

Calendar No. 134

113TH CONGRESS
1ST SESSION

H. R. 2609

IN THE SENATE OF THE UNITED STATES

JULY 16 (legislative day, JULY 15), 2013
Received; read twice and placed on the calendar

AN ACT

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—CORPS OF ENGINEERS—CIVIL
2 DEPARTMENT OF THE ARMY
3 CORPS OF ENGINEERS—CIVIL

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

10 INVESTIGATIONS

11 For expenses necessary where authorized by law for
12 the collection and study of basic information pertaining
13 to river and harbor, flood and storm damage reduction,
14 shore protection, aquatic ecosystem restoration, and re-
15 lated needs; for surveys and detailed studies, and plans
16 and specifications of proposed river and harbor, flood and
17 storm damage reduction, shore protection, and aquatic
18 ecosystem restoration, projects and related efforts prior to
19 construction; for restudy of authorized projects; and for
20 miscellaneous investigations, and, when authorized by law,
21 surveys and detailed studies, and plans and specifications
22 of projects prior to construction, \$90,000,000, to remain
23 available until expended.

1 CONSTRUCTION

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), \$1,343,000,000, 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.

21 MISSISSIPPI RIVER AND TRIBUTARIES

22 For expenses necessary for flood damage reduction
23 projects and related efforts in the Mississippi River allu-
24 vial valley below Cape Girardeau, Missouri, as authorized
25 by law, \$249,000,000, to remain available until expended,

1 of which such sums as are necessary to cover the Federal
2 share of eligible operation and maintenance costs for in-
3 land harbors shall be derived from the Harbor Mainte-
4 nance Trust Fund.

5 OPERATION AND MAINTENANCE

6 For expenses necessary for the operation, mainte-
7 nance, and care of existing river and harbor, flood and
8 storm damage reduction, aquatic ecosystem restoration,
9 and related projects authorized by law; providing security
10 for infrastructure owned or operated by the Corps, includ-
11 ing administrative buildings and laboratories; maintaining
12 harbor channels provided by a State, municipality, or
13 other public agency that serve essential navigation needs
14 of general commerce, where authorized by law; surveying
15 and charting northern and northwestern lakes and con-
16 necting waters; clearing and straightening channels; and
17 removing obstructions to navigation, \$2,682,000,000, to
18 remain available until expended, of which such sums as
19 are necessary to cover the Federal share of eligible oper-
20 ation and maintenance costs for coastal harbors and chan-
21 nels, and for inland harbors shall be derived from the Har-
22 bor Maintenance Trust Fund; of which such sums as be-
23 come available from the special account for the Corps of
24 Engineers established by the Land and Water Conserva-
25 tion Fund Act of 1965 shall be derived from that account

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

20 REGULATORY PROGRAM

21 For expenses necessary for administration of laws
22 pertaining to regulation of navigable waters and wetlands,
23 \$193,000,000, to remain available until September 30,
24 2015.

1 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

2 For expenses necessary to clean up contamination
3 from sites in the United States resulting from work per-
4 formed as part of the Nation's early atomic energy pro-
5 gram, \$104,000,000, to remain available until expended.

6 FLOOD CONTROL AND COASTAL EMERGENCIES

7 For expenses necessary to prepare for flood, hurri-
8 cane, and other natural disasters and support emergency
9 operations, repairs, and other activities in response to
10 such disasters as authorized by law, \$28,000,000, to re-
11 main available until expended.

12 EXPENSES

13 For expenses necessary for the supervision and gen-
14 eral administration of the civil works program in the head-
15 quarters of the Corps of Engineers and the offices of the
16 Division Engineers; and for costs of management and op-
17 eration of the Humphreys Engineer Center Support Activ-
18 ity, the Institute for Water Resources, the United States
19 Army Engineer Research and Development Center, and
20 the United States Army Corps of Engineers Finance Cen-
21 ter allocable to the civil works program, \$182,000,000, to
22 remain available until September 30, 2015, of which not
23 to exceed \$5,000 may be used for official reception and
24 representation purposes and only during the current fiscal
25 year: *Provided*, That no part of any other appropriation

1 provided in this title shall be available to fund the civil
2 works activities of the Office of the Chief of Engineers
3 or the civil works executive direction and management ac-
4 tivities of the division offices: *Provided further*, That any
5 Flood Control and Coastal Emergencies appropriation
6 may be used to fund the supervision and general adminis-
7 tration of emergency operations, repairs, and other activi-
8 ties in response to any flood, hurricane, or other natural
9 disaster.

10 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
11 FOR CIVIL WORKS

12 For the Office of the Assistant Secretary of the Army
13 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
14 \$5,000,000, to remain available until September 30, 2015.

