

Calendar No. 101113TH CONGRESS
1ST SESSION**S. 1245****[Report No. 113–47]**

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

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2013

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

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 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:

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

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

11 GENERAL INVESTIGATIONS

12 For expenses necessary where authorized by law for
13 the collection and study of basic information pertaining
14 to river and harbor, flood and storm damage reduction,
15 shore protection, aquatic ecosystem restoration, and re-
16 lated needs; for surveys and detailed studies, and plans
17 and specifications of proposed river and harbor, flood and
18 storm damage reduction, shore protection, and aquatic
19 ecosystem restoration, projects and related efforts prior to
20 construction; for restudy of authorized projects; and for
21 miscellaneous investigations, and, when authorized by law,
22 surveys and detailed studies, and plans and specifications
23 of projects prior to construction, \$120,000,000, to remain
24 available until expended.

1 CONSTRUCTION, GENERAL

2 For expenses necessary for the construction of river
3 and harbor, flood and storm damage reduction, shore pro-
4 tection, aquatic ecosystem restoration, and related
5 projects authorized by law; for conducting detailed studies,
6 and plans and specifications, of such projects (including
7 those involving participation by States, local governments,
8 or private groups) authorized or made eligible for selection
9 by law (but such detailed studies, and plans and specifica-
10 tions, shall not constitute a commitment of the Govern-
11 ment to construction); \$1,542,000,000, to remain avail-
12 able until expended; of which such sums as are necessary
13 to cover the Federal share of construction costs for facili-
14 ties under the Dredged Material Disposal Facilities pro-
15 gram shall be derived from the Harbor Maintenance Trust
16 Fund as authorized by Public Law 104–303; and of which
17 such sums as are necessary to cover one-half of the costs
18 of construction, replacement, rehabilitation, and expansion
19 of inland waterways projects shall be derived from the In-
20 land Waterways Trust Fund: *Provided*, That during the
21 fiscal year period covered by this Act, none of the funding
22 proposed for Olmsted Lock and Dam, Ohio River, Illinois
23 and Kentucky, shall be derived from the Inland Water-
24 ways 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, \$300,000,000, 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, \$2,700,000,000, 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 (16 U.S.C. 460l–6a(i)), as amend-
6 ed, shall be derived from that account for resource protec-
7 tion, research, interpretation, and maintenance activities
8 related to resource protection in the areas at which out-
9 door recreation is available; and of which such sums as
10 become available from fees collected under section 217 of
11 Public Law 104–303 shall be used to cover the cost of
12 operation and maintenance of the dredged material dis-
13 posal facilities for which such fees have been collected:
14 *Provided*, That 1 percent of the total amount of funds pro-
15 vided for each of the programs, projects or activities fund-
16 ed under this heading shall not be allocated to a field oper-
17 ating activity prior to the beginning of the fourth quarter
18 of the fiscal year and shall be available for use by the Chief
19 of Engineers to fund such emergency activities as the
20 Chief of Engineers determines to be necessary and appro-
21 priate, and that the Chief of Engineers shall allocate dur-
22 ing the fourth quarter any remaining funds which have
23 not been used for emergency activities proportionally in
24 accordance with the amounts provided for the programs,
25 projects or activities.

1 REGULATORY PROGRAM

2 For expenses necessary for administration of laws
3 pertaining to regulation of navigable waters and wetlands,
4 \$200,000,000, 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, \$195,000,000, 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 GENERAL 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 title I of this Act shall be available to fund
7 the civil works activities of the Office of the Chief of Engi-
8 neers or the civil works executive direction and manage-
9 ment activities of the division offices: *Provided further*,
10 That any Flood Control and Coastal Emergencies appro-
11 priation may be used to fund the supervision and general
12 administration of emergency operations, repairs, and other
13 activities in response to any flood, hurricane, or other nat-
14 ural 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 TRANSFERS OF FUNDS)

4 SEC. 101. (a) None of the funds provided in title I
5 of this Act, or provided by previous appropriations Acts
6 to the agencies or entities funded in title I of this Act
7 that remain available for obligation or expenditure in fiscal
8 year 2014, shall be available for obligation or expenditure
9 through a reprogramming of funds that:

10 (1) creates or initiates a new program, project,
11 or activity;

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

13 (3) increases funds or personnel for any pro-
14 gram, project, or activity for which funds have been
15 denied or restricted by this Act, unless prior ap-
16 proval is received from the House and Senate Com-
17 mittees on Appropriations;

18 (4) proposes to use funds directed for a specific
19 activity for a different purpose, unless prior approval
20 is received from the House and Senate Committees
21 on Appropriations;

22 (5) augments or reduces existing programs,
23 projects or activities in excess of the amounts con-
24 tained in subsections 6 through 10, unless prior ap-

1 proval is received from the House and Senate Com-
2 mittees on Appropriations;

3 (6) GENERAL INVESTIGATIONS.—For a base
4 level over \$100,000, reprogramming of 25 percent of
5 the base amount up to a limit of \$150,000 per
6 project, study or activity is allowed: *Provided*, That
7 for a base level less than \$100,000, the reprogram-
8 ming limit is \$25,000: *Provided further*, That up to
9 \$25,000 may be reprogrammed into any continuing
10 study or activity that did not receive an appropria-
11 tion for existing obligations and concomitant admin-
12 istrative expenses;

13 (7) CONSTRUCTION, GENERAL.—For a base
14 level over \$2,000,000, reprogramming of 15 percent
15 of the base amount up to a limit of \$3,000,000 per
16 project, study or activity is allowed: *Provided*, That
17 for a base level less than \$2,000,000, the re-
18 programming limit is \$300,000: *Provided further*,
19 That up to \$3,000,000 may be reprogrammed for
20 settled contractor claims, changed conditions, or real
21 estate deficiency judgments: *Provided further*, That
22 up to \$300,000 may be reprogrammed into any con-
23 tinuing study or activity that did not receive an ap-
24 propriation for existing obligations and concomitant
25 administrative expenses;

1 (8) OPERATION AND MAINTENANCE.—Unlim-
2 ited reprogramming authority is granted in order for
3 the Corps to be able to respond to emergencies: *Pro-*
4 *vided*, That the Chief of Engineers must notify the
5 House and Senate Committees on Appropriations of
6 these emergency actions as soon thereafter as prac-
7 ticable: *Provided further*, That for a base level over
8 \$1,000,000, reprogramming of 15 percent of the
9 base amount a limit of \$5,000,000 per project, study
10 or activity is allowed: *Provided further*, That for a
11 base level less than \$1,000,000, the reprogramming
12 limit is \$150,000: *Provided further*, That \$150,000
13 may be reprogrammed into any continuing study or
14 activity that did not receive an appropriation;

15 (9) MISSISSIPPI RIVER AND TRIBUTARIES.—
16 The same reprogramming guidelines for the Inves-
17 tigations, Construction, and Operation and Mainte-
18 nance portions of the Mississippi River and Tribu-
19 taries Account as listed above; and

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

23 (b) DE MINIMUS REPROGRAMMINGS.—In no case
24 should a reprogramming for less than \$50,000 be sub-

1 mitted to the House and Senate Committees on Appro-
2 priations.

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

6 (d) Not later than 60 days after the date of enact-
7 ment of this Act, the Corps of Engineers shall submit a
8 report to the House and Senate Committees on Appropria-
9 tions to establish the baseline for application of re-
10 programming and transfer authorities for the current fis-
11 cal year: *Provided*, That the report shall include:

12 (1) A table for each appropriation with a sepa-
13 rate column to display the President's budget re-
14 quest, adjustments made by Congress, adjustments
15 due to enacted rescissions, if applicable, and the fis-
16 cal year enacted level;

17 (2) A delineation in the table for each appro-
18 priation both by object class and program, project
19 and activity as detailed in the budget appendix for
20 the respective appropriations; and.

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

23 SEC. 102. None of the funds in this Act, or previous
24 Acts, making funds available for Energy and Water Devel-
25 opment, shall be used to award any continuing contract

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

7 SEC. 103. During the fiscal year period covered by
8 this Act, the Secretary of the Army is authorized to imple-
9 ment measures recommended in the efficacy study author-
10 ized under section 3061 of the Water Resources Develop-
11 ment Act of 2007 (121 Stat. 1121) or in interim reports,
12 with such modifications or emergency measures as the
13 Secretary of the Army determines to be appropriate, to
14 prevent aquatic nuisance species from dispersing into the
15 Great Lakes by way of any hydrologic connection between
16 the Great Lakes and the Mississippi River Basin.

