, the Commission may use an
14 amount not to exceed \$1,500,000 for administrative ex-
15 penses.

16 BUREAU OF RECLAMATION

17 The following appropriations shall be expended to
18 execute authorized functions of the Bureau of Reclama-
19 tion:

20 WATER AND RELATED RESOURCES

21 (INCLUDING TRANSFERS OF FUNDS)

22 For management, development, and restoration of
23 water and related natural resources and for related activi-
24 ties, including the operation, maintenance, and rehabilita-
25 tion of reclamation and other facilities, participation in

1 fulfilling related Federal responsibilities to Native Ameri-
2 cans, and related grants to, and cooperative and other
3 agreements with, State and local governments, federally
4 recognized Indian tribes, and others, \$812,744,000, to re-
5 main available until expended, of which \$28,000 shall be
6 available for transfer to the Upper Colorado River Basin
7 Fund and \$8,401,000 shall be available for transfer to the
8 Lower Colorado River Basin Development Fund; of which
9 such amounts as may be necessary may be advanced to
10 the Colorado River Dam Fund: *Provided*, That such trans-
11 fers may be increased or decreased within the overall ap-
12 propriation under this heading: *Provided further*, That of
13 the total appropriated, the amount for program activities
14 that can be financed by the Reclamation Fund or the Bu-
15 reau of Reclamation special fee account established by 16
16 U.S.C. 6806 shall be derived from that Fund or account:
17 *Provided further*, That funds contributed under 43 U.S.C.
18 395 are available until expended for the purposes for
19 which the funds were contributed: *Provided further*, That
20 funds advanced under 43 U.S.C. 397a shall be credited
21 to this account and are available until expended for the
22 same purposes as the sums appropriated under this head-
23 ing: *Provided further*, That of the amounts provided here-
24 in, funds may be used for high priority projects which

1 shall be carried out by the Youth Conservation Corps, as
2 authorized by 16 U.S.C. 1706.

3 CENTRAL VALLEY PROJECT RESTORATION FUND

4 For carrying out the programs, projects, plans, habi-
5 tat restoration, improvement, and acquisition provisions of
6 the Central Valley Project Improvement Act, \$53,288,000,
7 to be derived from such sums as may be collected in the
8 Central Valley Project Restoration Fund pursuant to sec-
9 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
10 102–575, to remain available until expended: *Provided*,
11 That the Bureau of Reclamation is directed to assess and
12 collect the full amount of the additional mitigation and
13 restoration payments authorized by section 3407(d) of
14 Public Law 102–575: *Provided further*, That none of the
15 funds made available under this heading may be used for
16 the acquisition or leasing of water for in-stream purposes
17 if the water is already committed to in-stream purposes
18 by a court adopted decree or order.

19 CALIFORNIA BAY-DELTA RESTORATION

20 (INCLUDING TRANSFERS OF FUNDS)

21 For carrying out activities authorized by the Water
22 Supply, Reliability, and Environmental Improvement Act,
23 consistent with plans to be approved by the Secretary of
24 the Interior, \$30,000,000, to remain available until ex-
25 pended, of which such amounts as may be necessary to

1 carry out such activities may be transferred to appropriate
2 accounts of other participating Federal agencies to carry
3 out authorized purposes: *Provided*, That funds appro-
4 priated herein may be used for the Federal share of the
5 costs of CALFED Program management: *Provided fur-*
6 *ther*, That CALFED implementation shall be carried out
7 in a balanced manner with clear performance measures
8 demonstrating concurrent progress in achieving the goals
9 and objectives of the Program.

10 POLICY AND ADMINISTRATION

11 For necessary expenses of policy, administration, and
12 related functions in the Office of the Commissioner, the
13 Denver office, and offices in the five regions of the Bureau
14 of Reclamation, to remain available until September 30,
15 2015, \$60,000,000, to be derived from the Reclamation
16 Fund and be nonreimbursable as provided in 43 U.S.C.
17 377: *Provided*, That no part of any other appropriation
18 in this Act shall be available for activities or functions
19 budgeted as policy and administration expenses.

20 ADMINISTRATIVE PROVISION

21 Appropriations for the Bureau of Reclamation shall
22 be available for purchase of not to exceed five passenger
23 motor vehicles, which are for replacement only.

1 GENERAL PROVISIONS, DEPARTMENT OF THE
2 INTERIOR

3 SEC. 201. (a) None of the funds provided in this title
4 shall be available for obligation or expenditure through a
5 reprogramming of funds that—

6 (1) creates or initiates a new program, project,
7 or activity;

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

9 (3) increases funds for any program, project, or
10 activity for which funds have been denied or re-
11 stricted by this Act;

12 (4) restarts or resumes any program, project or
13 activity for which funds are not provided in this Act,
14 unless prior approval is received from the Commit-
15 tees on Appropriations of the House of Representa-
16 tives and the Senate;

17 (5) transfers funds in excess of the following
18 limits:

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

22 (B) \$300,000 for any program, project or
23 activity for which less than \$2,000,000 is avail-
24 able at the beginning of the fiscal year;

1 (6) transfers more than \$500,000 from either
2 the Facilities Operation, Maintenance, and Rehabili-
3 tation category or the Resources Management and
4 Development category to any program, project, or
5 activity in the other category; or

6 (7) transfers, when necessary to discharge legal
7 obligations of the Bureau of Reclamation, more than
8 \$5,000,000 to provide adequate funds for settled
9 contractor claims, increased contractor earnings due
10 to accelerated rates of operations, and real estate de-
11 ficiency judgments.

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

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

18 (d) The Bureau of Reclamation shall submit reports
19 on a quarterly basis to the Committees on Appropriations
20 of the House of Representatives and the Senate detailing
21 all the funds reprogrammed between programs, projects,
22 activities, or categories of funding. The first quarterly re-
23 port shall be submitted not later than 60 days after the
24 date of enactment of this Act.

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

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

1 SEC. 203. Notwithstanding any other provision of
2 law, until the pipeline reliability study required in the Con-
3 solidated Appropriations Act, 2012, is completed, and any
4 necessary changes are made to Technical Memorandum
5 No. 8140–CC–2004–1, the Bureau of Reclamation shall
6 not deny approval, funding, or assistance to any project,
7 nor disqualify any material from use, based, in whole or
8 in part, on the corrosion control used, if the corrosion con-
9 trol meets the requirements of a published national or
10 international standard promulgated by the American
11 Water Works Association (“AWWA”), ASTM Inter-
12 national, the American National Standards Institute
13 (“ANSI”), NACE International (“NACE”) or the Amer-
14 ican Society for Testing and Materials (“ASTM”). The
15 Bureau shall allow any project initiated during the study
16 to use any corrosion control meeting the above standards.