15 ADMINISTRATIVE PROVISION

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

20 GENERAL PROVISIONS, CORPS OF
21 ENGINEERS—CIVIL

22 (INCLUDING TRANSFER OF FUNDS)

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

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

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

4 (3) increases funds or personnel for any pro-
5 gram, project, or activity for which funds are denied
6 or restricted by this Act;

7 (4) reduces funds that are directed to be used
8 for a specific program, project, or activity by this
9 Act;

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

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

16 (b) Subsection (a)(1) shall not apply to any project
17 or activity authorized under section 205 of the Flood Con-
18 trol Act of 1948, section 14 of the Flood Control Act of
19 1946, section 208 of the Flood Control Act of 1954, sec-
20 tion 107 of the River and Harbor Act of 1960, section
21 103 of the River and Harbor Act of 1962, section 111
22 of the River and Harbor Act of 1968, section 1135 of the
23 Water Resources Development Act of 1986, section 206
24 of the Water Resources Development Act of 1996, or sec-

1 tion 204 of the Water Resources Development Act of
2 1992.

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

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

17 SEC. 103. None of the funds in this Act, or previous
18 Acts, making funds available for Energy and Water Devel-
19 opment, shall be used to award any continuing contract
20 that commits additional funding from the Inland Water-
21 ways Trust Fund unless or until such time that a long-
22 term mechanism to enhance revenues in this Fund suffi-
23 cient to meet the cost-sharing authorized in the Water Re-
24 sources Development Act of 1986 (Public Law 99–662)
25 is enacted.

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

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

17 SEC. 106. As of the date of enactment of this Act
18 and each fiscal year hereafter, the Secretary of the Army
19 may transfer to the Fish and Wildlife Service, and the
20 Fish and Wildlife Service may accept and expend, such
21 funds as the Secretary and the Director of the Fish and
22 Wildlife Service determine to be necessary to mitigate for
23 fisheries lost due to Corps of Engineers projects, except
24 that in no event may the amount of funds transferred pur-
25 suant to this section during any fiscal year exceed the

1 amount identified for such purpose in the report accom-
2 panying the appropriations for that fiscal year.

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

15 SEC. 108. Section 3(a)(6) of the Water Resources
16 Development Act of 1988 (Public Law 100–676; 102 Stat.
17 4013) is amended by striking “\$775,000,000” each place
18 it appears and inserting “\$2,918,000,000”.

19 SEC. 109. (a) Section 1001(17)(A) of the Water Re-
20 sources Development Act of 2007 (Public Law 110–114;
21 121 Stat. 1052) is amended—

22 (1) by striking “\$125,270,000” and inserting
23 “\$152,510,000”;

24 (2) by striking “\$75,140,000” and inserting
25 “\$92,007,000”; and

1 (3) by striking “\$50,130,000” and inserting
2 “\$60,503,000”.

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

5 SEC. 110. The authorization under the heading “Lit-
6 tle Calumet River Basin (Cady Marsh Ditch), Indiana”,
7 in section 401(a) of the Water Resources Development Act
8 of 1986 (Public Law 99–662; 100 Stat. 4115), as modi-
9 fied by section 127 of Public Law 109–103 (119 Stat.
10 2259), is further modified to authorize completion of the
11 project at a total cost of \$269,988,000 with an estimated
12 Federal cost of \$202,800,000 and an estimated non-Fed-
13 eral cost of \$67,188,000.

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

19 SEC. 112. None of the funds made available in this
20 or any other Act making appropriations for Energy and
21 Water Development for any fiscal year may be used by
22 the Corps of Engineers to develop, adopt, implement, ad-
23 minister, or enforce any change to the regulations in effect
24 on October 1, 2012, pertaining to the definitions of the
25 terms “fill material” or “discharge of fill material” for the

1 purposes of the Federal Water Pollution Control Act (33
2 U.S.C. 1251 et seq.).

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

15 TITLE II—DEPARTMENT OF THE INTERIOR

16 CENTRAL UTAH PROJECT

17 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

18 For carrying out activities authorized by the Central
19 Utah Project Completion Act, \$7,425,000, to remain
20 available until expended, of which \$1,000,000 shall be de-
21 posited into the Utah Reclamation Mitigation and Con-
22 servation Account for use by the Utah Reclamation Miti-
23 gation and Conservation Commission. In addition, for nec-
24 essary expenses incurred in carrying out related respon-

1 sibilities of the Secretary of the Interior, \$1,300,000, to
2 remain available until September 30, 2015.