17 SEC. 104. The Secretary of the Army may transfer
18 to the Fish and Wildlife Service, and the Fish and Wildlife
19 Service may accept and expend, up to \$4,600,000 of funds
20 provided in this title under the heading “Operation and
21 Maintenance” to mitigate for fisheries lost due to Corps
22 of Engineers projects.

23 SEC. 105. Section 3(a)(6) of Public Law 100–676 is
24 amended by striking both occurrences of “\$775,000,000”
25 and inserting in lieu thereof, “\$2,918,000,000”.

1 SEC. 106. That portion of the project for navigation,
2 Ipswich River, Massachusetts adopted by the Rivers and
3 Harbor Act of August 5, 1886 consisting of a 4-foot chan-
4 nel located at the entrance to the harbor at Ipswich Har-
5 bor, lying northwesterly of a line commencing at:
6 N3074938.09, E837154.87, thence running easterly
7 about 60 feet to a point with coordinates N3074972.62,
8 E837203.93, is no longer authorized as a Federal project
9 after the date of enactment of this Act.

10 SEC. 107. That portion of the project of navigation,
11 Chicago Harbor, Illinois, authorized by the River and Har-
12 bor Acts of March 3, 1899 and March 2, 1919, and that
13 begins at the southwest corner of the Metropolitan Sani-
14 tary District of Greater Chicago sluice gate that abuts the
15 north wall of the Chicago River Lock and that continues
16 north for approximately 290 feet, thence east approxi-
17 mately 1,000 feet, then south approximately 290 feet,
18 thence west approximately 1,000 feet to the point of begin-
19 ning shall no longer be authorized as a Federal project
20 after the date of enactment of this Act.

21 SEC. 108. Beginning on the date of enactment of this
22 Act, the Secretary is no longer authorized to carry out
23 the portion of the project for navigation, Warwick Cove,
24 Rhode Island, authorized by section 107 of the River and
25 Harbor Act of 1960 (33 U.S.C. 577) that is located within

1 the 5 acre anchorage area east of the channel and lying
2 east of the line beginning at a point with coordinates
3 N220,349.79, E357,664.90 thence running north 9 de-
4 grees 10 minutes 21.5 seconds west 170.38 feet to a point
5 N220,517.99, E357,637.74 thence running north 17 de-
6 grees 44 minutes 30.4 seconds west 165.98 feet to a point
7 N220,676.08, E357,587.16 thence running north 0 de-
8 grees 46 minutes 0.9 seconds east 138.96 feet to a point
9 N220,815.03, E357,589.02 thence running north 8 de-
10 grees 36 minutes 22.9 seconds east 101.57 feet to a point
11 N220,915.46, E357,604.22 thence running north 18 de-
12 grees 18 minutes 27.3 seconds east 168.20 feet to a point
13 N221,075.14, E357,657.05 thence running north 34 de-
14 grees 42 minutes 7.2 seconds east 106.4 feet to a point
15 N221,162.62,209 E357,717.63 thence running south 29
16 degrees 14 minutes 17.4 seconds east 26.79 feet to a point
17 N221,139.24, E357,730.71 thence running south 30 de-
18 grees 45 minutes 30.5 seconds west 230.46 feet to a point
19 N220,941.20, E357,612.85 thence running south 10 de-
20 grees 49 minutes 12.0 seconds west 95.46 feet to a point
21 N220,847.44, E357,594.93 thence running south 9 de-
22 grees 13 minutes 44.5 seconds east 491.68 feet to a point
23 N220,362.12, E357,673.79 thence running south 35 de-
24 grees 47 minutes 19.4 seconds west 15.20 feet to the point
25 of origin.

1 SEC. 109. The project for flood control, Little Cal-
2 umet River, Indiana, authorized by section 401(a) of the
3 Water Resources Development Act of 1986 (Public Law
4 99–662; 100 Stat. 4115), is modified to authorize the Sec-
5 retary to carry out the project at a total cost of
6 \$269,988,000 with an estimated Federal cost of
7 \$202,800,000 and an estimated non-Federal cost of
8 \$67,188,000.

9 SEC. 110. (a) The Secretary is authorized to carry
10 over credits in excess of the Non-Federal Sponsor’s share
11 of total project cost between the C–111 South Dade
12 project, authorized by section 203 of the Flood Control
13 Act of 1948 (62 Stat. 1176) and modified by section 203
14 of the Flood Control Act of 1968 (82 Stat. 740–741) and
15 section 316 of the Water Resources Development Act of
16 1996 (110 Stat. 3715), and the Kissimmee River project,
17 authorized in section 101(8) of the Water Resources De-
18 velopment Act of 1992 (106 Stat. 4802). Nothing in this
19 subsection affects the authorized cost sharing of these
20 projects.

21 (b) Section 101(8) of the Water Resources Develop-
22 ment Act of 1992 (106 Stat. 4802) is amended to combine
23 the two current authorized total project costs for the eco-
24 system restoration and headwaters revitalization projects
25 into a single authorized total project cost—

1 (1) By striking “at a total cost of
2 \$426,885,000, with an estimated Federal cost of
3 \$139,943,000 and an estimated non-Federal cost of
4 \$286,942,000. The Secretary is further authorized
5 to construct” and inserting “and”; and

6 (2) By striking “, at a total cost of
7 \$92,210,000, with an estimated Federal cost of
8 \$46,105,000 and an estimated non-Federal cost of
9 \$46,105,000.” and inserting “. The total cost of the
10 ecosystem restoration and headwaters revitalization
11 projects is \$519,095,000, with an estimated Federal
12 cost of \$186,048,000 and an estimated non-Federal
13 cost of \$333,047,000.”.

14 (c) The amendment made by subsection (b) is effec-
15 tive October 31, 1992.

16 SEC. 111. (a) Section 1001(17)(A) of Public Law
17 110–114 is amended—

18 (1) by striking “\$125,270,000” and inserting in
19 lieu thereof, “\$152,510,000”;

20 (2) by striking “\$75,140,000” and inserting in
21 lieu thereof, “\$92,007,000”; and

22 (3) by striking “\$50,130,000” and inserting in
23 lieu thereof, “\$60,503,000”.

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

1 SEC. 112. The Cape Arundel Disposal Site in the
2 State of Maine selected by the Department of the Army
3 as an alternative dredged material disposal site under sec-
4 tion 103(b) of the Marine Protection Research and Sanc-
5 tuaries Act of 1972, as amended, shall remain open until
6 the remaining disposal capacity of the site has been uti-
7 lized, or until completion of an Environmental Impact
8 Statement to support final designation of an Ocean
9 Dredged Material Disposal Site for southern Maine under
10 section 102(c) of the Marine Protection Research and
11 Sanctuaries Act of 1972, as amended, whichever first oc-
12 curs, provided that the site conditions remain suitable for
13 such purpose and that the site may not be used for dis-
14 posal of more than 80,000 cubic yards from any single
15 dredging project.

16 SEC. 113. In accordance with Public Law 99-173,
17 section 122, the Little Rock District is to be a full service
18 district and none of the funds made available in this Act,
19 or in any future Acts, shall be used toward efforts that
20 will result in reducing the expertise or personnel needed
21 to plan and implement programs, projects or activities exe-
22 cuted by the Little Rock District.

23 SEC. 114. None of the funds provided in title I of
24 this Act or prior Acts providing funding for the Corps of
25 Engineers, shall be used to relocate or consolidate general

1 and administrative functions in the Chicago District of the
2 Corps of Engineers.

