A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2014, and for other purposes, namely:
TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration, projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations, and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $120,000,000, to remain available until expended.
CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,542,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund: Provided, That during the fiscal year period covered by this Act, none of the funding proposed for Olmsted Lock and Dam, Ohio River, Illinois and Kentucky, shall be derived from the Inland Waterways Trust Fund.
MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $300,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,700,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and chan-
nels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)), as amended, shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of Public Law 104–303 shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.
REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $200,000,000, to remain available until September 30, 2015.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $195,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $28,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Cen-
ter allocable to the civil works program, $182,000,000, to remain available until September 30, 2015, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
FOR CIVIL WORKS

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

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.
GENERAL PROVISIONS—CORPS OF
ENGINEERS—CIVIL

(INCLUDING TRANSFERS OF FUNDS)

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

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

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

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

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior ap-
proval is received from the House and Senate Com-
mittees on Appropriations;

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

(7) CONSTRUCTION, GENERAL.—For a base
level over $2,000,000, reprogramming of 15 percent
of the base amount up to a limit of $3,000,000 per
project, study or activity is allowed: Provided, That
for a base level less than $2,000,000, the re-
programming limit is $300,000: Provided further,
That up to $3,000,000 may be reprogrammed for
settled contractor claims, changed conditions, or real
estate deficiency judgments: Provided further, That
up to $300,000 may be reprogrammed into any con-
tinuing study or activity that did not receive an ap-
propriation for existing obligations and concomitant
administrative expenses;
(8) **Operation and Maintenance.**—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) **Mississippi River and Tributaries.**—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) **Formerly Utilized Sites Remedial Action Program.**—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) **De Minimus Reprogrammings.**—In no case should a reprogramming for less than $50,000 be sub-
mitted to the House and Senate Committees on Appropriations.

(c) **Continuing Authorities Program.**—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

1. A table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level;

2. A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and.

3. An identification of items of special congressional interest.

Sec. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract
that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

SEC. 103. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

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

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

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Sec. 106. That portion of the project for navigation, Ipswich River, Massachusetts adopted by the Rivers and Harbor Act of August 5, 1886 consisting of a 4-foot channel located at the entrance to the harbor at Ipswich Harbor, lying northwesterly of a line commencing at: N30°49'38.09", E8°37'154.87", thence running easterly about 60 feet to a point with coordinates N30°49'72.62", E8°37'03.93", is no longer authorized as a Federal project after the date of enactment of this Act.

Sec. 107. That portion of the project of navigation, Chicago Harbor, Illinois, authorized by the River and Harbor Acts of March 3, 1899 and March 2, 1919, and that begins at the southwest corner of the Metropolitan Sanitary District of Greater Chicago sluice gate that abuts the north wall of the Chicago River Lock and that continues north for approximately 290 feet, thence east approximately 1,000 feet, then south approximately 290 feet, thence west approximately 1,000 feet to the point of beginning shall no longer be authorized as a Federal project after the date of enactment of this Act.

Sec. 108. Beginning on the date of enactment of this Act, the Secretary is no longer authorized to carry out the portion of the project for navigation, Warwick Cove, Rhode Island, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) that is located within
the 5 acre anchorage area east of the channel and lying
east of the line beginning at a point with coordinates
N220,349.79, E357,664.90 thence running north 9 de-
grees 10 minutes 21.5 seconds west 170.38 feet to a point
N220,517.99, E357,637.74 thence running north 17 de-
grees 44 minutes 30.4 seconds west 165.98 feet to a point
N220,676.08, E357,587.16 thence running north 0 de-
grees 46 minutes 0.9 seconds east 138.96 feet to a point
N220,815.03, E357,589.02 thence running north 8 de-
grees 36 minutes 22.9 seconds east 101.57 feet to a point
N220,915.46, E357,604.22 thence running north 18 de-
grees 18 minutes 27.3 seconds east 168.20 feet to a point
N221,075.14, E357,657.05 thence running north 34 de-
grees 42 minutes 7.2 seconds east 106.4 feet to a point
N221,162.62,209 E357,717.63 thence running south 29
degrees 14 minutes 17.4 seconds east 26.79 feet to a point
N221,139.24, E357,730.71 thence running south 30 de-
grees 45 minutes 30.5 seconds west 230.46 feet to a point
N220,941.20, E357,612.85 thence running south 10 de-
grees 49 minutes12.0 seconds west 95.46 feet to a point
N220,847.44, E357,594.93 thence running south 9 de-
grees 13 minutes 44.5 seconds east 491.68 feet to a point
N220,362.12, E357,673.79 thence running south 35 de-
grees 47 minutes 19.4 seconds west 15.20 feet to the point
of origin.
SEC. 109. The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4115), is modified to authorize the Secretary to carry out the project at a total cost of $269,988,000 with an estimated Federal cost of $202,800,000 and an estimated non-Federal cost of $67,188,000.