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

6 BUREAU OF RECLAMATION

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

10 WATER AND RELATED RESOURCES

11 (INCLUDING TRANSFERS OF FUNDS)

12 For management, development, and restoration of
13 water and related natural resources and for related activi-
14 ties, including the operation, maintenance, and rehabilita-
15 tion of reclamation and other facilities, participation in
16 fulfilling related Federal responsibilities to Native Ameri-
17 cans, and related grants to, and cooperative and other
18 agreements with, State and local governments, federally
19 recognized Indian tribes, and others, \$812,744,000 (in-
20 creased by \$25,000,000), to remain available until ex-
21 pended, of which \$28,000 shall be available for transfer
22 to the Upper Colorado River Basin Fund and \$8,401,000
23 shall be available for transfer to the Lower Colorado River
24 Basin Development Fund; of which such amounts as may
25 be necessary may be advanced to the Colorado River Dam

1 Fund: *Provided*, That such transfers may be increased or
2 decreased within the overall appropriation under this
3 heading: *Provided further*, That of the total appropriated,
4 the amount for program activities that can be financed
5 by the Reclamation Fund or the Bureau of Reclamation
6 special fee account established by 16 U.S.C. 6806 shall
7 be derived from that Fund or account: *Provided further*,
8 That funds contributed under 43 U.S.C. 395 are available
9 until expended for the purposes for which the funds were
10 contributed: *Provided further*, That funds advanced under
11 43 U.S.C. 397a shall be credited to this account and are
12 available until expended for the same purposes as the
13 sums appropriated under this heading: *Provided further*,
14 That of the amounts provided herein, funds may be used
15 for high priority projects which shall be carried out by the
16 Youth Conservation Corps, as authorized by 16 U.S.C.
17 1706.

18 CENTRAL VALLEY PROJECT RESTORATION FUND

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

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

9 CALIFORNIA BAY-DELTA RESTORATION
10 (INCLUDING TRANSFERS OF FUNDS)

11 For carrying out activities authorized by the Water
12 Supply, Reliability, and Environmental Improvement Act,
13 consistent with plans to be approved by the Secretary of
14 the Interior, \$30,000,000, to remain available until ex-
15 pended, of which such amounts as may be necessary to
16 carry out such activities may be transferred to appropriate
17 accounts of other participating Federal agencies to carry
18 out authorized purposes: *Provided*, That funds appro-
19 priated herein may be used for the Federal share of the
20 costs of CALFED Program management: *Provided fur-*
21 *ther*, That CALFED implementation shall be carried out
22 in a balanced manner with clear performance measures
23 demonstrating concurrent progress in achieving the goals
24 and objectives of the Program.

1 POLICY AND ADMINISTRATION

2 For necessary expenses of policy, administration, and
3 related functions in the Office of the Commissioner, the
4 Denver office, and offices in the five regions of the Bureau
5 of Reclamation, to remain available until September 30,
6 2015, \$60,000,000, to be derived from the Reclamation
7 Fund and be nonreimbursable as provided in 43 U.S.C.
8 377: *Provided*, That no part of any other appropriation
9 in this Act shall be available for activities or functions
10 budgeted as policy and administration expenses.

11 ADMINISTRATIVE PROVISION

12 Appropriations for the Bureau of Reclamation shall
13 be available for purchase of not to exceed five passenger
14 motor vehicles, which are for replacement only.

15 GENERAL PROVISIONS, DEPARTMENT OF THE
16 INTERIOR

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

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

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

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

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

6 (5) transfers funds in excess of the following
7 limits:

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

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

14 (6) transfers more than \$500,000 from either
15 the Facilities Operation, Maintenance, and Rehabili-
16 tation category or the Resources Management and
17 Development category to any program, project, or
18 activity in the other category; or

19 (7) transfers, when necessary to discharge legal
20 obligations of the Bureau of Reclamation, more than
21 \$5,000,000 to provide adequate funds for settled
22 contractor claims, increased contractor earnings due
23 to accelerated rates of operations, and real estate de-
24 ficiency judgments.

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-Alternative
3 Repayment Plan” and the “SJVDP-Alternative
4 Repayment Plan” described in the report entitled “Repayment
5 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 service
10 or drainage studies for the San Luis Unit shall be fully
11 reimbursable by San Luis Unit beneficiaries of such service
12 or studies pursuant to Federal reclamation law.

13 SEC. 203. Notwithstanding any other provision of
14 law, until the pipeline reliability study required in the Consolidated
15 Appropriations Act, 2012, is completed, and any
16 necessary changes are made to Technical Memorandum
17 No. 8140-CC-2004-1, the Bureau of Reclamation shall
18 not deny approval, funding, or assistance to any project,
19 nor disqualify any material from use, based, in whole or
20 in part, on the corrosion control used, if the corrosion control
21 meets the requirements of a published national or
22 international standard promulgated by the American
23 Water Works Association (“AWWA”), ASTM International,
24 the American National Standards Institute (“ANSI”), NACE
25 International (“NACE”) or the Amer-

1 ican Society for Testing and Materials (“ASTM”). The
2 Bureau shall allow any project initiated during the study
3 to use any corrosion control meeting the above standards.

4 TITLE III—DEPARTMENT OF ENERGY

5 ENERGY PROGRAMS

6 RENEWABLE ENERGY, ENERGY RELIABILITY, AND

7 EFFICIENCY

8 For Department of Energy expenses including the
9 purchase, construction, and acquisition of plant and cap-
10 ital equipment, and other expenses necessary for energy
11 efficiency and renewable energy activities, and electricity
12 delivery and energy reliability activities, in carrying out
13 the purposes of the Department of Energy Organization
14 Act (42 U.S.C. 7101 et seq.), including the acquisition or
15 condemnation of any real property or any facility or for
16 plant or facility acquisition, construction, or expansion,
17 \$982,637,000 (reduced by \$15,000,000) (reduced by
18 \$9,518,000), to remain available until expended: *Provided*,
19 That of the amount provided under this heading,
20 \$76,926,000 shall be available until September 30, 2015,
21 for program direction.