3 TITLE II

4 DEPARTMENT OF THE INTERIOR

5 BUREAU OF RECLAMATION

6 The following appropriations shall be expended to
7 execute authorized functions of the Bureau of Reclama-
8 tion:

9 WATER AND RELATED RESOURCES

10 (INCLUDING TRANSFERS OF FUNDS)

11 For management, development, and restoration of
12 water and related natural resources and for related activi-
13 ties, including the operation, maintenance, and rehabilita-
14 tion of reclamation and other facilities, participation in
15 fulfilling related Federal responsibilities to Native Ameri-
16 cans, and related grants to, and cooperative and other
17 agreements with, State and local governments, federally
18 recognized Indian tribes, and others, \$945,796,000, to re-
19 main available until expended, of which \$28,000 shall be
20 available for transfer to the Upper Colorado River Basin
21 Fund and \$8,401,000 shall be available for transfer to the
22 Lower Colorado River Basin Development Fund; of which
23 such amounts as may be necessary may be advanced to
24 the Colorado River Dam Fund: *Provided*, That such trans-
25 fers may be increased or decreased within the overall ap-

1 appropriation under this heading: *Provided further*, That of
2 the total appropriated, the amount for program activities
3 that can be financed by the Reclamation Fund or the Bu-
4 reau of Reclamation special fee account established by 16
5 U.S.C. 6806 shall be derived from that Fund or account:
6 *Provided further*, That funds contributed under 43 U.S.C.
7 395 are available until expended for the purposes for
8 which contributed: *Provided further*, That funds advanced
9 under 43 U.S.C. 397a shall be credited to this account
10 and are available until expended for the same purposes
11 as the sums appropriated under this heading: *Provided*
12 *further*, That of the amounts provided herein, funds may
13 be used for high-priority projects which shall be carried
14 out by the Youth Conservation Corps, as authorized by
15 16 U.S.C. 1706.

16 CENTRAL VALLEY PROJECT RESTORATION FUND

17 For carrying out the programs, projects, plans, habi-
18 tat restoration, improvement, and acquisition provisions of
19 the Central Valley Project Improvement Act, \$53,288,000,
20 to be derived from such sums as may be collected in the
21 Central Valley Project Restoration Fund pursuant to sec-
22 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
23 102-575, to remain available until expended: *Provided*,
24 That the Bureau of Reclamation is directed to assess and
25 collect the full amount of the additional mitigation and

1 restoration payments authorized by section 3407(d) of
2 Public Law 102–575: *Provided further*, That none of the
3 funds made available under this heading may be used for
4 the acquisition or leasing of water for in-stream purposes
5 if the water is already committed to in-stream purposes
6 by a court adopted decree or order.

7 CALIFORNIA BAY-DELTA RESTORATION

8 (INCLUDING TRANSFERS OF FUNDS)

9 For carrying out activities authorized by the Water
10 Supply, Reliability, and Environmental Improvement Act
11 (Public Law 108–361), consistent with plans to be ap-
12 proved by the Secretary of the Interior, \$37,000,000, to
13 remain available until expended, of which such amounts
14 as may be necessary to carry out such activities may be
15 transferred to appropriate accounts of other participating
16 Federal agencies to carry out authorized purposes: *Pro-*
17 *vided*, That funds appropriated herein may be used for
18 the Federal share of the costs of CALFED Program man-
19 agement: *Provided further*, That CALFED implementa-
20 tion shall be carried out in a balanced manner with clear
21 performance measures demonstrating concurrent progress
22 in achieving the goals and objectives of the program.

23 CENTRAL UTAH PROJECT COMPLETION

24 For carrying out activities authorized by the Central
25 Utah Project Completion Act, \$2,200,000, to remain

1 available until expended, of which \$1,000,000 shall be de-
2 posited into the Utah Reclamation Mitigation and Con-
3 servation Account for use by the Utah Reclamation Miti-
4 gation and Conservation Commission. For an additional
5 amount, \$1,300,000, to remain available until September
6 30, 2015, is provided for necessary expenses incurred in
7 carrying out related responsibilities of the Secretary of the
8 Interior.

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

12 POLICY AND ADMINISTRATION

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

22 ADMINISTRATIVE PROVISION

23 Appropriations for the Bureau of Reclamation shall
24 be available for purchase of not to exceed five passenger
25 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 title II
4 of this Act for Water and Related Resources, or provided
5 by previous appropriations Acts to the agencies or entities
6 funded in title II of this Act for Water and Related Re-
7 sources that remain available for obligation or expenditure
8 in fiscal year 2014, shall be available for obligation or ex-
9 penditure through a reprogramming of funds that—

10 (1) initiates or creates a new program, project,
11 or activity;

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

13 (3) increases funds for any program, project, or
14 activity for which funds have been denied or re-
15 stricted by this Act, unless prior approval is received
16 from the Committees on Appropriations of the
17 House of Representatives and the Senate;

18 (4) restarts or resumes any program, project or
19 activity for which funds are not provided in this Act,
20 unless prior approval is received from the Commit-
21 tees on Appropriations of the House of Representa-
22 tives and the Senate;

23 (5) transfers funds in excess of the following
24 limits, unless prior approval is received from the

1 Committees on Appropriations of the House of Rep-
2 resentatives and the Senate:

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

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

9 (6) transfers more than \$500,000 from either
10 the Facilities Operation, Maintenance, and Rehabili-
11 tation category or the Resources Management and
12 Development category to any program, project, or
13 activity in the other category, unless prior approval
14 is received from the Committees on Appropriations
15 of the House of Representatives and the Senate; or

16 (7) transfers, where necessary to discharge legal
17 obligations of the Bureau of Reclamation, more than
18 \$5,000,000 to provide adequate funds for settled
19 contractor claims, increased contractor earnings due
20 to accelerated rates of operations, and real estate de-
21 ficiency judgments, unless prior approval is received
22 from the Committees on Appropriations of the
23 House of Representatives and the Senate.

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

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

7 (d) The Bureau of Reclamation shall submit reports
8 on a quarterly basis to the Committees on Appropriations
9 of the House of Representatives and the Senate detailing
10 all the funds reprogrammed between programs, projects,
11 activities, or categories of funding. The first quarterly re-
12 port shall be submitted not later than 60 days after the
13 date of enactment of this Act.

14 SEC. 202. (a) None of the funds appropriated or oth-
15 erwise made available by this Act may be used to deter-
16 mine the final point of discharge for the interceptor drain
17 for the San Luis Unit until development by the Secretary
18 of the Interior and the State of California of a plan, which
19 shall conform to the water quality standards of the State
20 of California as approved by the Administrator of the En-
21 vironmental Protection Agency, to minimize any detri-
22 mental effect of the San Luis drainage waters.

23 (b) The costs of the Kesterson Reservoir Cleanup
24 Program and the costs of the San Joaquin Valley Drain-
25 age Program shall be classified by the Secretary of the

1 Interior as reimbursable or nonreimbursable and collected
2 until fully repaid pursuant to the “Cleanup Program-Alt-
3 ernative Repayment Plan” and the “SJVDP-Alternative
4 Repayment Plan” described in the report entitled “Repay-
5 ment Report, Kesterson Reservoir Cleanup Program and
6 San Joaquin Valley Drainage Program, February 1995”,
7 prepared by the Department of the Interior, Bureau of
8 Reclamation. Any future obligations of funds by the
9 United States relating to, or providing for, drainage serv-
10 ice or drainage studies for the San Luis Unit shall be fully
11 reimbursable by San Luis Unit beneficiaries of such serv-
12 ice or studies pursuant to Federal reclamation law.

13 SEC. 203. The Secretary of the Interior may here-
14 after participate in non-Federal groundwater banking pro-
15 grams to increase the operational flexibility, reliability,
16 and efficient use of water in the State of California, and
17 this participation may include making payment for the
18 storage of Central Valley Project water supplies, the pur-
19 chase of stored water, the purchase of shares or an inter-
20 est in ground banking facilities, or the use of Central Val-
21 ley Project water as a medium of payment for ground-
22 water banking services: *Provided*, That the Secretary of
23 the Interior shall participate in groundwater banking pro-
24 grams only to the extent allowed under State law and con-
25 sistent with water rights applicable to the Central Valley

1 Project: *Provided further*, That any water user to which
2 banked water is delivered shall pay for such water in the
3 same manner provided by that water user's then-current
4 Central Valley Project water service, repayment, or water
5 rights settlement contract at the rate provided by the
6 then-current Central Valley Project Irrigation or Munic-
7 ipal and Industrial Rate Setting Policies; and: *Provided*
8 *further*, That in implementing this section, the Secretary
9 of the Interior shall comply with applicable environmental
10 laws, including the National Environmental Policy Act of
11 1969 (42 U.S.C. 4321 et seq.) and the Endangered Spe-
12 cies Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein
13 shall alter or limit the Secretary's existing authority to
14 use groundwater banking to meet existing fish and wildlife
15 obligations.