17 TITLE III—DEPARTMENT OF ENERGY

18 ENERGY PROGRAMS

19 RENEWABLE ENERGY, ENERGY RELIABILITY, AND

20 EFFICIENCY

21 For Department of Energy expenses including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment, and other expenses necessary for energy
24 efficiency and renewable energy activities, and electricity
25 delivery and energy reliability activities, in carrying out

1 the purposes of the Department of Energy Organization
2 Act (42 U.S.C. 7101 et seq.), including the acquisition or
3 condemnation of any real property or any facility or for
4 plant or facility acquisition, construction, or expansion,
5 \$982,637,000, to remain available until expended: *Pro-*
6 *vided*, That of the amount provided under this heading,
7 \$76,926,000 shall be available until September 30, 2015,
8 for program direction.

9 NUCLEAR ENERGY

10 (INCLUDING TRANSFER OF FUNDS)

11 For Department of Energy expenses including the
12 purchase, construction, and acquisition of plant and cap-
13 ital equipment, and other expenses necessary for nuclear
14 energy activities in carrying out the purposes of the De-
15 partment of Energy Organization Act (42 U.S.C. 7101 et
16 seq.), including the acquisition or condemnation of any
17 real property or any facility or for plant or facility acqui-
18 sition, construction, or expansion, and the purchase of not
19 more than 10 buses and 2 ambulances, all for replacement
20 only, \$656,389,000, to remain available until expended,
21 of which such sums as may be necessary shall be derived
22 from the Nuclear Waste Fund, to be made available only
23 to support the high-level waste geological repository at
24 Yucca Mountain: *Provided*, That of the amount provided
25 under this heading, \$87,500,000 shall be available until

1 September 30, 2015, for program direction: *Provided fur-*
2 *ther*, That of the amount provided under this heading,
3 \$5,000,000 shall be made available to affected units of
4 local government, as defined in section 2(31) of the Nu-
5 clear Waste Policy Act of 1982 (42 U.S.C. 10101(31)),
6 to support the Yucca Mountain high-level waste geological
7 repository, as authorized by such Act: *Provided further*,
8 That funds derived from the Nuclear Waste Fund may
9 be transferred to “Independent Agencies—Nuclear Regu-
10 latory Commission—Salaries and Expenses” to support
11 the Yucca Mountain high-level waste geological repository
12 license application.

13 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

14 For necessary expenses in carrying out fossil energy
15 research and development activities, under the authority
16 of the Department of Energy Organization Act (Public
17 Law 95–91), including the acquisition of interest, includ-
18 ing defeasible and equitable interests in any real property
19 or any facility or for plant or facility acquisition or expan-
20 sion, and for conducting inquiries, technological investiga-
21 tions and research concerning the extraction, processing,
22 use, and disposal of mineral substances without objection-
23 able social and environmental costs (30 U.S.C. 3, 1602,
24 and 1603), \$450,000,000, to remain available until ex-
25 pended: *Provided*, That \$115,753,000 shall be available

1 until September 30, 2015, for program direction: *Provided*
2 *further*, That for all programs funded under Fossil Energy
3 appropriations in this Act or any other Act, the Secretary
4 may vest fee title or other property interests acquired
5 under projects in any entity, including the United States.

6 NAVAL PETROLEUM AND OIL SHALE RESERVES

7 For expenses necessary to carry out naval petroleum
8 and oil shale reserve activities, \$14,909,000, to remain
9 available until expended: *Provided*, That, notwithstanding
10 any other provision of law, unobligated funds remaining
11 from prior years shall be available for all naval petroleum
12 and oil shale reserve activities.

13 STRATEGIC PETROLEUM RESERVE

14 For necessary expenses for Strategic Petroleum Re-
15 serve facility development and operations and program
16 management activities pursuant to the Energy Policy and
17 Conservation Act (42 U.S.C. 6201 et seq.), \$189,400,000,
18 to remain available until expended.

19 NORTHEAST HOME HEATING OIL RESERVE

20 For necessary expenses for Northeast Home Heating
21 Oil Reserve storage, operation, and management activities
22 pursuant to the Energy Policy and Conservation Act (42
23 U.S.C. 6201 et seq.), \$8,000,000, to remain available until
24 expended.

1 ENERGY INFORMATION ADMINISTRATION

2 For necessary expenses in carrying out the activities
3 of the Energy Information Administration, \$100,000,000,
4 to remain available until expended.

5 NON-DEFENSE ENVIRONMENTAL CLEANUP

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 non-de-
9 fense environmental cleanup activities in carrying out the
10 purposes of the Department of Energy Organization Act
11 (42 U.S.C. 7101 et seq.), including the acquisition or con-
12 demnation of any real property or any facility or for plant
13 or facility acquisition, construction, or expansion,
14 \$194,000,000, to remain available until expended.

15 URANIUM ENRICHMENT DECONTAMINATION AND

16 DECOMMISSIONING FUND

17 For necessary expenses in carrying out uranium en-
18 richment facility decontamination and decommissioning,
19 remedial actions, and other activities of title II of the
20 Atomic Energy Act of 1954, and title X, subtitle A, of
21 the Energy Policy Act of 1992, \$545,000,000, to be de-
22 rived from the Uranium Enrichment Decontamination and
23 Decommissioning Fund, to remain available until ex-
24 pended.

1 SCIENCE

2 For Department of Energy expenses including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment, and other expenses necessary for science
5 activities in carrying out the purposes of the Department
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
7 cluding the acquisition or condemnation of any real prop-
8 erty or facility or for plant or facility acquisition, construc-
9 tion, or expansion, and purchase of not more than 25 pas-
10 senger motor vehicles for replacement only, including one
11 law enforcement vehicle, one ambulance, and one bus,
12 \$4,653,000,000, to remain available until expended: *Pro-*
13 *vided*, That \$174,862,000 shall be available until Sep-
14 tember 30, 2015, for program direction.

15 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

16 For necessary expenses in carrying out the activities
17 authorized by section 5012 of the America COMPETES
18 Act (42 U.S.C. 16538), \$50,000,000, to remain available
19 until expended.