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

(b) Section 101(8) of the Water Resources Development Act of 1992 (106 Stat. 4802) is amended to combine the two current authorized total project costs for the ecosystem restoration and headwaters revitalization projects into a single authorized total project cost—
(1) By striking “at a total cost of $426,885,000, with an estimated Federal cost of $139,943,000 and an estimated non-Federal cost of $286,942,000. The Secretary is further authorized to construct” and inserting “and”; and

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

(e) The amendment made by subsection (b) is effective October 31, 1992.

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

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

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

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

(b) The amendments made by subsection (a) shall take effect as of November 8, 2007.
SEC. 112. The Cape Arundel Disposal Site in the State of Maine selected by the Department of the Army as an alternative dredged material disposal site under section 103(b) of the Marine Protection Research and Sanctuaries Act of 1972, as amended, shall remain open until the remaining disposal capacity of the site has been utilized, or until completion of an Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site for southern Maine under section 102(c) of the Marine Protection Research and Sanctuaries Act of 1972, as amended, whichever first occurs, provided that the site conditions remain suitable for such purpose and that the site may not be used for disposal of more than 80,000 cubic yards from any single dredging project.

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

SEC. 114. None of the funds provided in title I of this Act or prior Acts providing funding for the Corps of Engineers, shall be used to relocate or consolidate general
and administrative functions in the Chicago District of the Corps of Engineers.

TITLE II
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES
(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $945,796,000, to remain available until expended, of which $28,000 shall be available for transfer to the Upper Colorado River Basin Fund and $8,401,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: Provided, That such transfers may be increased or decreased within the overall ap-
proprietorship under this heading: *Provided further,* That of
the total appropriated, the amount for program activities
that can be financed by the Reclamation Fund or the Bu-
reau of Reclamation special fee account established by 16
U.S.C. 6806 shall be derived from that Fund or account:
*Provided further,* That funds contributed under 43 U.S.C.
395 are available until expended for the purposes for
which contributed: *Provided further,* That funds advanced
under 43 U.S.C. 397a shall be credited to this account
and are available until expended for the same purposes
as the sums appropriated under this heading: *Provided
further,* That of the amounts provided herein, funds may
be used for high-priority projects which shall be carried
out by the Youth Conservation Corps, as authorized by

**CENTRAL VALLEY PROJECT RESTORATION FUND**

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

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361), consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the program.

CENTRAL UTAH PROJECT COMPLETION

For carrying out activities authorized by the Central Utah Project Completion Act, $2,200,000, to remain
available until expended, of which $1,000,000 shall be de-
posited into the Utah Reclamation Mitigation and Con-
servation Account for use by the Utah Reclamation Mit-
gation and Conservation Commission. For an additional
amount, $1,300,000, to remain available until September
30, 2015, is provided for necessary expenses incurred in
carrying out related responsibilities of the Secretary of the
Interior.

For fiscal year 2014, the Commission may use an
amount not to exceed $1,500,000 for administrative exp-
penses.

POLICY AND ADMINISTRATION

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

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall
be available for purchase of not to exceed five passenger
motor vehicles, which are for replacement only.
Sec. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2014, shall be available for obligation or expenditure through a reprogramming of funds that—

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

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the
Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.
(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

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

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

Sec. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the
Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

Sec. 203. The Secretary of the Interior may hereafter participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services: Provided, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley
Project: Provided further, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user’s then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and: Provided further, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary’s existing authority to use groundwater banking to meet existing fish and wildlife obligations.