16 SEC. 204. (a) Subject to compliance with all applica-
17 ble Federal and State laws, a transfer of irrigation water
18 among Central Valley Project contractors from the Friant,
19 San Felipe, West San Joaquin, and Delta divisions, and
20 a transfer from a long-term Friant Division water service
21 or repayment contractor to a temporary or prior tem-
22 porary service contractors within the place of use in exist-
23 ence on the date of the transfer, as identified in the Bu-
24 reau of Reclamation water rights permits for the Friant
25 Division, shall hereafter be considered to meet the condi-

1 tions described in subparagraphs (A) and (I) of section
2 3405(a)(1) of the Reclamation Projects Authorization and
3 Adjustment Act of 1992 (Public Law 102–575; 106 Stat.
4 4709).

5 (b) The Secretary of the Interior, acting through the
6 Director of the United States Fish and Wildlife Service
7 and the Commissioner of the Bureau of Reclamation shall
8 initiate and complete, on the most expedited basis prac-
9 ticable, programmatic environmental compliance so as to
10 facilitate voluntary water transfers within the Central Val-
11 ley Project, consistent with all applicable Federal and
12 State law.

13 (c) Not later than 180 days after the date of enact-
14 ment of this Act and each of the 4 years thereafter, the
15 Commissioner of the Bureau of Reclamation shall submit
16 to the Committee on Appropriations of the House of Rep-
17 resentatives and the Committee on Appropriations of the
18 Senate a report that describes the status of efforts to help
19 facilitate and improve the water transfers within the Cen-
20 tral Valley Project and water transfers between the Cen-
21 tral Valley Project and other water projects in the State
22 of California; evaluates potential effects of this Act on
23 Federal programs, Indian tribes, Central Valley Project
24 operations, the environment, groundwater aquifers, ref-
25 uges, and communities; and provides recommendations on

1 ways to facilitate and improve the process for these trans-
2 fers.

3 SEC. 205. (a) TERMINATION OF AUTHORITY.—Sec-
4 tion 104(c) of the Reclamation States Emergency Drought
5 Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by
6 striking “2012” and inserting “2017”.

7 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
8 301 of the Reclamation States Emergency Drought Relief
9 Act of 1991 (43 U.S.C. 2241) is amended—

10 (1) by striking “90,000,000” and inserting
11 “\$110,000,000”; and

12 (2) by striking “2012” and inserting “2017”.

13 SEC. 206. Title I of Public Law 108–361 (the Califed
14 Bay-Delta Authorization Act) (118 Stat. 1681), as
15 amended by section 210 of Public Law 111–85, is amend-
16 ed by striking “2014” each place it appears and inserting
17 “2018”.

18 SEC. 207. Section 9504(e) of the Secure Water Act
19 of 2009 (42 U.S.C. 10364(e)) is amended by striking
20 “\$200,000,000” and inserting “\$250,000,000”.

21 SEC. 208. Section 8 of the Water Desalination Act
22 of 1996 (42 U.S.C. 10301 note; Public Law 104–298),
23 as amended, is further amended—

24 (1) in subsection (a), in the first sentence, by
25 striking “2013” and inserting “2018”; and

1 (2) in subsection (b), by striking “2012 through
2 2013” and inserting “2014 through 2018”.

3 SEC. 209. The Secretary may hereafter partner, pro-
4 vide a grant to, or enter into a cooperative agreement with
5 local joint powers authorities formed pursuant to State
6 law by irrigation districts and other local water districts
7 and local governments, to advance planning and feasibility
8 studies authorized by Congress for water storage project:
9 *Provided*, That the Secretary shall ensure that all docu-
10 ments associated with the preparation of planning and fea-
11 sibility studies and applicable environmental reviews under
12 the National Environmental Policy Act for a project cov-
13 ered by this section shall be made available to any joint
14 powers authority with whom the Secretary enters into an
15 agreement to advance such project: *Provided further*, That
16 the Secretary, acting through the Commissioner of the
17 Bureau of Reclamation, shall ensure that all applicable en-
18 vironmental reviews under the National Environmental
19 Policy Act, to the degree such reviews are required, are
20 completed on an expeditious basis and that the shortest
21 existing applicable process under the National Environ-
22 mental Policy Act shall be utilized, including in the com-
23 pletion of feasibility studies, Draft Environmental Impact
24 Statements (DEIS) and Final Environmental Impact
25 Statements (FEIS): *Provided further*, That the Bureau of

1 Reclamation need not complete the applicable feasibility
2 study, DEIS or FEIS if the Commissioner determines,
3 and the Secretary concurs, that the project can be expe-
4 dited by a joint powers authority as a non-Federal project
5 or if the project fails to meet applicable Federal cost-ben-
6 efit requirements or standards: *Provided further*, That the
7 Secretary shall not provide financial assistance towards
8 these studies or projects, unless there is a demonstrable
9 Federal interest.

10 SEC. 210. Section 10009(c)(2) of the San Joaquin
11 River Restoration Settlement Act (Public Law 111–11;
12 123 Stat. 1356) is amended by striking “October 1, 2019,
13 all funds in the Fund shall be available for expenditure
14 without further appropriation.” and inserting “October 1,
15 2014, all funds in the Fund shall be available for expendi-
16 ture on an annual basis in an amount not to exceed
17 \$40,000,000 without further appropriation.” in lieu there-
18 of.

19 SEC. 211. Section 201(e) of the Central Utah Project
20 Completion Act of 1992 (Public Law 102–575), as amend-
21 ed, is further amended by striking “and may not delegate”
22 and all that follows through “ratemaking”.

23 SEC. 212. Section 9 of the Fort Peck Reservation
24 Rural Water System Act of 2000 (Public Law 106–382;
25 114 Stat. 1457, 123 Stat. 2856) is amended by striking

1 “2015” each place it appears in subsections (a)(1) and
2 (b) and inserting “2020”.

3 TITLE III

4 DEPARTMENT OF ENERGY

5 ENERGY PROGRAMS

6 ENERGY EFFICIENCY AND RENEWABLE ENERGY

7 For Department of Energy expenses including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment, and other expenses necessary for energy
10 efficiency and renewable energy activities in carrying out
11 the purposes of the Department of Energy Organization
12 Act (42 U.S.C. 7101 et seq.), including the acquisition or
13 condemnation of any real property or any facility or for
14 plant or facility acquisition, construction, or expansion,
15 \$2,280,985,000, to remain available until expended: *Pro-*
16 *vided*, That \$185,000,000 shall be available until Sep-
17 tember 30, 2015 for program direction: *Provided further*,
18 That, of the amount provided under this heading, the Sec-
19 retary may transfer up to \$95,000,000 to the Defense
20 Production Act Fund for activities of the Department of
21 Energy pursuant to the Defense Production Act of 1950
22 (50 U.S.C. App. 2061, et seq.): *Provided further*, That
23 none of the funds made available may be used for the En-
24 ergy Efficient Building Systems Design Hub.

1 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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 elec-
5 tricity delivery and energy reliability activities in carrying
6 out the purposes of the Department of Energy Organiza-
7 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
8 tion or condemnation of any real property or any facility
9 or for plant or facility acquisition, construction, or expan-
10 sion, \$149,015,000, to remain available until expended:
11 *Provided*, That \$27,615,000 shall be available until Sep-
12 tember 30, 2015 for program direction.

13 NUCLEAR ENERGY

14 For Department of Energy expenses including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment, and other expenses necessary for nuclear
17 energy activities in carrying out the purposes of the De-
18 partment of Energy Organization Act (42 U.S.C. 7101 et
19 seq.), including the acquisition or condemnation of any
20 real property or any facility or for plant or facility acquisi-
21 tion, construction, or expansion, \$735,460,000, to remain
22 available until expended, of which \$24,000,000 shall be
23 derived from the Nuclear Waste Fund: *Provided*, That, of
24 the amount made available under this heading,

1 \$87,500,000 shall be available until September 30, 2015,
2 for program direction.

3 Fossil Energy Research and Development

4 For necessary expenses in carrying out fossil energy
5 research and development activities, under the authority
6 of the Department of Energy Organization Act (Public
7 Law 95–91), including the acquisition of interest, includ-
8 ing defeasible and equitable interests in any real property
9 or any facility or for plant or facility acquisition or expan-
10 sion, and for conducting inquiries, technological investiga-
11 tions and research concerning the extraction, processing,
12 use, and disposal of mineral substances without objection-
13 able social and environmental costs (30 U.S.C. 3, 1602,
14 and 1603), \$420,575,000, to remain available until ex-
15 pended: *Provided*, That \$115,753,000 shall be available
16 until September 30, 2015 for program direction: *Provided*
17 *further*, That for all programs funded under Fossil Energy
18 appropriations in this Act or any other Act, the Secretary
19 may vest fee title or other property interests acquired
20 under projects in any entity, including the United States.