20 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE

21 PROGRAM

22 Such sums as are derived from amounts received
23 from borrowers pursuant to section 1702(b)(1)(B) of the
24 Energy Policy Act of 2005 under this heading in prior
25 Acts, shall be collected in accordance with section 502(7)

1 of the Congressional Budget Act of 1974: *Provided*, That,
2 for necessary administrative expenses to carry out this
3 Loan Guarantee program, \$22,000,000 is appropriated, to
4 remain available until September 30, 2015: *Provided fur-*
5 *ther*, That \$22,000,000 of the fees collected pursuant to
6 section 1702(h) of the Energy Policy Act of 2005 (42
7 U.S.C. 16512(h)) shall be credited as offsetting collections
8 to this account to cover administrative expenses and shall
9 remain available until expended, so as to result in a final
10 fiscal year 2014 appropriation from the general fund esti-
11 mated at not more than \$0: *Provided further*, That fees
12 collected under section 1702(h) in excess of the amount
13 appropriated for administrative expenses shall not be
14 available until appropriated: *Provided further*, That the
15 Department of Energy shall not subordinate any loan obli-
16 gation to other financing in violation of section 1702 of
17 the Energy Policy Act of 2005 (42 U.S.C. 16512) or sub-
18 ordinate any Guaranteed Obligation to any loan or other
19 debt obligations in violation of section 609.10 of title 10,
20 Code of Federal Regulations.

21 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING

22 LOAN PROGRAM

23 For administrative expenses in carrying out the Ad-
24 vanced Technology Vehicles Manufacturing Loan Pro-

1 gram, \$6,000,000, to remain available until September 30,
2 2015.

3 DEPARTMENTAL ADMINISTRATION

4 For salaries and expenses of the Department of En-
5 ergy necessary for departmental administration in car-
6 rying out the purposes of the Department of Energy Orga-
7 nization Act (42 U.S.C. 7101 et seq.), including the hire
8 of passenger motor vehicles and official reception and rep-
9 resentation expenses not to exceed \$30,000,
10 \$187,863,000, to remain available until September 30,
11 2015, plus such additional amounts as necessary to cover
12 increases in the estimated amount of cost of work for oth-
13 ers notwithstanding the provisions of the Anti-Deficiency
14 Act (31 U.S.C. 1511 et seq.): *Provided*, That such in-
15 creases in cost of work are offset by revenue increases of
16 the same or greater amount: *Provided further*, That mon-
17 eys received by the Department for miscellaneous revenues
18 estimated to total \$108,188,000 in fiscal year 2014 may
19 be retained and used for operating expenses within this
20 account, as authorized by section 201 of Public Law 95-
21 238, notwithstanding the provisions of 31 U.S.C. 3302:
22 *Provided further*, That the sum herein appropriated shall
23 be reduced as collections are received during the fiscal
24 year so as to result in a final fiscal year 2014 appropria-

1 tion from the general fund estimated at not more than
2 \$79,675,000.

3 OFFICE OF THE INSPECTOR GENERAL

4 For necessary expenses of the Office of the Inspector
5 General in carrying out the provisions of the Inspector
6 General Act of 1978, \$42,000,000, to remain available
7 until September 30, 2015.

8 ATOMIC ENERGY DEFENSE ACTIVITIES

9 NATIONAL NUCLEAR SECURITY

10 ADMINISTRATION

11 WEAPONS ACTIVITIES

12 For Department of Energy expenses, including the
13 purchase, construction, and acquisition of plant and 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,
21 \$7,675,000,000, to remain available until expended.

22 DEFENSE NUCLEAR NONPROLIFERATION

23 For Department of Energy expenses, including the
24 purchase, construction, and acquisition of plant and cap-
25 ital equipment and other incidental expenses necessary for

1 defense nuclear nonproliferation activities, in carrying out
2 the purposes of the Department of Energy Organization
3 Act (42 U.S.C. 7101 et seq.), including the acquisition or
4 condemnation of any real property or any facility or for
5 plant or facility acquisition, construction, or expansion,
6 \$2,100,000,000, to remain available until expended: *Pro-*
7 *vided*, That the Secretary of Energy may make available
8 from funds provided under this heading in this Act not
9 more than \$48,000,000 for the purpose of carrying out
10 domestic uranium enrichment research, development, and
11 demonstration activities.

12 NAVAL REACTORS

13 For Department of Energy expenses necessary for
14 naval reactors activities to carry out the Department of
15 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
16 ing the acquisition (by purchase, condemnation, construc-
17 tion, or otherwise) of real property, plant, and capital
18 equipment, facilities, and facility expansion,
19 \$1,109,000,000, to remain available until expended: *Pro-*
20 *vided*, That \$43,212,000 shall be available until Sep-
21 tember 30, 2015, for program direction.

22 OFFICE OF THE ADMINISTRATOR

23 For necessary expenses of the Office of the Adminis-
24 trator in the National Nuclear Security Administration,
25 including official reception and representation expenses

1 not to exceed \$12,000, \$382,000,000, to remain available
2 until September 30, 2015.

3 ENVIRONMENTAL AND OTHER DEFENSE

4 ACTIVITIES

5 DEFENSE ENVIRONMENTAL CLEANUP

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 atomic
9 energy defense environmental cleanup activities in car-
10 rying out the purposes of the Department of Energy Orga-
11 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
12 sition or condemnation of any real property or any facility
13 or for plant or facility acquisition, construction, or expan-
14 sion, and the purchase of not to exceed one sport utility
15 vehicle, three lube trucks, and one fire truck for replace-
16 ment only, \$4,750,000,000, to remain available until ex-
17 pended: *Provided*, That \$280,784,000 shall be available
18 until September 30, 2015, for program direction.

19 OTHER DEFENSE ACTIVITIES

20 For Department of Energy expenses, including the
21 purchase, construction, and acquisition of plant and cap-
22 ital equipment and other expenses, necessary for atomic
23 energy defense, other defense activities, and classified ac-
24 tivities, in carrying out the purposes of the Department
25 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-

1 cluding the acquisition or condemnation of any real prop-
2 erty or any facility or for plant or facility acquisition, con-
3 struction, or expansion, \$830,000,000, to remain available
4 until expended: *Provided*, That of such amount,
5 \$122,734,000 shall be available until September 30, 2015
6 for program direction.

