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,
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.

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,
SEC. 203. Notwithstanding any other provision of law, until the pipeline reliability study required in the Consolidated Appropriations Act, 2012, is completed, and any necessary changes are made to Technical Memorandum No. 8140–CC–2004–1, the Bureau of Reclamation shall not deny approval, funding, or assistance to any project, nor disqualify any material from use, based, in whole or in part, on the corrosion control used, if the corrosion control meets the requirements of a published national or international standard promulgated by the American Water Works Association ("AWWA"), ASTM International, the American National Standards Institute ("ANSI"), NACE International ("NACE") or the American Society for Testing and Materials ("ASTM"). The Bureau shall allow any project initiated during the study to use any corrosion control meeting the above standards.

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

RENEWABLE ENERGY, ENERGY RELIABILITY, AND EFFICIENCY

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, and 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, $982,637,000 (reduced by $15,000,000) (reduced by $9,518,000), to remain available until expended: Provided, That of the amount provided under this heading, $76,926,000 shall be available until September 30, 2015, for program direction.

NUCLEAR ENERGY
(INCLUDING TRANSFER OF FUNDS)

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, and the purchase of not more than 10 buses and 2 ambulances, all for replacement only, $656,389,000, to remain available until expended, of which such sums as may be necessary shall be derived from the Nuclear Waste Fund, to be made available only to support the high-level waste geological repository at Yucca Mountain: Provided, That of the amount provided
under this heading, $87,500,000 shall be available until September 30, 2015, for program direction: Provided further, That of the amount provided under this heading, $5,000,000 shall be made available to affected units of local government, as defined in section 2(31) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(31)), to support the Yucca Mountain high-level waste geological repository, as authorized by such Act: Provided further, That funds derived from the Nuclear Waste Fund may be transferred to “Independent Agencies—Nuclear Regulatory Commission—Salaries and Expenses” to support the Yucca Mountain high-level waste geological repository license application.

**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), $450,000,000, to remain available until ex-
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, $14,909,000, 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 Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $189,400,000, to remain available until expended.

**NORTH EAST 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 (42 U.S.C. 6201 et seq.), $8,000,000, to remain available until expended.
ENERGY INFORMATION ADMINISTRATION

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

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-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, $194,000,000 (increased by $18,956,000), 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, $545,000,000, 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, $4,653,000,000, to remain available until expended: Provided, That $174,862,000 shall be available until September 30, 2015, for program direction.

Advanced Research Projects Agency—Energy

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (42 U.S.C. 16538), $50,000,000 (increased by $20,000,000), to remain available until expended.

Title 17 Innovative Technology Loan Guarantee Program

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(1)(B) 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, $22,000,000 is appropriated, to remain available until September 30, 2015: Provided further, That $22,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) 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 $0: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: Provided further, That the Department of Energy shall not subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) or subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10, Code of Federal Regulations.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Pro-
gram, $6,000,000, to remain available until September 30, 2015.

**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, $187,863,000 (reduced by $15,000,000) (reduced by $20,000,000) (reduced by $9,478,000) (reduced by $20,000,000), 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 notwithstanding 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 $79,675,000.

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, $42,000,000, to remain available
until September 30, 2015.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY

ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
tital 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,
and the purchase of not to exceed one ambulance,
$7,675,000,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
tital 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,
$2,100,000,000, to remain available until expended: Pro-
vided, That the Secretary of Energy may make available
from funds provided under this heading in this Act not
more than $48,000,000 for the purpose of carrying out
domestic uranium enrichment research, development, and
demonstration activities.