21 Naval Petroleum and Oil Shale Reserves

22 For expenses necessary to carry out naval petroleum
23 and oil shale reserve activities, \$20,000,000, to remain
24 available until expended: *Provided*, That, notwithstanding
25 any other provision of law, unobligated funds remaining

1 from prior years shall be available for all naval petroleum
2 and oil shale reserve activities.

3 STRATEGIC PETROLEUM RESERVE

4 For necessary expenses for Strategic Petroleum Re-
5 serve facility development and operations and program
6 management activities pursuant to the Energy Policy and
7 Conservation Act of 1975, as amended (42 U.S.C. 6201
8 et seq.), \$189,400,000, to remain available until expended.

9 NORTHEAST HOME HEATING OIL RESERVE

10 For necessary expenses for Northeast Home Heating
11 Oil Reserve storage, operation, and management activities
12 pursuant to the Energy Policy and Conservation Act,
13 \$8,000,000, to remain available until expended.

14 ENERGY INFORMATION ADMINISTRATION

15 For necessary expenses in carrying out the activities
16 of the Energy Information Administration, \$117,000,000,
17 to remain available until expended.

18 NON-DEFENSE ENVIRONMENTAL CLEANUP

19 For Department of Energy expenses, including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment and other expenses necessary for non-de-
22 fense environmental cleanup activities in carrying out the
23 purposes of the Department of Energy Organization Act
24 (42 U.S.C. 7101 et seq.), including the acquisition or con-
25 demnation of any real property or any facility or for plant

1 or facility acquisition, construction, or expansion,
2 \$232,956,000, to remain available until expended.

3 URANIUM ENRICHMENT DECONTAMINATION AND
4 DECOMMISSIONING FUND

5 For necessary expenses in carrying out uranium en-
6 richment facility decontamination and decommissioning,
7 remedial actions, and other activities of title II of the
8 Atomic Energy Act of 1954, and title X, subtitle A, of
9 the Energy Policy Act of 1992, \$554,823,000, to be de-
10 rived from the Uranium Enrichment Decontamination and
11 Decommissioning Fund, to remain available until ex-
12 pended.

13 SCIENCE

14 For Department of Energy expenses including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment and other expenses necessary for science
17 activities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or facility or for plant or facility acquisition, construc-
21 tion, or expansion, and purchase of not more than 25 pas-
22 senger motor vehicles for replacement only, including one
23 law enforcement vehicle, one ambulance, and one bus,
24 \$5,152,752,000, to remain available until expended: *Pro-*
25 *vided*, That \$193,300,000 shall be available until Sep-

1 standing the provisions of the Anti-Deficiency Act (31
2 U.S.C. 1511 et seq.): *Provided*, That such increases in
3 cost of work are offset by revenue increases of the same
4 or greater amount: *Provided further*, That moneys received
5 by the Department for miscellaneous revenues estimated
6 to total \$108,188,000 in fiscal year 2014 may be retained
7 and used for operating expenses within this account, as
8 authorized by section 201 of Public Law 95–238, notwith-
9 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
10 *ther*, That the sum herein appropriated shall be reduced
11 as collections are received during the fiscal year so as to
12 result in a final fiscal year 2014 appropriation from the
13 general fund estimated at not more than \$126,449,000.

14 OFFICE OF THE INSPECTOR GENERAL

15 For necessary expenses of the Office of the Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, as amended, \$42,120,000, to remain
18 available until expended.

19 ATOMIC ENERGY DEFENSE ACTIVITIES

20 NATIONAL NUCLEAR SECURITY

21 ADMINISTRATION

22 WEAPONS ACTIVITIES

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 atomic energy defense weapons 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 \$7,868,409,000, to remain available until expended: *Pro-*
7 *vided*, That of these funds, the Secretary may transfer to
8 Defense Nuclear Nonproliferation, not earlier than 30
9 days after certification to the Committees on Appropria-
10 tions of the House of Representatives and the Senate that
11 such transfer is needed for national security reasons, and
12 after congressional notification and approval of the Com-
13 mittees on Appropriations of the House of Representatives
14 and the Senate, up to \$48,000,000 to further the develop-
15 ment and demonstration of national nuclear security-re-
16 lated enrichment technologies: *Provided further*, That the
17 Secretary may reprogram, not earlier than 30 days after
18 certification by the Secretary of Energy and Secretary of
19 Defense to the Committees on Appropriations and Armed
20 Services of the House of Representatives and the Senate
21 that the first production unit of the B61 can be delivered
22 by 2019 with the current baseline of \$8,168,000,000, and
23 after congressional notification and approval of the Com-
24 mittees on Appropriations and Armed Services of the

1 House of Representatives and the Senate, up to
2 \$168,400,000 to further the B61 life extension program.

3 DEFENSE NUCLEAR NONPROLIFERATION

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other incidental expenses necessary for
7 defense nuclear nonproliferation activities, in carrying out
8 the purposes of the Department of Energy Organization
9 Act (42 U.S.C. 7101 et seq.), including the acquisition or
10 condemnation of any real property or any facility or for
11 plant or facility acquisition, construction, or expansion,
12 \$2,180,142,000, to remain available until expended.

13 NAVAL REACTORS

14 For Department of Energy expenses necessary for
15 naval reactors activities to carry out the Department of
16 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
17 ing the acquisition (by purchase, condemnation, construc-
18 tion, or otherwise) of real property, plant, and capital
19 equipment, facilities, and facility expansion,
20 \$1,312,134,000, to remain available until expended: *Pro-*
21 *vided*, That \$44,404,000 shall be available until Sep-
22 tember 30, 2015 for program direction.

23 OFFICE OF THE ADMINISTRATOR

24 For necessary expenses of the Office of the Adminis-
25 trator in the National Nuclear Security Administration,

1 including official reception and representation expenses
2 not to exceed \$12,000,\$397,784,000, to remain available
3 until September 30, 2015.

4 ENVIRONMENTAL AND OTHER DEFENSE
5 ACTIVITIES

6 DEFENSE ENVIRONMENTAL CLEANUP

7 For Department of Energy expenses, including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment and other expenses necessary for atomic
10 energy defense environmental cleanup activities in car-
11 rying out the purposes of the Department of Energy Orga-
12 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
13 sition or condemnation of any real property or any facility
14 or for plant or facility acquisition, construction, or expan-
15 sion, and the purchase of not to exceed one sport utility
16 vehicle, three lube trucks, and one fire truck for replace-
17 ment only, \$5,146,536,000, to remain available until ex-
18 pended: *Provided*, That \$320,784,000 shall be available
19 until September 30, 2015 for program direction.

20 OTHER DEFENSE ACTIVITIES

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 atomic
24 energy defense, other defense activities, and classified ac-
25 tivities, in carrying out the purposes of the Department

1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
2 cluding the acquisition or condemnation of any real prop-
3 erty or any facility or for plant or facility acquisition, con-
4 struction, or expansion, \$762,080,000, to remain available
5 until expended: *Provided*, That \$127,035,000 shall be
6 available until September 30, 2015, 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 \$93,284,000 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, including the cost of vol-

1 untary purchases of power allowances in compliance with
2 existing State Cap and Trade Programs: *Provided further*,
3 That for purposes of this appropriation, annual expenses
4 means expenditures that are generally recovered in the
5 same year that they are incurred (excluding purchase
6 power and wheeling expenses).