7 POWER MARKETING ADMINISTRATION

8 BONNEVILLE POWER ADMINISTRATION FUND

9 Expenditures from the Bonneville Power Administra-
10 tion Fund, established pursuant to Public Law 93-454,
11 are approved for construction of, or participating in the
12 construction of, a high voltage line from Bonneville's high
13 voltage system to the service areas of requirements cus-
14 tomers located within Bonneville's service area in southern
15 Idaho, southern Montana, and western Wyoming; and
16 such line may extend to, and interconnect in, the Pacific
17 Northwest with lines between the Pacific Northwest and
18 the Pacific Southwest, and for John Day Reprogramming
19 and Construction, the Columbia River Basin White Stur-
20 geon Hatchery, and Kelt Reconditioning and Reproductive
21 Success Evaluation Research, and, in addition, for official
22 reception and representation expenses in an amount not
23 to exceed \$5,000: *Provided*, That during fiscal year 2014,
24 no new direct loan obligations may be made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy, including transmission wheeling and
6 ancillary services, pursuant to section 5 of the Flood Con-
7 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
8 eastern power area, and including official reception and
9 representation expenses in an amount not to exceed
10 \$1,500, \$7,750,000, to remain available until expended:
11 *Provided*, That notwithstanding 31 U.S.C. 3302 and sec-
12 tion 5 of the Flood Control Act of 1944, up to \$7,750,000
13 collected by the Southeastern Power Administration from
14 the sale of power and related services shall be credited to
15 this account as discretionary offsetting collections, to re-
16 main available until expended for the sole purpose of fund-
17 ing the annual expenses of the Southeastern Power Ad-
18 ministration: *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 2014 appropriation estimated at not more than
22 \$0: *Provided further*, That, notwithstanding 31 U.S.C.
23 3302, up to \$78,081,000 collected by the Southeastern
24 Power Administration pursuant to the Flood Control Act
25 of 1944 to recover purchase power and wheeling expenses

1 shall be credited to this account as offsetting collections,
2 to remain available until expended for the sole purpose
3 of making purchase power and wheeling expenditures:
4 *Provided further*, That for purposes of this appropriation,
5 annual expenses means expenditures that are generally re-
6 covered in the same year that they are incurred (excluding
7 purchase power and wheeling expenses).

8 OPERATION AND MAINTENANCE, SOUTHWESTERN
9 POWER ADMINISTRATION

10 For necessary expenses of operation and maintenance
11 of power transmission facilities and of marketing electric
12 power and energy, for construction and acquisition of
13 transmission lines, substations and appurtenant facilities,
14 and for administrative expenses, including official recep-
15 tion and representation expenses in an amount not to ex-
16 ceed \$1,500 in carrying out section 5 of the Flood Control
17 Act of 1944 (16 U.S.C. 825s), as applied to the South-
18 western Power Administration, \$45,456,000, to remain
19 available until expended: *Provided*, That notwithstanding
20 31 U.S.C. 3302 and section 5 of the Flood Control Act
21 of 1944 (16 U.S.C. 825s), up to \$33,564,000 collected
22 by the Southwestern Power Administration from the sale
23 of power and related services shall be credited to this ac-
24 count as discretionary offsetting collections, to remain
25 available until expended, for the sole purpose of funding

1 the annual expenses of the Southwestern Power Adminis-
2 tration: *Provided further*, That the sum herein appro-
3 priated for annual expenses shall be reduced as collections
4 are received during the fiscal year so as to result in a final
5 fiscal year 2014 appropriation estimated at not more than
6 \$11,892,000: *Provided further*, That, notwithstanding 31
7 U.S.C. 3302, up to \$42,000,000 collected by the South-
8 western Power Administration pursuant to the Flood Con-
9 trol Act of 1944 to recover purchase power and wheeling
10 expenses shall be credited to this account as offsetting col-
11 lections, to remain available until expended for the sole
12 purpose of making purchase power and wheeling expendi-
13 tures: *Provided further*, That, for purposes of this appro-
14 priation, annual expenses means expenditures that are
15 generally recovered in the same year that they are in-
16 curred (excluding purchase power and wheeling expenses).

17 CONSTRUCTION, REHABILITATION, OPERATION AND
18 MAINTENANCE, WESTERN AREA POWER ADMINIS-
19 TRATION

20 For carrying out the functions authorized by title III,
21 section 302(a)(1)(E) of the Act of August 4, 1977 (42
22 U.S.C. 7152), and other related activities including con-
23 servation and renewable resources programs as author-
24 ized, including official reception and representation ex-
25 penses in an amount not to exceed \$1,500; \$299,919,000,

1 to remain available until expended, of which \$292,019,000
2 shall be derived from the Department of the Interior Rec-
3 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
4 3302, section 5 of the Flood Control Act of 1944 (16
5 U.S.C. 825s), and section 1 of the Interior Department
6 Appropriation Act, 1939 (43 U.S.C. 392a), up to
7 \$203,989,000 collected by the Western Area Power Ad-
8 ministration from the sale of power and related services
9 shall be credited to this account as discretionary offsetting
10 collections, to remain available until expended, for the sole
11 purpose of funding the annual expenses of the Western
12 Area Power Administration: *Provided further*, That the
13 sum herein appropriated for annual expenses shall be re-
14 duced as collections are received during the fiscal year so
15 as to result in a final fiscal year 2014 appropriation esti-
16 mated at not more than \$95,930,000, of which
17 \$88,030,000 is derived from the Reclamation Fund: *Pro-*
18 *vided further*, That notwithstanding 31 U.S.C. 3302, up
19 to \$230,738,000 collected by the Western Area Power Ad-
20 ministration pursuant to the Flood Control Act of 1944
21 and the Reclamation Project Act of 1939 to recover pur-
22 chase power and wheeling expenses shall be credited to
23 this account as offsetting collections, to remain available
24 until expended for the sole purpose of making purchase
25 power and wheeling expenditures: *Provided further*, That

1 for purposes of this appropriation, annual expenses means
2 expenditures that are generally recovered in the same year
3 that they are incurred (excluding purchase power and
4 wheeling expenses).