22 NUCLEAR ENERGY

23 (INCLUDING TRANSFER OF FUNDS)

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

1 ital equipment, and other expenses necessary for nuclear
2 energy activities in carrying out the purposes of the De-
3 partment of Energy Organization Act (42 U.S.C. 7101 et
4 seq.), including the acquisition or condemnation of any
5 real property or any facility or for plant or facility acquisi-
6 tion, construction, or expansion, and the purchase of not
7 more than 10 buses and 2 ambulances, all for replacement
8 only, \$656,389,000, to remain available until expended,
9 of which such sums as may be necessary shall be derived
10 from the Nuclear Waste Fund, to be made available only
11 to support the high-level waste geological repository at
12 Yucca Mountain: *Provided*, That of the amount provided
13 under this heading, \$87,500,000 shall be available until
14 September 30, 2015, for program direction: *Provided fur-*
15 *ther*, That of the amount provided under this heading,
16 \$5,000,000 shall be made available to affected units of
17 local government, as defined in section 2(31) of the Nu-
18 clear Waste Policy Act of 1982 (42 U.S.C. 10101(31)),
19 to support the Yucca Mountain high-level waste geological
20 repository, as authorized by such Act: *Provided further*,
21 That funds derived from the Nuclear Waste Fund may
22 be transferred to “Independent Agencies—Nuclear Regu-
23 latory Commission—Salaries and Expenses” to support
24 the Yucca Mountain high-level waste geological repository
25 license application.

1 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

2 For necessary expenses in carrying out fossil energy
3 research and development activities, under the authority
4 of the Department of Energy Organization Act (Public
5 Law 95–91), including the acquisition of interest, includ-
6 ing defeasible and equitable interests in any real property
7 or any facility or for plant or facility acquisition or expan-
8 sion, and for conducting inquiries, technological investiga-
9 tions and research concerning the extraction, processing,
10 use, and disposal of mineral substances without objection-
11 able social and environmental costs (30 U.S.C. 3, 1602,
12 and 1603), \$450,000,000, to remain available until ex-
13 pended: *Provided*, That \$115,753,000 shall be available
14 until September 30, 2015, for program direction: *Provided*
15 *further*, That for all programs funded under Fossil Energy
16 appropriations in this Act or any other Act, the Secretary
17 may vest fee title or other property interests acquired
18 under projects in any entity, including the United States.

19 NAVAL PETROLEUM AND OIL SHALE RESERVES

20 For expenses necessary to carry out naval petroleum
21 and oil shale reserve activities, \$14,909,000, to remain
22 available until expended: *Provided*, That, notwithstanding
23 any other provision of law, unobligated funds remaining
24 from prior years shall be available for all naval petroleum
25 and oil shale reserve activities.

1 STRATEGIC PETROLEUM RESERVE

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

7 NORTHEAST HOME HEATING OIL RESERVE

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

13 ENERGY INFORMATION ADMINISTRATION

14 For necessary expenses in carrying out the activities
15 of the Energy Information Administration, \$100,000,000,
16 to remain available until expended.

17 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

1 \$194,000,000 (increased by \$18,956,000), to remain
2 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, \$545,000,000, 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 \$4,653,000,000, to remain available until expended: *Pro-*

1 mated amount of cost of work for others notwithstanding
2 the provisions of the Anti-Deficiency Act (31 U.S.C. 1511
3 et seq.): *Provided*, That such increases in cost of work are
4 offset by revenue increases of the same or greater amount:
5 *Provided further*, That moneys received by the Department
6 for miscellaneous revenues estimated to total
7 \$108,188,000 in fiscal year 2014 may be retained and
8 used for operating expenses within this account, as au-
9 thorized by section 201 of Public Law 95–238, notwith-
10 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
11 *ther*, That the sum herein appropriated shall be reduced
12 as collections are received during the fiscal year so as to
13 result in a final fiscal year 2014 appropriation from the
14 general fund estimated at not more than \$79,675,000.

15 OFFICE OF THE INSPECTOR GENERAL

16 For necessary expenses of the Office of the Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$42,000,000, to remain available
19 until September 30, 2015.

20 ATOMIC ENERGY DEFENSE ACTIVITIES

21 NATIONAL NUCLEAR SECURITY

22 ADMINISTRATION

23 WEAPONS ACTIVITIES

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

1 ital equipment and other incidental expenses necessary for
2 atomic energy defense weapons activities in carrying out
3 the purposes of the Department of Energy Organization
4 Act (42 U.S.C. 7101 et seq.), including the acquisition or
5 condemnation of any real property or any facility or for
6 plant or facility acquisition, construction, or expansion,
7 and the purchase of not to exceed one ambulance,
8 \$7,675,000,000, to remain available until expended.