7 FALCON AND AMISTAD OPERATING AND MAINTENANCE
8 FUND

9 For operation, maintenance, and emergency costs for
10 the hydroelectric facilities at the Falcon and Amistad
11 Dams, \$5,330,671, to remain available until expended,
12 and to be derived from the Falcon and Amistad Operating
13 and Maintenance Fund of the Western Area Power Ad-
14 ministration, as provided in section 2 of the Act of June
15 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
16 the provisions of that Act and of 31 U.S.C. 3302, up to
17 \$4,910,671 collected by the Western Area Power Adminis-
18 tration from the sale of power and related services from
19 the Falcon and Amistad Dams shall be credited to this
20 account as discretionary offsetting collections, to remain
21 available until expended for the sole purpose of funding
22 the annual expenses of the hydroelectric facilities of these
23 Dams and associated Western Area Power Administration
24 activities: *Provided further*, That the sum herein appro-
25 priated for annual expenses shall be reduced as collections

1 are received during the fiscal year so as to result in a final
2 fiscal year 2014 appropriation estimated at not more than
3 \$420,000: *Provided further*, That for purposes of this ap-
4 propriation, annual expenses means expenditures that are
5 generally recovered in the same year that they are in-
6 curred: *Provided further*, That for fiscal year 2014, the
7 Administrator of the Western Area Power Administration
8 may accept up to \$865,000 in funds contributed by United
9 States power customers of the Falcon and Amistad Dams
10 for deposit into the Falcon and Amistad Operating and
11 Maintenance Fund, and such funds shall be available for
12 the purpose for which contributed in like manner as if said
13 sums had been specifically appropriated for such purpose:
14 *Provided further*, That any such funds shall be available
15 without further appropriation and without fiscal year limi-
16 tation for use by the Commissioner of the United States
17 Section of the International Boundary and Water Com-
18 mission for the sole purpose of operating, maintaining, re-
19 pairing, rehabilitating, replacing, or upgrading the hydro-
20 electric facilities at these Dams in accordance with agree-
21 ments reached between the Administrator, Commissioner,
22 and the power customers.

1 FEDERAL ENERGY REGULATORY COMMISSION
 2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Energy Regu-
 4 latory Commission to carry out the provisions of the De-
 5 partment of Energy Organization Act (42 U.S.C. 7101 et
 6 seq.), including services as authorized by 5 U.S.C. 3109,
 7 the hire of passenger motor vehicles, and official reception
 8 and representation expenses not to exceed
 9 \$3,000,\$304,600,000, to remain available until expended:
 10 *Provided*, That notwithstanding any other provision of
 11 law, not to exceed \$304,600,000 of revenues from fees and
 12 annual charges, and other services and collections in fiscal
 13 year 2014 shall be retained and used for necessary ex-
 14 penses in this account, and shall remain available until
 15 expended: *Provided further*, That the sum herein appro-
 16 priated from the general fund shall be reduced as revenues
 17 are received during fiscal year 2014 so as to result in a
 18 final fiscal year 2014 appropriation from the general fund
 19 estimated at not more than \$0.

20 GENERAL PROVISIONS—DEPARTMENT OF
 21 ENERGY

22 (INCLUDING CANCELLATION AND TRANSFER OF FUNDS)

23 SEC. 301. The unexpended balances of prior appro-
 24 priations provided for activities in this Act may be avail-
 25 able to the same appropriation accounts for such activities

1 established pursuant to this title. Available balances may
2 be merged with funds in the applicable established ac-
3 counts and thereafter may be accounted for as one fund
4 for the same time period as originally enacted.

5 SEC. 302. Funds appropriated by this or any other
6 Act, or made available by the transfer of funds in this
7 Act, for intelligence activities are deemed to be specifically
8 authorized by the Congress for purposes of section 504
9 of the National Security Act of 1947 (50 U.S.C. 414) dur-
10 ing fiscal year 2014 until the enactment of the Intelligence
11 Authorization Act for fiscal year 2014.

12 SEC. 303. Not to exceed 5 percent, or \$100,000,000,
13 of any appropriation, whichever is less, made available for
14 Department of Energy activities funded in this Act or sub-
15 sequent Energy and Water Development and Related
16 Agencies Appropriations Acts may be transferred between
17 such appropriations, but no such appropriation, except as
18 otherwise provided, shall be increased or decreased by
19 more than 5 percent by any such transfers, and any such
20 proposed transfers shall be submitted promptly to the
21 Committees on Appropriations of the House and Senate.

22 SEC. 304. None of the funds made available in this
23 title shall be used for the construction of facilities classi-
24 fied as high-hazard nuclear facilities under 10 CFR Part
25 830 unless independent oversight is conducted by the Of-

1 fice of Health, Safety, and Security to ensure the project
2 is in compliance with nuclear safety requirements.

3 SEC. 305. None of the funds made available in this
4 title may be used to approve critical decision-2 or critical
5 decision-3 under Department of Energy Order 413.3B, or
6 any successive departmental guidance, for construction
7 projects where the total project cost exceeds
8 \$100,000,000, until a separate independent cost estimate
9 has been developed for the project for that critical deci-
10 sion.

11 SEC. 306. (a) Any determination (including a deter-
12 mination made prior to the date of enactment of this Act)
13 by the Secretary pursuant to section 3112(d)(2)(B) of the
14 USEC Privatization Act (110 Stat. 1321–335), as amend-
15 ed, shall be valid for not more than 2 calendar years sub-
16 sequent to such determination.

17 (b) Not less than 30 days prior to the provision of
18 uranium in any form the Secretary shall notify the House
19 and Senate Committees on Appropriations of the fol-
20 lowing:

- 21 (1) the amount of uranium to be provided;
- 22 (2) an estimate by the Secretary of the gross
23 fair market value of the uranium on the expected
24 date of the provision of the uranium;

1 (3) the expected date of the provision of the
2 uranium;

3 (4) the recipient of the uranium; and

4 (5) the value the Secretary expects to receive in
5 exchange for the uranium, including any adjust-
6 ments to the gross fair market value of the uranium.

7 (c) Not later than June 30, 2014, the Secretary shall
8 submit to the House and Senate Committees on Appro-
9 priations a revised excess uranium inventory management
10 plan for fiscal years 2015 through 2019.

11 SEC. 307. Section 20320 of the Continuing Appro-
12 priations Resolution, 2007, Public Law 109–289, division
13 B, as amended by the Revised Continuing Appropriations
14 Resolution, 2007, Public Law 110–5, is amended by strik-
15 ing in subsection (c) “an annual review” after “conduct”
16 and inserting in lieu thereof “a review every three years”.

17 SEC. 308. (a) IN GENERAL.—Subject to subsections
18 (b) through (d), the Secretary may appoint, without re-
19 gard to the provisions of chapter 33 of title 5, United
20 States Code, governing appointments in the competitive
21 service, exceptionally well qualified individuals to sci-
22 entific, engineering, or other critical technical positions.

23 (b) LIMITATIONS.—

1 (1) NUMBER OF POSITIONS.—The number of
2 critical positions authorized by subsection (a) may
3 not exceed 120 at any one time in the Department.

4 (2) TERM.—The term of an appointment under
5 subsection (a) may not exceed 4 years.

6 (3) PRIOR EMPLOYMENT.—An individual ap-
7 pointed under subsection (a) shall not have been a
8 Department employee during the 2-year period end-
9 ing on the date of appointment.

10 (4) PAY.—

11 (A) IN GENERAL.—The Secretary shall
12 have the authority to fix the basic pay of an in-
13 dividual appointed under subsection (a) at a
14 rate to be determined by the Secretary up to
15 level I of the Executive Schedule without regard
16 to the civil service laws.

17 (B) TOTAL ANNUAL COMPENSATION.—The
18 total annual compensation for any individual
19 appointed under subsection (a) may not exceed
20 the highest total annual compensation payable
21 at the rate determined under section 104 of
22 title 3, United States Code.

23 (5) ADVERSE ACTIONS.—An individual ap-
24 pointed under subsection (a) may not be considered

1 to be an employee for purposes of subchapter II of
2 chapter 75 of title 5, United States Code.

3 (c) REQUIREMENTS.—

4 (1) IN GENERAL.—The Secretary shall ensure
5 that—

6 (A) the exercise of the authority granted
7 under subsection (a) is consistent with the
8 merit principles of section 2301 of title 5,
9 United States Code; and

10 (B) the Department notifies diverse profes-
11 sional associations and institutions of higher
12 education, including those serving the interests
13 of women and racial or ethnic minorities that
14 are underrepresented in scientific, engineering,
15 and mathematical fields, of position openings as
16 appropriate.

17 (2) REPORT.—Not later than 2 years after the
18 date of enactment of this Act, the Secretary and the
19 Director of the Office of Personnel Management
20 shall submit to Congress a report on the use of the
21 authority provided under this section that includes,
22 at a minimum, a description or analysis of—

23 (A) the ability to attract exceptionally well
24 qualified scientists, engineers, and technical
25 personnel;

1 (B) the amount of total compensation paid
2 each employee hired under the authority each
3 calendar year; and

4 (C) whether additional safeguards or meas-
5 ures are necessary to carry out the authority
6 and, if so, what action, if any, has been taken
7 to implement the safeguards or measures.