5 FALCON AND AMISTAD OPERATING AND MAINTENANCE
6 FUND

7 For operation, maintenance, and emergency costs for
8 the hydroelectric facilities at the Falcon and Amistad
9 Dams, \$5,330,671, to remain available until expended,
10 and to be derived from the Falcon and Amistad Operating
11 and Maintenance Fund of the Western Area Power Ad-
12 ministration, as provided in section 2 of the Act of June
13 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
14 the provisions of that Act and of 31 U.S.C. 3302, up to
15 \$4,910,671 collected by the Western Area Power Adminis-
16 tration from the sale of power and related services from
17 the Falcon and Amistad Dams shall be credited to this
18 account as discretionary offsetting collections, to remain
19 available until expended for the sole purpose of funding
20 the annual expenses of the hydroelectric facilities of these
21 Dams and associated Western Area Power Administration
22 activities: *Provided further*, That the sum herein appro-
23 priated for annual expenses shall be reduced as collections
24 are received during the fiscal year so as to result in a final
25 fiscal year 2014 appropriation estimated at not more than

1 \$420,000: *Provided further*, That for purposes of this ap-
2 propriation, annual expenses means expenditures that are
3 generally recovered in the same year that they are in-
4 curred: *Provided further*, That for fiscal year 2014, the
5 Administrator of the Western Area Power Administration
6 may accept up to \$865,000 in funds contributed by United
7 States power customers of the Falcon and Amistad Dams
8 for deposit into the Falcon and Amistad Operating and
9 Maintenance Fund, and such funds shall be available for
10 the purpose for which contributed in like manner as if said
11 sums had been specifically appropriated for such purpose:
12 *Provided further*, That any such funds shall be available
13 without further appropriation and without fiscal year limi-
14 tation for use by the Commissioner of the United States
15 Section of the International Boundary and Water Com-
16 mission for the sole purpose of operating, maintaining, re-
17 pairing, rehabilitating, replacing, or upgrading the hydro-
18 electric facilities at these Dams in accordance with agree-
19 ments reached between the Administrator, Commissioner,
20 and the power customers.

21 FEDERAL ENERGY REGULATORY COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Federal Energy Regu-
24 latory Commission to carry out the provisions of the De-
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 seq.), including services as authorized by 5 U.S.C. 3109,
2 the hire of passenger motor vehicles, and official reception
3 and representation expenses not to exceed \$3,000,
4 \$304,600,000, to remain available until expended: *Pro-*
5 *vided*, That notwithstanding any other provision of law,
6 not to exceed \$304,600,000 of revenues from fees and an-
7 nual charges, and other services and collections in fiscal
8 year 2014 shall be retained and used for necessary ex-
9 penses in this account, and shall remain available until
10 expended: *Provided further*, That the sum herein appro-
11 priated from the general fund shall be reduced as revenues
12 are received during fiscal year 2014 so as to result in a
13 final fiscal year 2014 appropriation from the general fund
14 estimated at not more than \$0.

15 GENERAL PROVISIONS, DEPARTMENT OF
16 ENERGY
17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 301. (a) No appropriation, funds, or authority
19 made available by this title for the Department of Energy
20 shall be used to initiate or resume any program, project,
21 or activity or to prepare or initiate Requests For Proposals
22 or similar arrangements (including Requests for
23 Quotations, Requests for Information, and Funding Op-
24 portunity Announcements) for a program, project, or ac-

1 tivity if the program, project, or activity has not been
2 funded by Congress.

3 (b)(1) Unless the Secretary of Energy notifies the
4 Committees on Appropriations of the House of Represent-
5 atives and the Senate at least 3 full business days in ad-
6 vance, none of the funds made available in this title may
7 be used to—

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

10 (B) make a discretionary contract award or
11 Other Transaction Agreement totaling in excess of
12 \$1,000,000, including a contract covered by the
13 Federal Acquisition Regulation;

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

17 (D) announce publicly the intention to make an
18 allocation, award, or Agreement in excess of the lim-
19 its in subparagraph (A) or (B).

20 (2) The Secretary of Energy shall submit to the Com-
21 mittees on Appropriations of the House of Representatives
22 and the Senate on the first business day of each quarter
23 a report detailing each grant allocation or discretionary
24 grant award totaling less than \$1,000,000 provided during
25 the previous quarter.

1 (3) The notification required by paragraph (1) and
2 the report required by paragraph (2) shall include the re-
3 cipient of the award, the amount of the award, the fiscal
4 year for which the funds for the award were appropriated,
5 the account and program, project, or activity from which
6 the funds are being drawn, the title of the award, and
7 a brief description of the activity for which the award is
8 made.

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

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

18 (2) the contract, grant, or cooperative agree-
19 ment includes a clause conditioning the Federal Gov-
20 ernment’s obligation on the availability of future
21 year budget authority and the Secretary notifies the
22 Committees on Appropriations of the House of Rep-
23 resentatives and the Senate at least 3 days in ad-
24 vance.

1 (d) Except as provided in subsections (e), (f), and (g),
2 the amounts made available by this title shall be expended
3 as authorized by law for the programs, projects, and ac-
4 tivities specified in the “Bill” column in the “Department
5 of Energy” table or the text included under the heading
6 “Title III—Department of Energy” in the report of the
7 Committee on Appropriations accompanying this Act.

8 (e) The amounts made available by this title may be
9 reprogrammed for any program, project, or activity, and
10 the Department shall notify the Committees on Appropria-
11 tions of the House of Representatives and the Senate at
12 least 30 days prior to the use of any proposed reprogram-
13 ming which would cause any program, project, or activity
14 funding level to increase or decrease by more than
15 \$5,000,000 or 10 percent, whichever is less, during the
16 time period covered by this Act.

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

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

22 (2) increases funds or personnel for any pro-
23 gram, project, or activity for which funds are denied
24 or restricted by this Act; or

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

4 (g)(1) The Secretary of Energy may waive any re-
5 quirement or restriction in this section that applies to the
6 use of funds made available for the Department of Energy
7 if compliance with such requirement or restriction would
8 pose a substantial risk to human health, the environment,
9 welfare, or national security.

10 (2) The Secretary of Energy shall notify the Commit-
11 tees on Appropriations of the House of Representatives
12 and the Senate of any waiver under paragraph (1) as soon
13 as practicable, but not later than 3 days after the date
14 of the activity to which a requirement or restriction would
15 otherwise have applied. Such notice shall include an expla-
16 nation of the substantial risk under paragraph (1) that
17 permitted such waiver.

18 SEC. 302. The unexpended balances of prior appro-
19 priations provided for activities in this Act may be avail-
20 able to the same appropriation accounts for such activities
21 established pursuant to this title. Available balances may
22 be merged with funds in the applicable established ac-
23 counts and thereafter may be accounted for as one fund
24 for the same time period as originally enacted.

1 SEC. 303. Funds appropriated by this or any other
2 Act, or made available by the transfer of funds in this
3 Act, for intelligence activities are deemed to be specifically
4 authorized by the Congress for purposes of section 504
5 of the National Security Act of 1947 (50 U.S.C. 414) dur-
6 ing fiscal year 2014 until the enactment of the Intelligence
7 Authorization Act for fiscal year 2014.