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.), includ-
ing the acquisition (by purchase, condemnation, construc-
tion, or otherwise) of real property, plant, and capital
equipment, facilities, and facility expansion,
$1,109,000,000, to remain available until expended: Pro-
vided, That $43,212,000 shall be available until Sep-
tember 30, 2015, for program direction.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Adminis-
trator in the National Nuclear Security Administration,
including official reception and representation expenses
not to exceed $12,000, $382,000,000 (reduced by $9,478,000), 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, $4,750,000,000 (increased by $22,586,500), to remain available until expended: Provided, That $280,784,000 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 ac-
tivities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
ing the acquisition or condemnation of any real prop-
erty or any facility or for plant or facility acquisition, con-
struction, or expansion, $830,000,000, to remain available until expended: Provided, That of such amount, $122,734,000 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 Sturgeon 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 $78,081,000 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 ac-
count as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern 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 $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 author-
ized, 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 Reclamation 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 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 Western Area 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 $95,930,000, of which $88,030,000 is derived from the Reclamation Fund: Provided further, That notwithstanding 31 U.S.C. 3302, up to $230,738,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available
1 until expended for the sole purpose of making purchase
2 power and wheeling expenditures: Provided further, That
3 for purposes of this appropriation, annual expenses means
4 expenditures that are generally recovered in the same year
5 that they are incurred (excluding purchase power and
6 wheeling expenses).
7
8 FALCON AND AMISTAD OPERATING AND MAINTENANCE
9 FUND
10
11 For operation, maintenance, and emergency costs for
12 the hydroelectric facilities at the Falcon and Amistad
13 Dams, $5,330,671, to remain available until expended,
14 and to be derived from the Falcon and Amistad Operating
15 and Maintenance Fund of the Western Area Power Ad-
16 ministration, as provided in section 2 of the Act of June
17 18, 1954 (68 Stat. 255): Provided, That notwithstanding
18 the provisions of that Act and of 31 U.S.C. 3302, up to
19 $4,910,671 collected by the Western Area Power Adminis-
20 tration from the sale of power and related services from
21 the Falcon and Amistad Dams shall be credited to this
22 account as discretionary offsetting collections, to remain
23 available until expended for the sole purpose of funding
24 the annual expenses of the hydroelectric facilities of these
25 Dams and associated Western Area Power Administration
26 activities: Provided further, That the sum herein appro-
27 priated 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 TRANSFER OF FUNDS)

Sec. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project,
or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Unless the Secretary of Energy notifies the Committees on Appropriations of the House of Representatives and the Senate at least 3 full business days in advance, none of the funds made available in this title may be used to—

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

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

(C) issue a letter of intent to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B); or

(D) announce publicly the intention to make an allocation, award, or Agreement in excess of the limits in subparagraph (A) or (B).

(2) The Secretary of Energy shall submit to the Committees on Appropriations of the House of Representatives
and the Senate on the first business day of each quarter
a report detailing each grant allocation or discretionary
grant award totaling less than $1,000,000 provided during
the previous quarter.

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

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

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

(2) the contract, grant, or cooperative agree-
ment includes a clause conditioning the Federal Gov-
ernment’s obligation on the availability of future
year budget authority and the Secretary notifies the
Committees on Appropriations of the House of Representatitives and the Senate at least 3 days in advance.

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

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

(f) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;
(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

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

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

(2) The Secretary of Energy shall notify the Committees on Appropriations of the House of Representatives and the Senate of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. 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. 303. 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) during fiscal year 2014 until the enactment of the Intelligence Authorization Act for fiscal year 2014.

Sec. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the 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. 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. 307. None of the funds made available by this or any subsequent Act for fiscal year 2014 or any fiscal year hereafter may be used to pay the salaries of Department of Energy employees to carry out the amendments made by section 407 of division A of the American Recovery and Reinvestment Act of 2009.

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

SEC. 309. Notwithstanding section 301(c) of this Act, none of the funds made available under the heading “Department of Energy—Energy Programs—Science” may be used for a multiyear contract, grant, cooperative agreement, or Other Transaction Agreement of $1,500,000 or less unless the contract, grant, cooperative agreement, or
Other Transaction Agreement is funded for the full period of performance as anticipated at the time of award.

SEC. 310. Not later than June 30, 2014, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a tritium and enriched uranium management plan that provides—

(1) an assessment of the national security demand for tritium and low and highly enriched uranium through 2060;

(2) a description of the Department of Energy’s plan to provide adequate amounts of tritium and enriched uranium for national security purposes through 2060; and

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

SEC. 311. The Secretary of Energy shall submit to the congressional defense committees (as defined in 10 U.S.C. 101(a)(16)) not later than December 1, 2013, a report that provides an analysis of alternatives for each major warhead refurbishment program that reaches Phase 6.3, including—
(1) a summary of the overall cost, scope, and schedule planning assumptions for the major refurbishment activity;

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

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

(4) an assessment of the risks, costs, and scheduling needs for each military requirement established by the Department of Defense or any requirement established to enhance safety, security, or maintainability;

(5) identification of the cost and risk of critical technology elements associated with each refurbishment alternative, including technology maturity, integration risk, manufacturing feasibility, and demonstration needs; and

(6) identification of the cost and risk of capital asset and infrastructure capabilities required to support production and certification of each refurbishment alternative.
tees not later than 1 day after it was submitted to the Commission.

TITLE V—GENERAL PROVISIONS
(INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

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 by this Act may be used to eliminate or reduce funding for a program, project, or activity as proposed in a President’s budget request for a fiscal year until such proposed change is subsequently enacted in an appropriations Act, or unless such change is made pursuant to the reprogramming and transfer provisions of this Act.