8 (d) TERMINATION OF EFFECTIVENESS.—The au-
9 thority provided by this section terminates effective on the
10 date that is 4 years after the date of enactment of this
11 Act.

12 SEC. 309. (a) DEFINITIONS.—In this section:

13 (1) AFFECTED INDIAN TRIBE.—The term “af-
14 fected Indian tribe” has the meaning given the term
15 in section 2 of the Nuclear Waste Policy Act of 1982
16 (42 U.S.C. 10101).

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

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

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of Energy.

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

7 (b) PILOT PROGRAM.—Notwithstanding any provi-
8 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
9 10101 et seq.), the Secretary is authorized, in the current
10 fiscal year and subsequent fiscal years, to conduct a pilot
11 program, through 1 or more private sector partners, to
12 license, construct, and operate 1 or more government or
13 privately owned consolidated storage facilities to provide
14 interim storage as needed for spent nuclear fuel and high-
15 level radioactive waste, with priority for storage given to
16 spent nuclear fuel located on sites without an operating
17 nuclear reactor.

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

22 (1) to obtain any license necessary from the
23 Nuclear Regulatory Commission for the construction
24 of 1 or more consolidated storage facilities;

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

4 (3) to demonstrate the safe storage of spent nu-
5 clear fuel and high-level radioactive waste, as appli-
6 cable, at the 1 or more consolidated storage facilities
7 pending the construction and operation of deep geo-
8 logic disposal capacity for the permanent disposal of
9 the spent nuclear fuel.

10 (d) CONSENT-BASED APPROVAL.—Prior to siting a
11 consolidated storage facility pursuant to this section, the
12 Secretary shall enter into an agreement to host the facility
13 with—

14 (1) the Governor of the State;

15 (2) each unit of local government within the ju-
16 risdiction of which the facility is proposed to be lo-
17 cated; and

18 (3) each affected Indian tribe.

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

21 (1) all licensing requirements and regulations of
22 the Nuclear Regulatory Commission; and

23 (2) all other applicable laws (including regula-
24 tions).

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

6 (1) an estimate of the cost of licensing, con-
7 structing, and operating a consolidated storage facil-
8 ity, including the transportation costs, on an annual
9 basis, over the expected lifetime of the facility;

10 (2) a schedule for—

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

14 (B) constructing the facility;

15 (C) transporting spent fuel to the facility;

16 and

17 (D) removing the spent fuel and decom-
18 missioning the facility; and

19 (3) an estimate of the cost of any financial as-
20 sistance, compensation, or incentives proposed to be
21 paid to the host State, Indian tribe, or local govern-
22 ment;

23 (4) an estimate of any future reductions in the
24 damages expected to be paid by the United States
25 for the delay of the Department of Energy in accept-

1 ing spent fuel expected to result from the pilot pro-
2 gram;

3 (5) recommendations for any additional legisla-
4 tion needed to authorize and implement the pilot
5 program; and

6 (6) recommendations for a mechanism to en-
7 sure that any spent nuclear fuel or high-level radio-
8 active waste stored at a consolidated storage facility
9 pursuant to this section shall move to deep geologic
10 disposal capacity, following a consent-based approval
11 process for that deep geologic disposal capacity con-
12 sistent with subsection (d), within a reasonable time
13 after the issuance of a license to construct and oper-
14 ate the consolidated storage facility.

15 (g) PUBLIC PARTICIPATION.—Prior to choosing a
16 site for the construction of a consolidated storage facility
17 under this section, the Secretary shall conduct 1 or more
18 public hearings in the vicinity of each potential site and
19 in at least 1 other location within the State in which the
20 site is located to solicit public comments and recommenda-
21 tions.

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

1 SEC. 310. Section 804 of Public Law 110–140 (42
2 U.S.C. 17283) is hereby repealed.

3 SEC. 311. Section 205 of Public Law 95–91 (42
4 U.S.C. 7135), as amended, is hereby further amended:

5 (1) in paragraph (i)(1) by striking “once every
6 two years” and inserting “once every four years”;
7 and

8 (2) in paragraph (k)(1) by striking “once every
9 three years” and inserting “once every four years”.

10 SEC. 312. Notwithstanding any other provision of
11 law, the Department may use funds appropriated by this
12 title to carry out a study regarding the conversion to con-
13 tractor performance of any function performed by Federal
14 employees at the New Brunswick Laboratory, pursuant to
15 Office of Management and Budget Circular A–76 or any
16 other administrative regulation, directive, or policy.

17 SEC. 313. Of the amounts appropriated for non-de-
18 fense programs in this title, \$7,000,000 are hereby re-
19 duced to reflect savings from limiting foreign travel for
20 contractors working for the Department of Energy, con-
21 sistent with similar savings achieved for Federal employ-
22 ees. The Department shall allocate the reduction among
23 the non-security appropriations made in this title.

24 SEC. 314. Section 15(g) of Public Law 85–536 (15
25 U.S.C. 644), as amended, is hereby further amended by

1 inserting the following at the end: “(3) First tier sub-
2 contracts that are awarded by Management and Operating
3 contractors sponsored by the Department of Energy to
4 small business concerns, small businesses concerns owned
5 and controlled by service disabled veterans, qualified
6 HUBZone small business concerns, small business con-
7 cerns owned and controlled by socially and economically
8 disadvantaged individuals, and small business concerns
9 owned and controlled by women, shall be considered to-
10 ward the annually established agency and Government-
11 wide goals for procurement contracts awarded.”

12 SEC. 315. (a) ESTABLISHMENT.—There is estab-
13 lished an independent commission to be known as the
14 “Commission to Review the Effectiveness of the National
15 Energy Laboratories.” The National Energy Laboratories
16 refers to all Department of Energy national laboratories.

17 (b) MEMBERS.—

18 (1) The Commission shall be composed of nine
19 members who shall be appointed by the Secretary of
20 Energy not later than January 1, 2014 from among
21 persons nominated by the President’s Council of Ad-
22 visors on Science and Technology.

23 (2) The President’s Council of Advisors on
24 Science and Technology shall, not later than Novem-
25 ber 15, 2013, nominate not less than 18 persons for

1 appointment to the Commission from among persons
2 who meet qualification described in subparagraph
3 (3).

4 (3) Each person nominated for appointment to
5 the Board shall—

6 (A) be eminent in a field of science or en-
7 gineering; and/or

8 (B) have expertise in managing scientific
9 facilities; and

10 (C) have an established record of distin-
11 guished service.

12 (4) The membership of the Board shall be rep-
13 resentative of the broad range of scientific, engineer-
14 ing, financial, and managerial disciplines related to
15 activities under this title.

16 (5) No person shall be nominated for appoint-
17 ment to the Board who is an employee of—

18 (A) the Department of Energy;

19 (B) a national laboratory or site under
20 contract with the Department of Energy;

21 (C) a managing entity or parent company
22 for a national laboratory or site under contract
23 with the Department of Energy; or

1 (D) an entity performing scientific and en-
2 gineering activities under contract with the De-
3 partment of Energy.

4 (c) COMMISSION REVIEW AND RECOMMENDA-
5 TIONS.—

6 (1) The Commission shall, by no later than No-
7 vember 1, 2014, transmit to the Secretary of Energy
8 and the Appropriations Committees of the House
9 and Senate a report containing the Commission's
10 finding and conclusions.

11 (2) The Commission shall address whether the
12 Department of Energy's national laboratories—

13 (A) are properly aligned with the Depart-
14 ment's strategic priorities;

15 (B) have clear, well understood, and prop-
16 erly balanced missions that are not unneces-
17 sarily redundant and duplicative;

18 (C) have unique capabilities that have suf-
19 ficiently evolved to meet current and future en-
20 ergy and national security challenges;

21 (D) are appropriately sized to meet the
22 Department's energy and national security mis-
23 sions; and

1 (E) are appropriately supporting other
2 Federal agencies and the extent to which it ben-
3 efits DOE missions.

4 (3) The Commission shall also determine
5 whether there are opportunities to more effectively
6 and efficiently use the capabilities of the national
7 laboratories, including consolidation and realign-
8 ment, reducing overhead costs, reevaluating govern-
9 ance models using industrial and academic bench-
10 marks for comparison, and assessing the impact of
11 DOE's oversight and management approach. In its
12 evaluation, the Commission should also consider the
13 cost and effectiveness of using other research, devel-
14 opment, and technology centers and universities as
15 an alternative to meeting DOE's energy and na-
16 tional security goals.