8 SEC. 304. None of the funds made available in this
9 title shall be used for the construction of facilities classi-
10 fied as high-hazard nuclear facilities under 10 CFR Part
11 830 unless independent oversight is conducted by the Of-
12 fice of Health, Safety, and Security to ensure the project
13 is in compliance with nuclear safety requirements.

14 SEC. 305. None of the funds made available in this
15 title may be used to approve critical decision-2 or critical
16 decision-3 under Department of Energy Order 413.3B, or
17 any successive departmental guidance, for construction
18 projects where the total project cost exceeds
19 \$100,000,000, until a separate independent cost estimate
20 has been developed for the project for that critical deci-
21 sion.

22 SEC. 306. Section 20320 of the Continuing Appro-
23 priations Resolution, 2007, Public Law 109–289, division
24 B, as amended by the Revised Continuing Appropriations
25 Resolution, 2007, Public Law 110-5, is amended by strik-

1 ing in subsection (c) “an annual review” after “conduct”
2 and inserting in lieu thereof “a review every three years”.

3 SEC. 307. None of the funds made available by this
4 or any subsequent Act for fiscal year 2014 or any fiscal
5 year hereafter may be used to pay the salaries of Depart-
6 ment of Energy employees to carry out the amendments
7 made by section 407 of division A of the American Recov-
8 ery and Reinvestment Act of 2009.

9 SEC. 308. Notwithstanding section 307 of Public Law
10 111–85, of the funds made available by the Department
11 of Energy for activities at Government-owned, contractor-
12 operated laboratories funded in this or any subsequent
13 Energy and Water Development appropriation Act for any
14 fiscal year, the Secretary may authorize a specific amount,
15 not to exceed 4.5 percent of such funds, to be used by
16 such laboratories for laboratory directed research and de-
17 velopment.

18 SEC. 309. Notwithstanding section 301(c) of this Act,
19 none of the funds made available under the heading “De-
20 partment of Energy—Energy Programs—Science” may
21 be used for a multiyear contract, grant, cooperative agree-
22 ment, or Other Transaction Agreement of \$1,500,000 or
23 less unless the contract, grant, cooperative agreement, or
24 Other Transaction Agreement is funded for the full period
25 of performance as anticipated at the time of award.

1 SEC. 310. Not later than June 30, 2014, the Sec-
2 retary shall submit to the Committees on Appropriations
3 of the House of Representatives and the Senate a tritium
4 and enriched uranium management plan that provides—

5 (a) an assessment of the national security demand
6 for tritium and low and highly enriched uranium through
7 2060;

8 (b) a description of the Department of Energy's plan
9 to provide adequate amounts of tritium and enriched ura-
10 nium for national security purposes through 2060; and

11 (c) an analysis of planned and alternative tech-
12 nologies which are available to meet the supply needs for
13 tritium and enriched uranium for national security pur-
14 poses, including weapons dismantlement and down-blend-
15 ing.

16 SEC. 311. (a) The Secretary of Energy shall submit
17 to the Committees on Appropriations of the House of Rep-
18 resentatives and the Senate not later than December 1,
19 2013, a report which provides an analysis of alternatives
20 for each major warhead refurbishment program that
21 reaches Phase 6.3, including—

22 (1) A summary of the overall cost, scope, and
23 schedule planning assumptions for the major refur-
24 bishment activity;

1 (2) A full description of alternatives considered
2 prior to the award of Phase 6.3;

3 (3) A comparison of the costs and benefits of
4 each of those alternatives, to include an analysis of
5 trade-offs among cost, schedule, and performance
6 objectives against each alternative considered;

7 (4) An assessment of the risks, costs, and
8 scheduling needs for each military requirement es-
9 tablished by the Department of Defense and/or any
10 requirement established to enhance safety, security,
11 or maintainability;

12 (5) Identification of the cost and risk of critical
13 technology elements associated with each refurbish-
14 ment alternative, including technology maturity, in-
15 tegration risk, manufacturing feasibility, and dem-
16 onstration needs; and

17 (6) Identification of the cost and risk of capital
18 asset and infrastructure capabilities required to sup-
19 port production and certification of each refurbish-
20 ment alternative.

21 (b) The Secretary of Energy or the Secretary's des-
22 ignee shall certify to the Committees on Appropriations
23 of the House of Representatives and the Senate that—

24 (1) No less than three feasible and distinct al-
25 ternatives are considered prior to the award of mile-

1 stone Phase 6.3 for any major warhead refurbish-
2 ment program; and

3 (2) Appropriate trade-offs among cost, sched-
4 ule, and performance objectives have been made to
5 ensure that the program is affordable when consid-
6 ering the per unit cost and the total acquisition cost
7 in the context of the total resources available during
8 the period covered by the most recent stockpile stew-
9 ards and management plan and the future-years
10 nuclear security plan submitted during the fiscal
11 year in which the certification is made.

12 (c) In this section, the term “major warhead refur-
13 bishment program” includes all nuclear weapons life ex-
14 tension programs, alterations, and modifications carried
15 out for the life cycle management of the nuclear weapons
16 stockpile, and all non-routine nuclear weapons stockpile
17 activities that are estimated to cost over \$1,000,000,000.

18 TITLE IV—INDEPENDENT AGENCIES

19 APPALACHIAN REGIONAL COMMISSION

20 For expenses necessary to carry out the programs au-
21 thorized by the Appalachian Regional Development Act of
22 1965, notwithstanding 40 U.S.C. 14704, and for nec-
23 essary expenses for the Federal Co-Chairman and the Al-
24 ternate on the Appalachian Regional Commission, for pay-
25 ment of the Federal share of the administrative expenses

1 of the Commission, including services as authorized by 5
2 U.S.C. 3109, and hire of passenger motor vehicles,
3 \$70,317,000, to remain available until expended.

4 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

5 SALARIES AND EXPENSES

6 For necessary expenses of the Defense Nuclear Fa-
7 cilities Safety Board in carrying out activities authorized
8 by the Atomic Energy Act of 1954, as amended by Public
9 Law 100–456, section 1441, \$29,915,000, to remain
10 available until September 30, 2015: *Provided*, That of the
11 amount provided under this heading, \$850,000 shall be
12 made available to procure Inspector General services from
13 the Inspector General of the Nuclear Regulatory Commis-
14 sion.

15 DELTA REGIONAL AUTHORITY

16 SALARIES AND EXPENSES

17 For necessary expenses of the Delta Regional Author-
18 ity and to carry out its activities, as authorized by the
19 Delta Regional Authority Act of 2000, notwithstanding
20 sections 382C(b)(2), 382F(d), 382M, and 382N of said
21 Act, \$11,319,000, to remain available until expended.