Sec. 204. (a) Subject to compliance with all applicable Federal and State laws, a transfer of irrigation water among Central Valley Project contractors from the Friant, San Felipe, West San Joaquin, and Delta divisions, and a transfer from a long-term Friant Division water service or repayment contractor to a temporary or prior temporary service contractors within the place of use in existence on the date of the transfer, as identified in the Bureau of Reclamation water rights permits for the Friant Division, shall hereafter be considered to meet the condi-
tions described in subparagraphs (A) and (I) of section 3405(a)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4709).

(b) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and the Commissioner of the Bureau of Reclamation shall initiate and complete, on the most expedited basis practicable, programmatic environmental compliance so as to facilitate voluntary water transfers within the Central Valley Project, consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment of this Act and each of the 4 years thereafter, the Commissioner of the Bureau of Reclamation shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on
ways to facilitate and improve the process for these transfers.

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

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

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

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

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

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

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

SEC. 209. The Secretary may hereafter partner, pro-
vide a grant to, or enter into a cooperative agreement with
local joint powers authorities formed pursuant to State
law by irrigation districts and other local water districts
and local governments, to advance planning and feasibility
studies authorized by Congress for water storage project:
Provided, That the Secretary shall ensure that all docu-
ments associated with the preparation of planning and fea-
sibility studies and applicable environmental reviews under
the National Environmental Policy Act for a project cov-
ered by this section shall be made available to any joint
powers authority with whom the Secretary enters into an
agreement to advance such project: Provided further, That
the Secretary, acting through the Commissioner of the
Bureau of Reclamation, shall ensure that all applicable en-
vironmental reviews under the National Environmental
Policy Act, to the degree such reviews are required, are
completed on an expeditious basis and that the shortest
existing applicable process under the National Environ-
mental Policy Act shall be utilized, including in the com-
pletion of feasibility studies, Draft Environmental Impact
Statements (DEIS) and Final Environmental Impact
Statements (FEIS): Provided further, That the Bureau of
Reclamation need not complete the applicable feasibility study, DEIS or FEIS if the Commissioner determines, and the Secretary concurs, that the project can be expedited by a joint powers authority as a non-Federal project or if the project fails to meet applicable Federal cost-benefit requirements or standards: Provided further, That the Secretary shall not provide financial assistance towards these studies or projects, unless there is a demonstrable Federal interest.

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

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

SEC. 212. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1457, 123 Stat. 2856) is amended by striking
“2015” each place it appears in subsections (a)(1) and (b) and inserting “2020”.

TITLE III
DEPARTMENT OF ENERGY
ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,280,985,000, to remain available until expended: Provided, That $185,000,000 shall be available until September 30, 2015 for program direction: Provided further, That, of the amount provided under this heading, the Secretary may transfer up to $95,000,000 to the Defense Production Act Fund for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): Provided further, That none of the funds made available may be used for the Energy Efficient Building Systems Design Hub.
Electricity Delivery and Energy Reliability

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $149,015,000, to remain available until expended:

Provided, That $27,615,000 shall be available until September 30, 2015 for program direction.

Nuclear Energy

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $735,460,000, to remain available until expended, of which $24,000,000 shall be derived from the Nuclear Waste Fund: Provided, That, of the amount made available under this heading,
$87,500,000 shall be available until September 30, 2015, for program direction.

**Fossil Energy Research and Development**

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $420,575,000, to remain available until expended: *Provided*, That $115,753,000 shall be available until September 30, 2015 for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States.

**Naval Petroleum and Oil Shale Reserves**

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

**Strategic Petroleum Reserve**

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

**Northeast Home Heating Oil Reserve**

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

**Energy Information Administration**

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

**Non-defense Environmental Cleanup**

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
ital equipment and other expenses necessary for non-de-
fense environmental cleanup activities in carrying out the
purposes of the Department of Energy Organization Act
(42 U.S.C. 7101 et seq.), including the acquisition or con-
demnation of any real property or any facility or for plant
or facility acquisition, construction, or expansion, $232,956,000, to remain available until expended.