17 (d) RESPONSE BY THE SECRETARY OF ENERGY.—

18 (1) The Secretary of Energy shall, by no later
19 than February 1, 2015, transmit to Appropriations
20 Committees of the House and Senate a report con-
21 taining the Secretary's approval or disapproval of
22 the Commission's recommendations and an imple-
23 mentation plan for approved recommendations.

24 SEC. 316. The Committee on Appropriations of the
25 United States Senate shall receive a 30-day advance noti-

1 fication with a detailed explanation of any waiver or ad-
2 justment made by the National Nuclear Security Adminis-
3 tration's Fee Determining Official to at-risk award fees
4 for Management and Operating contractors that result in
5 award term extensions.

6 TITLE IV

7 INDEPENDENT AGENCIES

8 APPALACHIAN REGIONAL COMMISSION

9 For expenses necessary to carry out the programs au-
10 thorized by the Appalachian Regional Development Act of
11 1965, as amended, notwithstanding 40 U.S.C. 14704, and
12 for necessary expenses for the Federal Co-Chairman and
13 the Alternate on the Appalachian Regional Commission,
14 for payment of the Federal share of the administrative ex-
15 penses of the Commission, including services as authorized
16 by 5 U.S.C. 3109, and hire of passenger motor vehicles,
17 \$68,200,000, to remain available until expended.

18 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

19 SALARIES AND EXPENSES

20 For necessary expenses of the Defense Nuclear Fa-
21 cilities Safety Board in carrying out activities authorized
22 by the Atomic Energy Act of 1954, as amended by Public
23 Law 100-456, section 1441, \$29,915,000, to remain
24 available until September 30, 2015.

1 DELTA REGIONAL AUTHORITY

2 SALARIES AND EXPENSES

3 For necessary expenses of the Delta Regional Author-
4 ity and to carry out its activities, as authorized by the
5 Delta Regional Authority Act of 2000, as amended, not-
6 withstanding sections 382C(b)(2), 382F(d), 382M, and
7 382N of said Act, \$12,000,000, to remain available until
8 expended.

9 DENALI COMMISSION

10 For expenses of the Denali Commission including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment as necessary and other expenses,
13 \$10,000,000, to remain available until expended, notwith-
14 standing the limitations contained in section 306(g) of the
15 Denali Commission Act of 1998: *Provided*, That funds
16 shall be available for construction projects in an amount
17 not to exceed 80 percent of total project cost for distressed
18 communities, as defined by section 307 of the Denali Com-
19 mission Act of 1998 (division C, title III, Public Law 105-
20 277), as amended by section 701 of appendix D, title VII,
21 Public Law 106-113 (113 Stat. 1501A-280), and an
22 amount not to exceed 50 percent for non-distressed com-
23 munities.

1 NORTHERN BORDER REGIONAL COMMISSION

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

9 NUCLEAR REGULATORY COMMISSION

10 SALARIES AND EXPENSES

11 For necessary expenses of the Commission in car-
12 rying out the purposes of the Energy Reorganization Act
13 of 1974, as amended, and the Atomic Energy Act of 1954,
14 as amended, including official representation expenses
15 (not to exceed \$25,000), \$1,043,937,000, to remain avail-
16 able until expended: *Provided*, That revenues from licens-
17 ing fees, inspection services, and other services and collec-
18 tions estimated at \$920,721,000 in fiscal year 2014 shall
19 be retained and used for necessary salaries and expenses
20 in this account, notwithstanding 31 U.S.C. 3302, and
21 shall remain available until expended: *Provided further*,
22 That the sum herein appropriated shall be reduced by the
23 amount of revenues received during fiscal year 2014 so
24 as to result in a final fiscal year 2014 appropriation esti-
25 mated at not more than \$123,216,000.

1 OFFICE OF INSPECTOR GENERAL

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

16 NUCLEAR WASTE TECHNICAL REVIEW BOARD

17 SALARIES AND EXPENSES

18 For necessary expenses of the Nuclear Waste Tech-
19 nical Review Board, as authorized by Public Law 100-
20 203, section 5051, \$3,400,000 to be derived from the Nu-
21 clear Waste Fund, and to remain available until expended.

22 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

23 NATURAL GAS TRANSPORTATION PROJECTS

24 For necessary expenses for the Office of the Federal
25 Coordinator for Alaska Natural Gas Transportation

1 Projects pursuant to the Alaska Natural Gas Pipeline Act
2 of 2004, \$1,000,000, to remain available until expended:
3 *Provided*, That any fees, charges, or commissions received
4 pursuant to section 802 of Public Law 110–140 in fiscal
5 year 2014 in excess of \$2,402,000 shall not be available
6 for obligation until appropriated in a subsequent Act of
7 Congress.

8 GENERAL PROVISION—INDEPENDENT

9 AGENCIES

10 SEC. 401. Notwithstanding the limitations contained
11 in section 306(g) of the Denali Commission Act of 1998,
12 the Denali Commission may use amounts transferred pur-
13 suant to section 329 of the Department of Transportation
14 and Related Agencies Appropriations Act, 1999, for ad-
15 ministrative expenses.

16 TITLE V

17 GENERAL PROVISIONS

18 SEC. 501. None of the funds appropriated by this Act
19 may be used in any way, directly or indirectly, to influence
20 congressional action on any legislation or appropriation
21 matters pending before Congress, other than to commu-
22 nicate to Members of Congress as described in 18 U.S.C.
23 1913.

24 SEC. 502. None of the funds made available in this
25 Act may be transferred to any department, agency, or in-

1 strumentality of the United States Government, except
2 pursuant to a transfer made by, or transfer authority pro-
3 vided in this Act or any other appropriation Act.

4 SEC. 503. (a) The head of any executive branch de-
5 partment, agency, board, commission, or office funded by
6 this Act shall submit annual reports to the Inspector Gen-
7 eral or senior ethics official for any entity without an In-
8 spector General, regarding the costs and contracting pro-
9 cedures related to each conference held by any such de-
10 partment, agency, board, commission, or office during fis-
11 cal year 2014 for which the cost to the United States Gov-
12 ernment was more than \$100,000.

13 (b) Each report submitted shall include, for each con-
14 ference described in subsection (a) held during the applica-
15 ble period—

16 (1) a description of its purpose;

17 (2) the number of participants attending;

18 (3) a detailed statement of the costs to the
19 United States Government, including—

20 (A) the cost of any food or beverages;

21 (B) the cost of any audio-visual services;

22 (C) the cost of employee or contractor
23 travel to and from the conference; and

1 (D) a discussion of the methodology used
2 to determine which costs relate to the con-
3 ference; and

4 (4) a description of the contracting procedures
5 used including—

6 (A) whether contracts were awarded on a
7 competitive basis; and

8 (B) a discussion of any cost comparison
9 conducted by the departmental component or
10 office in evaluating potential contractors for the
11 conference.

12 (c) Within 15 days of the date of a conference held
13 by any executive branch department, agency, board, com-
14 mission, or office funded by this Act during fiscal year
15 2014 for which the cost to the United States Government
16 was more than \$20,000, the head of any such department,
17 agency, board, commission, or office shall notify the In-
18 spector General or senior ethics official for any entity
19 without an Inspector General, of the date, location, and
20 number of employees attending such conference.

21 (d) A grant or contract funded by amounts appro-
22 priated by this Act to an executive branch agency may
23 not be used for the purpose of defraying the costs of a
24 conference described in subsection (c) that is not directly
25 and programmatically related to the purpose for which the

1 grant or contract was awarded, such as a conference held
2 in connection with planning, training, assessment, review,
3 or other routine purposes related to a project funded by
4 the grant or contract.

5 (e) None of the funds made available in this Act may
6 be used for travel and conference activities that are not
7 in compliance with Office of Management and Budget
8 Memorandum M-12-12 dated May 11, 2012.

9 This Act may be cited as the “Energy and Water De-
10 velopment and Related Agencies Appropriations Act,
11 2014”.

Calendar No. 101

113TH CONGRESS
1ST Session

S. 1245

[Report No. 113-47]

A BILL

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

JUNE 27, 2013

Read twice and placed on the calendar