22 DENALI COMMISSION

23 For expenses of the Denali Commission including the
24 purchase, construction, and acquisition of plant and cap-
25 ital equipment as necessary and other expenses,

1 \$7,396,000, to remain available until expended, notwith-
2 standing the limitations contained in section 306(g) of the
3 Denali Commission Act of 1998: *Provided*, That funds
4 shall be available for construction projects in an amount
5 not to exceed 80 percent of total project cost for distressed
6 communities, as defined by section 307 of the Denali Com-
7 mission Act of 1998 (division C, title III, Public Law 105-
8 277), as amended by section 701 of appendix D, title VII,
9 Public Law 106-113 (113 Stat. 1501A-280), and an
10 amount not to exceed 50 percent for non-distressed com-
11 munities.

12 NORTHERN BORDER REGIONAL COMMISSION

13 For necessary expenses of the Northern Border Re-
14 gional Commission in carrying out activities authorized by
15 subtitle V of title 40, United States Code, \$1,355,000, to
16 remain available until expended: *Provided*, That such
17 amounts shall be available for administrative expenses,
18 notwithstanding section 15751(b) of title 40, United
19 States Code.

20 SOUTHEAST CRESCENT REGIONAL COMMISSION

21 For necessary expenses of the Southeast Crescent Re-
22 gional Commission in carrying out activities authorized by
23 subtitle V of title 40, United States Code, \$250,000, to
24 remain available until expended.

1 NUCLEAR REGULATORY COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses of the Commission in car-
4 rying out the purposes of the Energy Reorganization Act
5 of 1974 and the Atomic Energy Act of 1954, including
6 official representation expenses (not to exceed \$25,000),
7 \$1,043,937,000, to remain available until expended: *Pro-*
8 *vided*, That of the amount appropriated herein, not more
9 than \$9,500,000 may be made available for salaries, trav-
10 el, and other support costs for the Office of the Commis-
11 sion, to remain available until September 30, 2015, of
12 which, notwithstanding section 201(a)(2)(c) of the Energy
13 Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)),
14 the use and expenditure shall only be approved by a major-
15 ity vote of the Commission: *Provided further*, That reve-
16 nues from licensing fees, inspection services, and other
17 services and collections estimated at \$920,721,000 in fis-
18 cal year 2014 shall be retained and used for necessary
19 salaries and expenses in this account, notwithstanding 31
20 U.S.C. 3302, and shall remain available until expended:
21 *Provided further*, That the sum herein appropriated shall
22 be reduced by the amount of revenues received during fis-
23 cal year 2014 so as to result in a final fiscal year 2014
24 appropriation estimated at not more than \$123,216,000:
25 *Provided further*, That of the amounts appropriated under

1 this heading, \$10,000,000 shall be for university research
2 and development in areas relevant to their respective orga-
3 nization's mission, and \$5,000,000 shall be for a Nuclear
4 Science and Engineering Grant Program that will support
5 multiyear projects that do not align with programmatic
6 missions but are critical to maintaining the discipline of
7 nuclear science and engineering.

8 OFFICE OF INSPECTOR GENERAL

9 For necessary expenses of the Office of Inspector
10 General in carrying out the provisions of the Inspector
11 General Act of 1978, \$11,105,000, to remain available
12 until September 30, 2015: *Provided*, That revenues from
13 licensing fees, inspection services, and other services and
14 collections estimated at \$9,994,000 in fiscal year 2014
15 shall be retained and be available until September 30,
16 2015, for necessary salaries and expenses in this account,
17 notwithstanding section 3302 of title 31, United States
18 Code: *Provided further*, That the sum herein appropriated
19 shall be reduced by the amount of revenues received dur-
20 ing fiscal year 2014 so as to result in a final fiscal year
21 2014 appropriation estimated at not more than
22 \$1,111,000.

1 NUCLEAR WASTE TECHNICAL REVIEW BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses of the Nuclear Waste Tech-
4 nical Review Board, as authorized by Public Law 100-
5 203, section 5051, \$3,400,000, to be derived from the Nu-
6 clear Waste Fund, to remain available until September 30,
7 2015.

8 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA
9 NATURAL GAS TRANSPORTATION PROJECTS

10 For necessary expenses for the Office of the Federal
11 Coordinator for Alaska Natural Gas Transportation
12 Projects pursuant to the Alaska Natural Gas Pipeline Act,
13 \$1,000,000, to remain available until September 30, 2015:
14 *Provided*, That any fees, charges, or commissions received
15 pursuant to section 106(h) of the Alaska Natural Gas
16 Pipeline Act (15 U.S.C. 720d(h)) in fiscal year 2014 in
17 excess of \$2,402,000 shall not be available for obligation
18 until appropriated in a subsequent Act of Congress.

19 GENERAL PROVISIONS—INDEPENDENT
20 AGENCIES

21 SEC. 401. The Chairman of the Nuclear Regulatory
22 Commission may not terminate any program, project, or
23 activity without a majority vote of the Commissioners of
24 the Nuclear Regulatory Commission approving such ac-
25 tion.

1 SEC. 402. The Chairman of the Nuclear Regulatory
2 Commission shall notify the Committees on Appropria-
3 tions of the House of Representatives and the Senate not
4 later than 1 day after the Chairman begins performing
5 functions under the authority of section 3 of Reorganiza-
6 tion Plan No. 1 of 1980, or after a member of the Com-
7 mission who was delegated emergency functions under
8 subsection (b) of that section begins performing those
9 functions. Such notification shall include an explanation
10 of the circumstances warranting the exercise of such au-
11 thority. The Chairman shall report to the Committees, not
12 less frequently than once each week, on the actions taken
13 by the Chairman, or a delegated member of the Commis-
14 sion, under such authority, until the authority is relin-
15 quished. The Chairman shall notify the Committees not
16 later than 1 day after such authority is relinquished. The
17 Chairman shall submit the report required by section 3(d)
18 of the Reorganization Plan No. 1 of 1980 to the Commit-
19 tees not later than 1 day after it was submitted to the
20 Commission.

21 TITLE V—GENERAL PROVISIONS

22 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

23 SEC. 501. None of the funds appropriated by this Act
24 may be used in any way, directly or indirectly, to influence
25 congressional action on any legislation or appropriation

1 matters pending before Congress, other than to commu-
2 nicate to Members of Congress as described in 18 U.S.C.
3 1913.