**Uranium Enrichment Decontamination and Decommissioning Fund**

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $554,823,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

**Science**

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 25 passenger motor vehicles for replacement only, including one law enforcement vehicle, one ambulance, and one bus, $5,152,752,000, to remain available until expended: *Provided, That $193,300,000 shall be available until Sep-
tember 30, 2015 for program direction: Provided further,

That no funding may be made available for the U.S. contribution to the International Thermonuclear Experimental Reactor project until the Secretary of Energy submits to the Committee on Appropriations of the U.S. Senate a baseline cost, schedule, and scope estimate consistent with DOE Order 413.3b for the U.S. contribution to ITER needed to complete all construction activities.

Advanced Research Projects Agency—Energy

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), as amended, $379,000,000 to remain available until expended: Provided, That $34,110,000 shall be available until September 30, 2015 for program direction.

Title 17 Innovative Technology Loan Guarantee Program

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That, for necessary administrative expenses to carry out this Loan Guarantee program, $42,000,000 is appropriated, to remain available until expended: Provided further, That
$22,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than $20,000,000: *Provided further,* That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

**ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM**

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until expended.

**DEPARTMENTAL ADMINISTRATION**

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $234,637,000, to remain available until September 30, 2015, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwith-
standing the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $108,188,000 in fiscal year 2014 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than $126,449,000.

Office of the Inspector General

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

Atomic Energy Defense Activities

National Nuclear Security Administration

Weapons Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for
atomic energy defense weapons activities in carrying out
the purposes of the Department of Energy Organization
Act (42 U.S.C. 7101 et seq.), including the acquisition or
condemnation of any real property or any facility or for
plant or facility acquisition, construction, or expansion,
$7,868,409,000, to remain available until expended: Pro-
vided, That of these funds, the Secretary may transfer to
Defense Nuclear Nonproliferation, not earlier than 30
days after certification to the Committees on Appropria-
tions of the House of Representatives and the Senate that
such transfer is needed for national security reasons, and
after congressional notification and approval of the Com-
mittees on Appropriations of the House of Representatives
and the Senate, up to $48,000,000 to further the develop-
ment and demonstration of national nuclear security-re-
lated enrichment technologies: Provided further, That the
Secretary may reprogram, not earlier than 30 days after
certification by the Secretary of Energy and Secretary of
Defense to the Committees on Appropriations and Armed
Services of the House of Representatives and the Senate
that the first production unit of the B61 can be delivered
by 2019 with the current baseline of $8,168,000,000, and
after congressional notification and approval of the Com-
mittees on Appropriations and Armed Services of the
House of Representatives and the Senate, up to $168,400,000 to further the B61 life extension program.

**DEFENSE NUCLEAR NONPROLIFERATION**

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,180,142,000, to remain available until expended.

**NAVAL REACTORS**

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,312,134,000, to remain available until expended: Provided, That $44,404,000 shall be available until September 30, 2015 for program direction.

**OFFICE OF THE ADMINISTRATOR**

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration,
including official reception and representation expenses not to exceed $12,000,$397,784,000, to remain available until September 30, 2015.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one sport utility vehicle, three lube trucks, and one fire truck for replacement only, $5,146,536,000, to remain available until expended: Provided, That $320,784,000 shall be available until September 30, 2015 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department
of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
cluding the acquisition or condemnation of any real prop-
erty or any facility or for plant or facility acquisition, con-
struction, or expansion, $762,080,000, to remain available
until expended: Provided, That $127,035,000 shall be
available until September 30, 2015, for program direction.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

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

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, and including official reception and representation expenses in an amount not to exceed $1,500, $7,750,000, to remain available until expended:

Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $7,750,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than $0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $93,284,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses
shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,456,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $33,564,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding
the annual expenses of the Southwestern Power Administra-