Sec. 503. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment...
of the corporation and has made a determination that this
further action is not necessary to protect the interests of
the Government.

Sec. 504. None of the funds made available by this
Act may be used to enter into a contract, memorandum
of understanding, or cooperative agreement with, make a
grant to, or provide a loan or loan guarantee to, any cor-
poration that has any unpaid Federal tax liability that has
been assessed, for which all judicial and administrative
remedies have been exhausted or have lapsed, and that
is not being paid in a timely manner pursuant to an agree-
ment with the authority responsible for collecting the tax
liability, where the awarding agency is aware of the unpaid
tax liability, unless the agency has considered suspension
or debarment of the corporation and has made a deter-
mination that this further action is not necessary to pro-
tect the interests of the Government.

Sec. 505. (a) None of the funds made available in
title III of this Act may be transferred to any department,
age, or instrumentality of the United States Govern-
ment, except pursuant to a transfer made by or transfer
authority provided in this Act or any other appropriation
Act for any fiscal year, transfer authority referenced in
the report of the Committee on Appropriations accom-
panying this Act, or any authority whereby a department,
agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriation Act for any fiscal year, transfer authority referenced in the report of the Committees on Appropriations accompanying this Act, or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

(c) The head of any relevant department or agency funded in this Act utilizing any transfer authority shall submit to the Committees on Appropriations of the House of Representatives and the Senate a semiannual report detailing the transfer authorities, except for any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality, used in the previous 6 months and in the year-to-date. This report shall include the amounts transferred and the purposes for which they were transferred, and shall not re-
place or modify existing notification requirements for each authority.

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

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

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

(1) Under the heading "Corps of Engineers—Civil—Department of the Army", $200,000,000, to be derived by the Secretary of the Army from funds made available for "Construction, General", "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", "General Investigations", "Construction", "Investigations", and "Mississippi River and Tributaries".


(b) No amounts may be rescinded under this section from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

Sec. 509. None of the funds made available in this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

Sec. 510. The Commissioner of the Bureau of Reclamation and the Assistant Secretary of the Army (Civil Works) shall submit to the Committees on Appropriations
of the House of Representatives and the Senate, at the
time that the President’s budget proposal for fiscal year
2015 is submitted pursuant to section 1105(a) of title 31,
United States Code, a comprehensive report compiled in
conjunction with the Government Accountability Office
that details updated missions, goals, strategies, and priori-
ties, and performance metrics that are measurable, re-
peatable, and directly linked to requests for funding.

Sec. 511. It is the sense of the Congress that the
Congress should not pass any legislation that authorizes
spending cuts that would increase poverty in the United
States.

SPENDING REDUCTION ACCOUNT

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

Sec. 513. None of the funds made available in this
Act may be used—

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

(2) to implement or enforce the standards es-
ablished by the tables contained in section
325(i)(1)(B) of the Energy Policy and Conservation
Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

SEC. 514. None of the funds made available by this Act may be used to pay the salary of individuals appointed to their current position through, or to otherwise carry out, paragraphs (1), (2), and (3) of section 5503(a) of title 5, United States Code.

SEC. 515. None of the funds made available in this Act may be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers or any district of the Corps within such divisions to implement or enforce the mitigation methodology, referred to as the “Modified Charleston Method”.

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

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

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

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

(1) within a 3-year period preceding this offer has been convicted of or had a civil judgment rendered against it for: (A) commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or (B) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property;

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

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

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

Sec. 521. The amounts otherwise provided by this
Act are revised by reducing the amount made available
for “Department of Energy—Energy Programs—Fossil
Energy Research and Development”, and increasing the
amount made available for “Corps of Engineers-Civil—
Department of the Army—Corps of Engineers-Civil—
Construction”, by $20,000,000.

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

SEC. 523. None of the funds made available by this
Act may be used to reduce the active and inactive nuclear
weapons stockpiles of the United States in contravention
of section 303(b) of the Arms Control and Disarmament
Act (22 U.S.C. 2573(b)).

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

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

SEC. 526. None the funds made available by this Act
may be used for the study of the Missouri River Projects
authorized in section 108 of the Energy and Water Devel-
opment and Related Agencies Appropriations Act, 2009
(division C of Public Law 111–8).
SEC. 527. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

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

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

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

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

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

Sec. 533. None of the funds made available by this Act may be used to implement, administer, or enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

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

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

Passed the House of Representatives July 10, 2013.

Attest:

Clerk.
AN ACT

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