9 DEFENSE NUCLEAR NONPROLIFERATION

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other incidental expenses necessary for
13 defense nuclear nonproliferation activities, in carrying out
14 the purposes of the Department of Energy Organization
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or
16 condemnation of any real property or any facility or for
17 plant or facility acquisition, construction, or expansion,
18 \$2,100,000,000, to remain available until expended: *Pro-*
19 *vided*, That the Secretary of Energy may make available
20 from funds provided under this heading in this Act not
21 more than \$48,000,000 for the purpose of carrying out
22 domestic uranium enrichment research, development, and
23 demonstration activities.

1 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
2 sition or condemnation of any real property or any facility
3 or for plant or facility acquisition, construction, or expan-
4 sion, and the purchase of not to exceed one sport utility
5 vehicle, three lube trucks, and one fire truck for replace-
6 ment only, \$4,750,000,000 (increased by \$22,586,500), to
7 remain available until expended: *Provided*, That
8 \$280,784,000 shall be available until September 30, 2015,
9 for program direction.

10 **OTHER DEFENSE ACTIVITIES**

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 atomic
14 energy defense, other defense activities, and classified ac-
15 tivities, in carrying out the purposes of the Department
16 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
17 cluding the acquisition or condemnation of any real prop-
18 erty or any facility or for plant or facility acquisition, con-
19 struction, or expansion, \$830,000,000, to remain available
20 until expended: *Provided*, That of such amount,
21 \$122,734,000 shall be available until September 30, 2015
22 for program direction.

1 POWER MARKETING ADMINISTRATION

2 BONNEVILLE POWER ADMINISTRATION FUND

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

19 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
20 ADMINISTRATION

21 For necessary expenses of operation and maintenance
22 of power transmission facilities and of marketing electric
23 power and energy, including transmission wheeling and
24 ancillary services, pursuant to section 5 of the Flood Con-
25 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-

1 eastern power area, and including official reception and
2 representation expenses in an amount not to exceed
3 \$1,500, \$7,750,000, to remain available until expended:
4 *Provided*, That notwithstanding 31 U.S.C. 3302 and sec-
5 tion 5 of the Flood Control Act of 1944, up to \$7,750,000
6 collected by the Southeastern Power Administration from
7 the sale of power and related services shall be credited to
8 this account as discretionary offsetting collections, to re-
9 main available until expended for the sole purpose of fund-
10 ing the annual expenses of the Southeastern Power Ad-
11 ministration: *Provided further*, That the sum herein appro-
12 priated for annual expenses shall be reduced as collections
13 are received during the fiscal year so as to result in a final
14 fiscal year 2014 appropriation estimated at not more than
15 \$0: *Provided further*, That, notwithstanding 31 U.S.C.
16 3302, up to \$78,081,000 collected by the Southeastern
17 Power Administration pursuant to the Flood Control Act
18 of 1944 to recover purchase power and wheeling expenses
19 shall be credited to this account as offsetting collections,
20 to remain available until expended for the sole purpose
21 of making purchase power and wheeling expenditures:
22 *Provided further*, That for purposes of this appropriation,
23 annual expenses means expenditures that are generally re-
24 covered in the same year that they are incurred (excluding
25 purchase power and wheeling expenses).

1 western Power Administration pursuant to the Flood Con-
2 trol Act of 1944 to recover purchase power and wheeling
3 expenses shall be credited to this account as offsetting col-
4 lections, to remain available until expended for the sole
5 purpose of making purchase power and wheeling expendi-
6 tures: *Provided further*, That, for purposes of this appro-
7 priation, annual expenses means expenditures that are
8 generally recovered in the same year that they are in-
9 curred (excluding purchase power and wheeling expenses).

10 CONSTRUCTION, REHABILITATION, OPERATION AND
11 MAINTENANCE, WESTERN AREA POWER ADMINIS-
12 TRATION

13 For carrying out the functions authorized by title III,
14 section 302(a)(1)(E) of the Act of August 4, 1977 (42
15 U.S.C. 7152), and other related activities including con-
16 servation and renewable resources programs as author-
17 ized, including official reception and representation ex-
18 penses in an amount not to exceed \$1,500; \$299,919,000,
19 to remain available until expended, of which \$292,019,000
20 shall be derived from the Department of the Interior Rec-
21 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
22 3302, section 5 of the Flood Control Act of 1944 (16
23 U.S.C. 825s), and section 1 of the Interior Department
24 Appropriation Act, 1939 (43 U.S.C. 392a), up to
25 \$203,989,000 collected by the Western Area Power Ad-

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

1 FALCON AND AMISTAD OPERATING AND MAINTENANCE
2 FUND

3 For operation, maintenance, and emergency costs for
4 the hydroelectric facilities at the Falcon and Amistad
5 Dams, \$5,330,671, to remain available until expended,
6 and to be derived from the Falcon and Amistad Operating
7 and Maintenance Fund of the Western Area Power Ad-
8 ministration, as provided in section 2 of the Act of June
9 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding
10 the provisions of that Act and of 31 U.S.C. 3302, up to
11 \$4,910,671 collected by the Western Area Power Adminis-
12 tration from the sale of power and related services from
13 the Falcon and Amistad Dams shall be credited to this
14 account as discretionary offsetting collections, to remain
15 available until expended for the sole purpose of funding
16 the annual expenses of the hydroelectric facilities of these
17 Dams and associated Western Area Power Administration
18 activities: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2014 appropriation estimated at not more than
22 \$420,000: *Provided further*, That for purposes of this ap-
23 propriation, annual expenses means expenditures that are
24 generally recovered in the same year that they are in-
25 curred: *Provided further*, That for fiscal year 2014, the

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

17 FEDERAL ENERGY REGULATORY COMMISSION

18 SALARIES AND EXPENSES

19 For necessary expenses of the Federal Energy Regu-
20 latory Commission to carry out the provisions of the De-
21 partment of Energy Organization Act (42 U.S.C. 7101 et
22 seq.), including services as authorized by 5 U.S.C. 3109,
23 the hire of passenger motor vehicles, and official reception
24 and representation expenses not to exceed \$3,000,
25 \$304,600,000, to remain available until expended: *Pro-*

1 vance, none of the funds made available in this title may
2 be used to—

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

5 (B) make a discretionary contract award or
6 Other Transaction Agreement totaling in excess of
7 \$1,000,000, including a contract covered by the
8 Federal Acquisition Regulation;

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

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

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

21 (3) The notification required by paragraph (1) and
22 the report required by paragraph (2) shall include the re-
23 cipient of the award, the amount of the award, the fiscal
24 year for which the funds for the award were appropriated,
25 the account and program, project, or activity from which

1 the funds are being drawn, the title of the award, and
2 a brief description of the activity for which the award is
3 made.

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

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

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

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

1 “Title III—Department of Energy” in the report of the
2 Committee on Appropriations accompanying this Act.

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

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

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

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

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

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

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

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

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

19 SEC. 303. Funds appropriated by this or any other
20 Act, or made available by the transfer of funds in this
21 Act, for intelligence activities are deemed to be specifically
22 authorized by the Congress for purposes of section 504
23 of the National Security Act of 1947 (50 U.S.C. 414) dur-
24 ing fiscal year 2014 until the enactment of the Intelligence
25 Authorization Act for fiscal year 2014.

1 SEC. 304. None of the funds made available in this
2 title shall be used for the construction of facilities classi-
3 fied as high-hazard nuclear facilities under 10 CFR Part
4 830 unless independent oversight is conducted by the Of-
5 fice of Health, Safety, and Security to ensure the project
6 is in compliance with nuclear safety requirements.

7 SEC. 305. None of the funds made available in this
8 title may be used to approve critical decision-2 or critical
9 decision-3 under Department of Energy Order 413.3B, or
10 any successive departmental guidance, for construction
11 projects where the total project cost exceeds
12 \$100,000,000, until a separate independent cost estimate
13 has been developed for the project for that critical deci-
14 sion.

15 SEC. 306. Section 20320 of the Continuing Appro-
16 priations Resolution, 2007, Public Law 109–289, division
17 B, as amended by the Revised Continuing Appropriations
18 Resolution, 2007, Public Law 110–5, is amended by strik-
19 ing in subsection (c) “an annual review” after “conduct”
20 and inserting in lieu thereof “a review every three years”.

21 SEC. 307. None of the funds made available by this
22 or any subsequent Act for fiscal year 2014 or any fiscal
23 year hereafter may be used to pay the salaries of Depart-
24 ment of Energy employees to carry out the amendments

1 made by section 407 of division A of the American Recov-
2 ery and Reinvestment Act of 2009.

3 SEC. 308. Notwithstanding section 307 of Public Law
4 111–85, of the funds made available by the Department
5 of Energy for activities at Government-owned, contractor-
6 operated laboratories funded in this or any subsequent
7 Energy and Water Development appropriation Act for any
8 fiscal year, the Secretary may authorize a specific amount,
9 not to exceed 4.5 percent of such funds, to be used by
10 such laboratories for laboratory directed research and de-
11 velopment.

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

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

1 (1) an assessment of the national security de-
2 mand for tritium and low and highly enriched ura-
3 nium through 2060;

4 (2) a description of the Department of Energy's
5 plan to provide adequate amounts of tritium and en-
6 riched uranium for national security purposes
7 through 2060; and

8 (3) an analysis of planned and alternative tech-
9 nologies which are available to meet the supply
10 needs for tritium and enriched uranium for national
11 security purposes, including weapons dismantlement
12 and down-blending.