tion: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than $11,892,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $42,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $299,919,000,
to remain available until expended, of which $292,019,000
shall be derived from the Department of the Interior Reclama-
tion Fund: Provided, That notwithstanding 31 U.S.C.
3302, section 5 of the Flood Control Act of 1944 (16
U.S.C. 825s), and section 1 of the Interior Department
Appropriation Act, 1939 (43 U.S.C. 392a), up to
$203,989,000 collected by the Western Area Power Ad-
ministration from the sale of power and related services
shall be credited to this account as discretionary offsetting
collections, to remain available until expended, for the sole
purpose of funding the annual expenses of the Western
Area Power Administration: Provided further, That the
sum herein appropriated for annual expenses shall be re-
duced as collections are received during the fiscal year so
as to result in a final fiscal year 2014 appropriation esti-
ated at not more than $95,930,000, of which
$88,030,000 is derived from the Reclamation Fund: Pro-
vided further, That notwithstanding 31 U.S.C. 3302, up
to $230,738,000 collected by the Western Area Power Ad-
ministration pursuant to the Flood Control Act of 1944
and the Reclamation Project Act of 1939 to recover pur-
chase power and wheeling expenses shall be credited to
this account as offsetting collections, to remain available
until expended for the sole purpose of making purchase
power and wheeling expenditures, including the cost of vol-
untary purchases of power allowances in compliance with existing State Cap and Trade Programs. *Provided further,*

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

**FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND**

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $5,330,671, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided,* That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $4,910,671 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities. *Provided further,* That the sum herein appropriated for annual expenses shall be reduced as collections
are received during the fiscal year so as to result in a final fiscal year 2014 appropriation estimated at not more than $420,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: *Provided further*, That for fiscal year 2014, the Administrator of the Western Area Power Administration may accept up to $865,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: *Provided further*, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at these Dams in accordance with agreements reached between the Administrator, Commissioner, and the power customers.
FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000,$304,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2014 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING CANCELLATION AND TRANSFER OF FUNDS)

Sec. 301. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities
established pursuant to this title. Available balances may
be merged with funds in the applicable established ac-
counts and thereafter may be accounted for as one fund
for the same time period as originally enacted.

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

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

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

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

SEC. 306. (a) Any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321–335), as amended, shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the provision of uranium in any form the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be provided;

(2) an estimate by the Secretary of the gross fair market value of the uranium on the expected date of the provision of the uranium;
(3) the expected date of the provision of the uranium;

(4) the recipient of the uranium; and

(5) the value the Secretary expects to receive in exchange for the uranium, including any adjustments to the gross fair market value of the uranium.

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

Sec. 307. Section 20320 of the Continuing Appropriations Resolution, 2007, Public Law 109–289, division B, as amended by the Revised Continuing Appropriations Resolution, 2007, Public Law 110–5, is amended by striking in subsection (c) “an annual review” after “conduct” and inserting in lieu thereof “a review every three years”.

Sec. 308. (a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary may appoint, without regard to the provisions of chapter 33 of title 5, United States Code, governing appointments in the competitive service, exceptionally well qualified individuals to scientific, engineering, or other critical technical positions.

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

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

(3) **PRIOR EMPLOYMENT.**—An individual appointed under subsection (a) shall not have been a Department employee during the 2-year period ending on the date of appointment.

(4) **PAY.**—

   (A) **IN GENERAL.**—The Secretary shall have the authority to fix the basic pay of an individual appointed under subsection (a) at a rate to be determined by the Secretary up to level I of the Executive Schedule without regard to the civil service laws.

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

(5) **ADVERSE ACTIONS.**—An individual appointed under subsection (a) may not be considered
to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

(c) Requirements.—

(1) In general.—The Secretary shall ensure that—

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

(B) the Department notifies diverse professional associations and institutions of higher education, including those serving the interests of women and racial or ethnic minorities that are underrepresented in scientific, engineering, and mathematical fields, of position openings as appropriate.

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

(A) the ability to attract exceptionally well qualified scientists, engineers, and technical personnel;
(B) the amount of total compensation paid each employee hired under the authority each calendar year; and

(C) whether additional safeguards or measures are necessary to carry out the authority and, if so, what action, if any, has been taken to implement the safeguards or measures.

(d) Termination of Effectiveness.—The authority provided by this section terminates effective on the date that is 4 years after the date of enactment of this Act.

Sec. 309. (a) Definitions.—In this section:

(1) Affected Indian Tribe.—The term “affected Indian tribe” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) High-Level Radioactive Waste.—The term “high-level radioactive waste” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) Nuclear Waste Fund.—The term “Nuclear Waste Fund” means the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).
(4) Secretary.—The term “Secretary” means the Secretary of Energy.