4 SEC. 502. None of the funds made available by this
5 Act may be used to eliminate or reduce funding for a pro-
6 gram, project, or activity as proposed in a President's
7 budget request for a fiscal year until such proposed change
8 is subsequently enacted in an appropriations Act, or unless
9 such change is made pursuant to the reprogramming and
10 transfer provisions of this Act.

11 SEC. 503. None of the funds made available by this
12 Act may be used to enter into a contract, memorandum
13 of understanding, or cooperative agreement with, make a
14 grant to, or provide a loan or loan guarantee to any cor-
15 poration that was convicted of a felony criminal violation
16 under any Federal law within the preceding 24 months,
17 where the awarding agency is aware of the conviction, un-
18 less the agency has considered suspension or debarment
19 of the corporation and has made a determination that this
20 further action is not necessary to protect the interests of
21 the Government.

22 SEC. 504. None of the funds made available by this
23 Act may be used to enter into a contract, memorandum
24 of understanding, or cooperative agreement with, make a
25 grant to, or provide a loan or loan guarantee to, any cor-

1 poration that has any unpaid Federal tax liability that has
2 been assessed, for which all judicial and administrative
3 remedies have been exhausted or have lapsed, and that
4 is not being paid in a timely manner pursuant to an agree-
5 ment with the authority responsible for collecting the tax
6 liability, where the awarding agency is aware of the unpaid
7 tax liability, unless the agency has considered suspension
8 or debarment of the corporation and has made a deter-
9 mination that this further action is not necessary to pro-
10 tect the interests of the Government.

11 SEC. 505. (a) None of the funds made available in
12 title III of this Act may be transferred to any department,
13 agency, or instrumentality of the United States Govern-
14 ment, except pursuant to a transfer made by or transfer
15 authority provided in this Act or any other appropriation
16 Act for any fiscal year, transfer authority referenced in
17 the report of the Committee on Appropriations accom-
18 panying this Act, or any authority whereby a department,
19 agency, or instrumentality of the United States Govern-
20 ment may provide goods or services to another depart-
21 ment, agency, or instrumentality.

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

1 transfer authority provided in this Act or any other appro-
2 priation Act for any fiscal year, transfer authority ref-
3 erenced in the report of the Committees on Appropriations
4 accompanying this Act, or any authority whereby a de-
5 partment, agency, or instrumentality of the United States
6 Government may provide goods or services to another de-
7 partment, agency, or instrumentality.

8 (c) The head of any relevant department or agency
9 funded in this Act utilizing any transfer authority shall
10 submit to the Committees on Appropriations of the House
11 of Representatives and the Senate a semiannual report de-
12 tailing the transfer authorities, except for any authority
13 whereby a department, agency, or instrumentality of the
14 United States Government may provide goods or services
15 to another department, agency, or instrumentality, used
16 in the previous 6 months and in the year-to-date. This
17 report shall include the amounts transferred and the pur-
18 poses for which they were transferred, and shall not re-
19 place or modify existing notification requirements for each
20 authority.

21 SEC. 506. None of the funds made available by this
22 Act may be used in contravention of Executive Order No.
23 12898 of February 11, 1994 (“Federal Actions to Address
24 Environmental Justice in Minority Populations and Low-
25 Income Populations”).

1 SEC. 507. None of the funds made available under
2 this Act may be expended for any new hire by any Federal
3 agency funded in this Act that is not verified through the
4 E-Verify Program as described in section 403(a) of the
5 Illegal Immigration Reform and Immigrant Responsibility
6 Act of 1996 (8 U.S.C. 1324a note).

7 SEC. 508. (a) Of the unobligated balances available
8 from prior year appropriations for the following accounts,
9 the following amounts are hereby permanently rescinded:

10 (1) Under the heading “Corps of Engineers-
11 Civil—Department of the Army”, \$200,000,000, to
12 be derived by the Secretary of the Army from funds
13 made available for “Construction, General”, “Flood
14 Control, Mississippi River and Tributaries, Arkan-
15 sas, Illinois, Kentucky, Louisiana, Mississippi, Mis-
16 souri, and Tennessee”, “General Investigations”,
17 “Construction”, “Investigations”, and “Mississippi
18 River and Tributaries”.

19 (2) “Department of Energy—Energy Pro-
20 grams—Energy Efficiency and Renewable Energy”,
21 \$157,000,000.

22 (3) “Department of Energy—Atomic Energy
23 Defense Activities—National Nuclear Security Ad-
24 ministration—Weapons Activities”, \$142,000,000.

1 (4) “Department of Energy—Atomic Energy
2 Defense Activities—National Nuclear Security Ad-
3 ministration—Defense Nuclear Nonproliferation”,
4 \$20,000,000.

5 (b) No amounts may be rescinded under this section
6 from amounts that were designated by the Congress as
7 an emergency requirement pursuant to a concurrent reso-
8 lution on the budget or the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985.

10 SEC. 509. None of the funds made available in this
11 Act may be used to conduct closure of adjudicatory func-
12 tions, technical review, or support activities associated
13 with the Yucca Mountain geologic repository license appli-
14 cation, or for actions that irrevocably remove the possi-
15 bility that Yucca Mountain may be a repository option in
16 the future.

17 SEC. 510. The Commissioner of the Bureau of Rec-
18 lamation and the Assistant Secretary of the Army (Civil
19 Works) shall submit to the Committees on Appropriations
20 of the House of Representatives and the Senate, at the
21 time that the President’s budget proposal for fiscal year
22 2015 is submitted pursuant to section 1105(a) of title 31,
23 United States Code, a comprehensive report compiled in
24 conjunction with the Government Accountability Office
25 that details updated missions, goals, strategies, and prior-

1 ities, and performance metrics that are measurable, re-
2 peatable, and directly linked to requests for funding.

3 SEC. 511. It is the sense of the Congress that the
4 Congress should not pass any legislation that authorizes
5 spending cuts that would increase poverty in the United
6 States.

7 SPENDING REDUCTION ACCOUNT

8 SEC. 512. The amount by which the applicable alloca-
9 tion of new budget authority made by the Committee on
10 Appropriations of the House of Representatives under sec-
11 tion 302(b) of the Congressional Budget Act of 1974 ex-
12 ceeds the amount of proposed new budget authority is \$0.

13 This Act may be cited as the “Energy and Water De-
14 velopment and Related Agencies Appropriations Act,
15 2014”.

Union Calendar No. 97

113TH CONGRESS
1ST Session

H. R. 2609

[Report No. 113-135]

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

JULY 2, 2013

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed