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

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:
“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.
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.

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 Reserve 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 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, $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-
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 cap-
ital 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.), includ-
ing the acquisition (by purchase, condemnation, construc-
tion, or otherwise) of real property, plant, and capital
equipment, facilities, and facility expansion,
$1,312,134,000, to remain available until expended: Pro-
vided, That $44,404,000 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, $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.
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 $1,500,000, 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 appro-
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
$11,892,000: *Provided further,* That, notwithstanding 31
U.S.C. 3302, up to $42,000,000 collected by the South-
western Power Administration pursuant to the Flood Con-
trol Act of 1944 to recover purchase power and wheeling
expenses shall be credited to this account as offsetting col-
lections, to remain available until expended for the sole
purpose of making purchase power and wheeling expendi-
tures: *Provided further,* That, for purposes of this appro-
priation, annual expenses means expenditures that are
generally recovered in the same year that they are in-
curred (excluding purchase power and wheeling expenses).

**CONSTRUCTION, REHABILITATION, OPERATION AND
MAINTENANCE, WESTERN AREA POWER ADMINIS-
TRATION**

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 con-
servation and renewable resources programs as author-
ized, including official reception and representation ex-
penses 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 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 Ad­
ministration, as provided in section 2 of the Act of June
the provisions of that Act and of 31 U.S.C. 3302, up to
$4,910,671 collected by the Western Area Power Adminis­
tration 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 appro­
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

Section 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-
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).
(f) PILOT PROGRAM PLAN.—Not later than 120 days after the date on which the Secretary issues the request for proposals under subsection (c), 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 en-
gineering; and/or

(B) have expertise in managing scientific
facilities; and

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

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

(5) No person shall be nominated for appoint-
ment 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-
ification 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.
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-
instrumentality 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 con­ference; 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, com­mission, 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 In­spec­tor 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 appro­priated 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

This Act may be cited as the “Energy and Water De-
velopment and Related Agencies Appropriations Act,
2014”. 
S. 1245
[Report No. 113–47]

A BILL

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

JUNE 27, 2013
Read twice and placed on the calendar