(5) Spent Nuclear Fuel.—The term “spent nuclear fuel” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

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

(c) Requests for Proposals.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue a request for proposals for cooperative agreements—

(1) to obtain any license necessary from the Nuclear Regulatory Commission for the construction of 1 or more consolidated storage facilities;
(2) to demonstrate the safe transportation of spent nuclear fuel and high-level radioactive waste, as applicable; and
(3) to demonstrate the safe storage of spent nuclear fuel and high-level radioactive waste, as applicable, at the 1 or more consolidated storage facilities pending the construction and operation of deep geologic disposal capacity for the permanent disposal of the spent nuclear fuel.

(d) CONSENT-BASED APPROVAL.—Prior to siting a consolidated storage facility pursuant to this section, the Secretary shall enter into an agreement to host the facility with—
(1) the Governor of the State;
(2) each unit of local government within the jurisdiction of which the facility is proposed to be located; and
(3) each affected Indian tribe.

(e) APPLICABILITY.—In executing this section, the Secretary shall comply with—
(1) all licensing requirements and regulations of the Nuclear Regulatory Commission; and
(2) all other applicable laws (including regulations).
Pilot Program Plan.—Not later than 120 days after the date on which the Secretary issues the request for proposals under subsection (e), the Secretary shall submit to Congress a plan to carry out this section that includes—

(1) an estimate of the cost of licensing, constructing, and operating a consolidated storage facility, including the transportation costs, on an annual basis, over the expected lifetime of the facility;

(2) a schedule for—

(A) obtaining any license necessary to construct and operate a consolidated storage facility from the Nuclear Regulatory Commission;

(B) constructing the facility;

(C) transporting spent fuel to the facility;

and

(D) removing the spent fuel and decommissioning the facility; and

(3) an estimate of the cost of any financial assistance, compensation, or incentives proposed to be paid to the host State, Indian tribe, or local government;

(4) an estimate of any future reductions in the damages expected to be paid by the United States for the delay of the Department of Energy in accept-
ing spent fuel expected to result from the pilot pro-
gram;

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

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

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

(h) Use of Nuclear Waste Fund.—The Secretary
may make expenditures from the Nuclear Waste Fund to
carry out this section, subject to appropriations.
SEC. 310. Section 804 of Public Law 110–140 (42 U.S.C. 17283) is hereby repealed.

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

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

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

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

SEC. 313. Of the amounts appropriated for non-defense programs in this title, $7,000,000 are hereby reduced to reflect savings from limiting foreign travel for contractors working for the Department of Energy, consistent with similar savings achieved for Federal employees. The Department shall allocate the reduction among the non-security appropriations made in this title.

SEC. 314. Section 15(g) of Public Law 85–536 (15 U.S.C. 644), as amended, is hereby further amended by
inserting the following at the end: “(3) First tier sub-
contracts that are awarded by Management and Operating
contractors sponsored by the Department of Energy to
small business concerns, small businesses concerns owned
and controlled by service disabled veterans, qualified
HUBZone small business concerns, small business con-
cerns owned and controlled by socially and economically
disadvantaged individuals, and small business concerns
owned and controlled by women, shall be considered to-
ward the annually established agency and Government-
wide goals for procurement contracts awarded.”

Sec. 315. (a) Establishment.—There is estab-
lished an independent commission to be known as the
“Commission to Review the Effectiveness of the National
Energy Laboratories.” The National Energy Laboratories
refers to all Department of Energy national laboratories.

(b) Members.—

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

(2) The President’s Council of Advisors on
Science and Technology shall, not later than Novem-
ber 15, 2013, nominate not less than 18 persons for
appointment to the Commission from among persons who meet qualification described in subparagraph (3).

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

(A) be eminent in a field of science or engineering; and/or

(B) have expertise in managing scientific facilities; and

(C) have an established record of distinguished service.

(4) The membership of the Board shall be representative of the broad range of scientific, engineering, financial, and managerial disciplines related to activities under this title.

(5) No person shall be nominated for appointment to the Board who is an employee of—

(A) the Department of Energy;

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

(C) a managing entity or parent company for a national laboratory or site under contract with the Department of Energy; or
(D) an entity performing scientific and engineering activities under contract with the Department of Energy.

(c) COMMISSION REVIEW AND RECOMMENDATIONS.—

(1) The Commission shall, by no later than November 1, 2014, transmit to the Secretary of Energy and the Appropriations Committees of the House and Senate a report containing the Commission’s finding and conclusions.

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

(A) are properly aligned with the Department’s strategic priorities;

(B) have clear, well understood, and properly balanced missions that are not unnecessarily redundant and duplicative;

(C) have unique capabilities that have sufficiently evolved to meet current and future energy and national security challenges;

(D) are appropriately sized to meet the Department’s energy and national security missions; and
(E) are appropriately supporting other Federal agencies and the extent to which it benefits DOE missions.

(3) The Commission shall also determine whether there are opportunities to more effectively and efficiently use the capabilities of the national laboratories, including consolidation and realignment, reducing overhead costs, reevaluating governance models using industrial and academic benchmarks for comparison, and assessing the impact of DOE’s oversight and management approach. In its evaluation, the Commission should also consider the cost and effectiveness of using other research, development, and technology centers and universities as an alternative to meeting DOE’s energy and national security goals.

(d) Response by the Secretary of Energy.—

(1) The Secretary of Energy shall, by no later than February 1, 2015, transmit to Appropriations Committees of the House and Senate a report containing the Secretary’s approval or disapproval of the Commission’s recommendations and an implementation plan for approved recommendations.

Sec. 316. The Committee on Appropriations of the United States Senate shall receive a 30-day advance noti-
fication with a detailed explanation of any waiver or ad-
justment made by the National Nuclear Security Adminis-
tration’s Fee Determining Official to at-risk award fees
for Management and Operating contractors that result in
award term extensions.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

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

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

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

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $12,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $10,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.
NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $5,000,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,043,937,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $920,721,000 in fiscal year 2014 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2014 so as to result in a final fiscal year 2014 appropriation estimated at not more than $123,216,000.
OFFICE OF INSPECTOR GENERAL

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

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation
Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $1,000,000, to remain available until expended:

_Provided_, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2014 in excess of $2,402,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

**GENERAL PROVISION—INDEPENDENT AGENCIES**

Sec. 401. Notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998, the Denali Commission may use amounts transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999, for administrative expenses.

**TITLE V**

**GENERAL PROVISIONS**

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

Sec. 502. None of the funds made available in this Act may be transferred to any department, agency, or in-
strumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. (a) The head of any executive branch department, agency, board, commission, or office funded by this Act shall submit annual reports to the Inspector General or senior ethics official for any entity without an Inspector General, regarding the costs and contracting procedures related to each conference held by any such department, agency, board, commission, or office during fiscal year 2014 for which the cost to the United States Government was more than $100,000.

(b) Each report submitted shall include, for each conference described in subsection (a) held during the applicable period—

(1) a description of its purpose;
(2) the number of participants attending;
(3) a detailed statement of the costs to the United States Government, including—

(A) the cost of any food or beverages;
(B) the cost of any audio-visual services;
(C) the cost of employee or contractor travel to and from the conference; and
(D) a discussion of the methodology used
to determine which costs relate to the con-
ference; and
(4) a description of the contracting procedures
used including—
   (A) whether contracts were awarded on a
competitive basis; and
   (B) a discussion of any cost comparison
conducted by the departmental component or
office in evaluating potential contractors for the
conference.
(c) Within 15 days of the date of a conference held
by any executive branch department, agency, board, com-
mission, or office funded by this Act during fiscal year
2014 for which the cost to the United States Government
was more than $20,000, the head of any such department,
agency, board, commission, or office shall notify the In-
spector General or senior ethics official for any entity
without an Inspector General, of the date, location, and
number of employees attending such conference.
(d) A grant or contract funded by amounts appro-
priated by this Act to an executive branch agency may
not be used for the purpose of defraying the costs of a
conference described in subsection (c) that is not directly
and programmatically related to the purpose for which the
grant or contract was awarded, such as a conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

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

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2014”.

S 1245 PCS
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

A BILL

[Report No. 113–47]

S. 1245

113TH CONGRESS

Calendar No. 101