13 SEC. 311. The Secretary of Energy shall submit to
14 the congressional defense committees (as defined in 10
15 U.S.C. 101(a)(16)) not later than December 1, 2013, a
16 report that provides an analysis of alternatives for each
17 major warhead refurbishment program that reaches Phase
18 6.3, including—

19 (1) a summary of the overall cost, scope, and
20 schedule planning assumptions for the major refur-
21 bishment activity;

22 (2) a full description of alternatives considered
23 prior to the award of Phase 6.3;

24 (3) a comparison of the costs and benefits of
25 each of those alternatives, to include an analysis of

1 trade-offs among cost, schedule, and performance
2 objectives against each alternative considered;

3 (4) an assessment of the risks, costs, and
4 scheduling needs for each military requirement es-
5 tablished by the Department of Defense or any re-
6 quirement established to enhance safety, security, or
7 maintainability;

8 (5) identification of the cost and risk of critical
9 technology elements associated with each refurbish-
10 ment alternative, including technology maturity, in-
11 tegration risk, manufacturing feasibility, and dem-
12 onstration needs; and

13 (6) identification of the cost and risk of capital
14 asset and infrastructure capabilities required to sup-
15 port production and certification of each refurbish-
16 ment alternative.

17 TITLE IV—INDEPENDENT AGENCIES

18 APPALACHIAN REGIONAL COMMISSION

19 For expenses necessary to carry out the programs au-
20 thorized by the Appalachian Regional Development Act of
21 1965, notwithstanding 40 U.S.C. 14704, and for nec-
22 essary expenses for the Federal Co-Chairman and the Al-
23 ternate on the Appalachian Regional Commission, for pay-
24 ment of the Federal share of the administrative expenses
25 of the Commission, including services as authorized by 5

1 U.S.C. 3109, and hire of passenger motor vehicles,
2 \$70,317,000, to remain available until expended.

3 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

4 SALARIES AND EXPENSES

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

14 DELTA REGIONAL AUTHORITY

15 SALARIES AND EXPENSES

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

21 DENALI COMMISSION

22 For expenses of the Denali Commission including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment as necessary and other expenses,
25 \$7,396,000, to remain available until expended, notwith-

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

11 NORTHERN BORDER REGIONAL COMMISSION

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

19 SOUTHEAST CRESCENT REGIONAL COMMISSION

20 For necessary expenses of the Southeast Crescent Re-
21 gional Commission in carrying out activities authorized by
22 subtitle V of title 40, United States Code, \$250,000, to
23 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 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 SEC. 513. None of the funds made available in this
14 Act may be used—

15 (1) to implement or enforce section 430.32(x)
16 of title 10, Code of Federal Regulations; or

17 (2) to implement or enforce the standards es-
18 tablished by the tables contained in section
19 325(i)(1)(B) of the Energy Policy and Conservation
20 Act (42 U.S.C. 6295(i)(1)(B)) with respect to
21 BPAR incandescent reflector lamps, BR incandes-
22 cent reflector lamps, and ER incandescent reflector
23 lamps.

24 SEC. 514. None of the funds made available by this
25 Act may be used to pay the salary of individuals appointed

1 to their current position through, or to otherwise carry
2 out, paragraphs (1), (2), and (3) of section 5503(a) of
3 title 5, United States Code.

4 SEC. 515. None of the funds made available in this
5 Act may be used within the borders of the State of Lou-
6 isiana by the Mississippi Valley Division or the South-
7 western Division of the Army Corps of Engineers or any
8 district of the Corps within such divisions to implement
9 or enforce the mitigation methodology, referred to as the
10 “Modified Charleston Method”.

11 SEC. 516. None of the funds made available by this
12 Act may be used by the Department of Energy to finalize,
13 implement, or enforce the proposed rule entitled “Energy
14 Conservation Standards Ceiling Fans and Ceiling Fan
15 Light Kits” and identified by regulation identification
16 number 1904–AC87.

17 SEC. 517. None of the funds made available in this
18 Act may be used to relocate or consolidate general and
19 administrative functions, personnel, or resources of the
20 Buffalo and Chicago Districts of the Corps of Engineers
21 Great Lakes and Ohio River Division.

22 SEC. 518. None of the funds made available by this
23 Act may be used to carry out section 801 of the Energy
24 Independence and Security Act of 2007 (42 U.S.C.
25 17281).

1 SEC. 519. None of the funds made available by this
2 Act may be used to enter into a contract with any offeror
3 or any of its principals if the offeror certifies, as required
4 by Federal Acquisition Regulation, that the offeror or any
5 of its principals—

6 (1) within a 3-year period preceding this offer
7 has been convicted of or had a civil judgment ren-
8 dered against it for: (A) commission of fraud or a
9 criminal offense in connection with obtaining, at-
10 tempting to obtain, or performing a public (Federal,
11 State, or local) contract or subcontract; violation of
12 Federal or State antitrust statutes relating to the
13 submission of offers; or (B) commission of embezzle-
14 ment, theft, forgery, bribery, falsification or destruc-
15 tion of records, making false statements, tax eva-
16 sion, violating Federal criminal tax laws, or receiving
17 stolen property;

18 (2) are presently indicted for, or otherwise
19 criminally or civilly charged by a governmental enti-
20 ty with, commission of any of the offenses enumer-
21 ated above in paragraph (1); or

22 (3) within a 3-year period preceding this offer,
23 has been notified of any delinquent Federal taxes in
24 an amount that exceeds \$3,000 for which the liabil-
25 ity remains unsatisfied.

1 SEC. 520. The amounts otherwise provided by this
2 Act are revised by reducing the amount made available
3 for “Department of Energy—Energy Programs—Depart-
4 ment Administration”, and increasing the amount made
5 available for “Corps of Engineers-Civil—Department of
6 the Army—Corps of Engineers—Construction”, by
7 \$2,000,000.

8 SEC. 521. The amounts otherwise provided by this
9 Act are revised by reducing the amount made available
10 for “Department of Energy—Energy Programs—Fossil
11 Energy Research and Development”, and increasing the
12 amount made available for “Corps of Engineers-Civil—
13 Department of the Army—Corps of Engineers-Civil—
14 Construction”, by \$20,000,000.

15 SEC. 522. None of the funds made available in this
16 Act or funds available in the Bonneville Power Adminis-
17 tration Fund may be used by the Department of Energy
18 for any program, project, or activity required by or other-
19 wise proposed in the memorandum from Steven Chu, Sec-
20 retary of Energy, to the Power Marketing Administrators
21 with the subject line “Power Marketing Administrations’
22 Role” and dated March 16, 2012.

23 SEC. 523. None of the funds made available by this
24 Act may be used to reduce the active and inactive nuclear
25 weapons stockpiles of the United States in contravention

1 of section 303(b) of the Arms Control and Disarmament
2 Act (22 U.S.C. 2573(b)).

3 SEC. 524. None of the funds made available by this
4 Act may be used to lease or purchase new light duty vehi-
5 cles for any executive fleet, or for an agency's fleet inven-
6 tory, except in accordance with Presidential Memo-
7 randum—Federal Fleet Performance, dated May 24,
8 2011.

9 SEC. 525. The amounts otherwise provided by this
10 Act are revised by reducing the amount made available
11 for “Corps of Engineers-Civil—Expenses”, and by in-
12 creasing the amount made available for “Corps of Engi-
13 neers-Civil—Construction”, by \$1,000,000.

14 SEC. 526. None the funds made available by this Act
15 may be used for the study of the Missouri River Projects
16 authorized in section 108 of the Energy and Water Devel-
17 opment and Related Agencies Appropriations Act, 2009
18 (division C of Public Law 111–8).

19 SEC. 527. None of the funds made available in this
20 Act may be used to continue the study conducted by the
21 Army Corps of Engineers pursuant to section 5018(a)(1)
22 of the Water Resources Development Act of 2007.

23 SEC. 528. None of the funds made available in this
24 Act may be used to issue rules or regulations to establish
25 a fee for surplus water from Missouri River reservoirs.

1 SEC. 529. None of the funds made available in this
2 Act may be used to develop or submit a proposal to expand
3 the authorized uses of the Harbor Maintenance Trust
4 Fund described in section 9505(c) of the Internal Revenue
5 Code of 1986.

6 SEC. 530. None of the funds made available by this
7 Act may be used to regulate activities identified in sub-
8 paragraphs (A) and (C) of section 404(f)(1) of the Federal
9 Water Pollution Control Act (33 U.S.C. 1344(f)(1)(A),
10 (C)).

11 SEC. 531. None of the funds made available in this
12 Act to the United States Army Corps of Engineers may
13 be used for sediment or soil dumping into the Missouri
14 River.

15 SEC. 532. None of the funds made available by this
16 Act may be used to implement, administer, or enforce the
17 National Ocean Policy developed under Executive Order
18 No. 13547 of July 19, 2010 (75 Fed. Reg. 43023, relating
19 to the stewardship of oceans, coasts, and the Great
20 Lakes).

21 SEC. 533. None of the funds made available by this
22 Act may be used to implement, administer, or enforce sec-
23 tion 526 of the Energy Independence and Security Act
24 of 2007 (Public Law 110–140; 42 U.S.C. 17142).

1 SEC. 534. None of the funds made available by this
2 Act may be used to pay the salary of any officer or em-
3 ployee to carry out section 301 of the Hoover Power Plant
4 Act of 1984 (42 U.S.C. 16421a; added by section 402 of
5 the American Recovery and Reinvestment Act of 2009
6 (Public Law 111–5)).

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

Passed the House of Representatives July 10, 2013.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 134

113TH CONGRESS
1ST Session

H. R. 2609

AN ACT

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

JULY 16 (legislative day, JULY 15), 2013

Received; read twice and placed on the calendar