

## Union Calendar No. 362

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4923

[Report No. 113–486]

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2015, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2014

Mr. SIMPSON, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2015, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for en-  
5 ergy and water development and related agencies for the  
6 fiscal year ending September 30, 2015, and for other pur-  
7 poses, namely:

8           TITLE I—CORPS OF ENGINEERS—CIVIL

9                   DEPARTMENT OF THE ARMY

10                           CORPS OF ENGINEERS—CIVIL

11       The following appropriations shall be expended under  
12 the direction of the Secretary of the Army and the super-  
13 vision of the Chief of Engineers for authorized civil func-  
14 tions of the Department of the Army pertaining to river  
15 and harbor, flood and storm damage reduction, shore pro-  
16 tection, aquatic ecosystem restoration, and related efforts.

17                           INVESTIGATIONS

18       For expenses necessary where authorized by law for  
19 the collection and study of basic information pertaining  
20 to river and harbor, flood and storm damage reduction,  
21 shore protection, aquatic ecosystem restoration, and re-  
22 lated needs; for surveys and detailed studies, and plans  
23 and specifications of proposed river and harbor, flood and  
24 storm damage reduction, shore protection, and aquatic  
25 ecosystem restoration, projects and related efforts prior to

1 construction; for restudy of authorized projects; and for  
2 miscellaneous investigations, and, when authorized by law,  
3 surveys and detailed studies, and plans and specifications  
4 of projects prior to construction, \$115,000,000, to remain  
5 available until expended.

6 CONSTRUCTION

7 For expenses necessary for the construction of river  
8 and harbor, flood and storm damage reduction, shore pro-  
9 tection, aquatic ecosystem restoration, and related  
10 projects authorized by law; for conducting detailed studies,  
11 and plans and specifications, of such projects (including  
12 those involving participation by States, local governments,  
13 or private groups) authorized or made eligible for selection  
14 by law (but such detailed studies, and plans and specifica-  
15 tions, shall not constitute a commitment of the Govern-  
16 ment to construction); \$1,704,499,000, to remain avail-  
17 able until expended; of which such sums as are necessary  
18 to cover the Federal share of construction costs for facili-  
19 ties under the Dredged Material Disposal Facilities pro-  
20 gram shall be derived from the Harbor Maintenance Trust  
21 Fund as authorized by Public Law 104–303; and of which  
22 such sums as are necessary to cover one-half of the costs  
23 of construction, replacement, rehabilitation, and expansion  
24 of inland waterways projects shall be derived from the In-

1 land Waterways Trust Fund, except as otherwise specifi-  
2 cally provided for in law.

3                   MISSISSIPPI RIVER AND TRIBUTARIES

4       For expenses necessary for flood damage reduction  
5 projects and related efforts in the Mississippi River allu-  
6 vial valley below Cape Girardeau, Missouri, as authorized  
7 by law, \$260,000,000, to remain available until expended,  
8 of which such sums as are necessary to cover the Federal  
9 share of eligible operation and maintenance costs for in-  
10 land harbors shall be derived from the Harbor Mainte-  
11 nance Trust Fund.

12                   OPERATION AND MAINTENANCE

13       For expenses necessary for the operation, mainte-  
14 nance, and care of existing river and harbor, flood and  
15 storm damage reduction, aquatic ecosystem restoration,  
16 and related projects authorized by law; providing security  
17 for infrastructure owned or operated by the Corps, includ-  
18 ing administrative buildings and laboratories; maintaining  
19 harbor channels provided by a State, municipality, or  
20 other public agency that serve essential navigation needs  
21 of general commerce, where authorized by law; surveying  
22 and charting northern and northwestern lakes and con-  
23 necting waters; clearing and straightening channels; and  
24 removing obstructions to navigation, \$2,905,000,000, to  
25 remain available until expended, of which such sums as

1 are necessary to cover the Federal share of eligible oper-  
2 ation and maintenance costs for coastal harbors and chan-  
3 nels, and for inland harbors shall be derived from the Har-  
4 bor Maintenance Trust Fund; of which such sums as be-  
5 come available from the special account for the Corps of  
6 Engineers established by the Land and Water Conserva-  
7 tion Fund Act of 1965 shall be derived from that account  
8 for resource protection, research, interpretation, and  
9 maintenance activities related to resource protection in the  
10 areas at which outdoor recreation is available; and of  
11 which such sums as become available from fees collected  
12 under section 217 of Public Law 104–303 shall be used  
13 to cover the cost of operation and maintenance of the  
14 dredged material disposal facilities for which such fees  
15 have been collected: *Provided*, That 1 percent of the total  
16 amount of funds provided for each of the programs,  
17 projects, or activities funded under this heading shall not  
18 be allocated to a field operating activity prior to the begin-  
19 ning of the fourth quarter of the fiscal year and shall be  
20 available for use by the Chief of Engineers to fund such  
21 emergency activities as the Chief of Engineers determines  
22 to be necessary and appropriate, and that the Chief of En-  
23 gineers shall allocate during the fourth quarter any re-  
24 maining funds which have not been used for emergency

1 activities proportionally in accordance with the amounts  
2 provided for the programs, projects, or activities.

3 REGULATORY PROGRAM

4 For expenses necessary for administration of laws  
5 pertaining to regulation of navigable waters and wetlands,  
6 \$200,000,000, to remain available until September 30,  
7 2016.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

9 For expenses necessary to clean up contamination  
10 from sites in the United States resulting from work per-  
11 formed as part of the Nation's early atomic energy pro-  
12 gram, \$100,000,000, to remain available until expended.

13 FLOOD CONTROL AND COASTAL EMERGENCIES

14 For expenses necessary to prepare for flood, hurri-  
15 cane, and other natural disasters and support emergency  
16 operations, repairs, and other activities in response to  
17 such disasters as authorized by law, \$28,000,000, to re-  
18 main available until expended.

19 EXPENSES

20 For expenses necessary for the supervision and gen-  
21 eral administration of the civil works program in the head-  
22 quarters of the Corps of Engineers and the offices of the  
23 Division Engineers; and for costs of management and op-  
24 eration of the Humphreys Engineer Center Support Activ-  
25 ity, the Institute for Water Resources, the United States

1 Army Engineer Research and Development Center, and  
2 the United States Army Corps of Engineers Finance Cen-  
3 ter allocable to the civil works program, \$178,000,000, to  
4 remain available until September 30, 2016, of which not  
5 to exceed \$5,000 may be used for official reception and  
6 representation purposes and only during the current fiscal  
7 year: *Provided*, That no part of any other appropriation  
8 provided in this title shall be available to fund the civil  
9 works activities of the Office of the Chief of Engineers  
10 or the civil works executive direction and management ac-  
11 tivities of the division offices: *Provided further*, That any  
12 Flood Control and Coastal Emergencies appropriation  
13 may be used to fund the supervision and general adminis-  
14 tration of emergency operations, repairs, and other activi-  
15 ties in response to any flood, hurricane, or other natural  
16 disaster.

17 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
18 FOR CIVIL WORKS

19 For the Office of the Assistant Secretary of the Army  
20 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),  
21 \$2,000,000, to remain available until September 30, 2016.

1                   GENERAL PROVISIONS—CORPS OF  
2                   ENGINEERS—CIVIL  
3                   (INCLUDING TRANSFER OF FUNDS)

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

7           (1) creates or initiates a new program, project, or ac-  
8 tivity;

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

10          (3) increases funds or personnel for any program,  
11 project, or activity for which funds are denied or restricted  
12 by this Act;

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

15          (5) increases funds for any program, project, or activ-  
16 ity by more than \$2,000,000 or 10 percent, whichever is  
17 less; or

18          (6) reduces funds for any program, project, or activ-  
19 ity by more than \$2,000,000 or 10 percent, whichever is  
20 less.

21          (b) Subsection (a)(1) shall not apply to any project  
22 or activity authorized under section 205 of the Flood Con-  
23 trol Act of 1948, section 14 of the Flood Control Act of  
24 1946, section 208 of the Flood Control Act of 1954, sec-  
25 tion 107 of the River and Harbor Act of 1960, section



1 103 of the River and Harbor Act of 1962, section 111  
2 of the River and Harbor Act of 1968, section 1135 of the  
3 Water Resources Development Act of 1986, section 206  
4 of the Water Resources Development Act of 1996, or sec-  
5 tion 204 of the Water Resources Development Act of  
6 1992.

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

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

21 SEC. 103. None of the funds in this Act, or previous  
22 Acts, making funds available for Energy and Water Devel-  
23 opment, shall be used to award any continuing contract  
24 that commits additional funding from the Inland Water-  
25 ways Trust Fund unless or until such time that a long-

1 term mechanism to enhance revenues in this Fund suffi-  
2 cient to meet the cost-sharing authorized in the Water Re-  
3 sources Development Act of 1986 (Public Law 99–662)  
4 is enacted.

5       SEC. 104. The Secretary of the Army may transfer  
6 to the Fish and Wildlife Service, and the Fish and Wildlife  
7 Service may accept and expend, up to \$4,700,000 of funds  
8 provided in this title under the heading “Operation and  
9 Maintenance” to mitigate for fisheries lost due to Corps  
10 of Engineers projects.

11       SEC. 105. None of the funds made available in this  
12 or any other Act making appropriations for Energy and  
13 Water Development for any fiscal year may be used by  
14 the Corps of Engineers to develop, adopt, implement, ad-  
15 minister, or enforce any change to the regulations in effect  
16 on October 1, 2012, pertaining to the definitions of the  
17 terms “fill material” or “discharge of fill material” for the  
18 purposes of the Federal Water Pollution Control Act (33  
19 U.S.C. 1251 et seq.).

20       SEC. 106. None of the funds made available in this  
21 or any other Act making appropriations for Energy and  
22 Water Development for any fiscal year may be used by  
23 the Corps of Engineers to develop, adopt, implement, ad-  
24 minister, or enforce any change to the regulations and  
25 guidance in effect on October 1, 2012, pertaining to the

1 definition of waters under the jurisdiction of the Federal  
2 Water Pollution Control Act (33 U.S.C. 1251 et seq.), in-  
3 cluding the provisions of the rules dated November 13,  
4 1986, and August 25, 1993, relating to such jurisdiction,  
5 and the guidance documents dated January 15, 2003, and  
6 December 2, 2008, relating to such jurisdiction.

7       SEC. 107. As of the date of enactment of this Act  
8 and each fiscal year thereafter, the Secretary of the Army  
9 shall not promulgate or enforce any regulation that pro-  
10 hibits an individual from possessing a firearm, including  
11 an assembled or functional firearm, at a water resources  
12 development project covered under section 327.0 of title  
13 36, Code of Federal Regulations (as in effect on the date  
14 of enactment of this Act), if—

15           (1) the individual is not otherwise prohibited by  
16       law from possessing the firearm; and

17           (2) the possession of the firearm is in compli-  
18       ance with the law of the State in which the water  
19       resources development project is located.

## 20       TITLE II—DEPARTMENT OF THE INTERIOR

### 21                       CENTRAL UTAH PROJECT

#### 22                       CENTRAL UTAH PROJECT COMPLETION ACCOUNT

23       For carrying out activities authorized by the Central  
24 Utah Project Completion Act, \$9,874,000, to remain  
25 available until expended, of which \$1,000,000 shall be de-

1 posited into the Utah Reclamation Mitigation and Con-  
2 servation Account for use by the Utah Reclamation Miti-  
3 gation and Conservation Commission: *Provided*, That of  
4 the amount provided under this heading, \$1,300,000 shall  
5 be available until September 30, 2016, for necessary ex-  
6 penses incurred in carrying out related responsibilities of  
7 the Secretary of the Interior: *Provided further*, That for  
8 fiscal year 2015, of the amount made available to the  
9 Commission under this Act or any other Act, the Commis-  
10 sion may use an amount not to exceed \$1,500,000 for ad-  
11 ministrative expenses.

12 BUREAU OF RECLAMATION

13 The following appropriations shall be expended to  
14 execute authorized functions of the Bureau of Reclama-  
15 tion:

16 WATER AND RELATED RESOURCES

17 (INCLUDING TRANSFERS OF FUNDS)

18 For management, development, and restoration of  
19 water and related natural resources and for related activi-  
20 ties, including the operation, maintenance, and rehabilita-  
21 tion of reclamation and other facilities, participation in  
22 fulfilling related Federal responsibilities to Native Ameri-  
23 cans, and related grants to, and cooperative and other  
24 agreements with, State and local governments, federally  
25 recognized Indian tribes, and others, \$856,351,000, to re-

1 main available until expended, of which \$25,000 shall be  
2 available for transfer to the Upper Colorado River Basin  
3 Fund and \$6,840,000 shall be available for transfer to the  
4 Lower Colorado River Basin Development Fund; of which  
5 such amounts as may be necessary may be advanced to  
6 the Colorado River Dam Fund: *Provided*, That such trans-  
7 fers may be increased or decreased within the overall ap-  
8 propriation under this heading: *Provided further*, That of  
9 the total appropriated, the amount for program activities  
10 that can be financed by the Reclamation Fund or the Bu-  
11 reau of Reclamation special fee account established by 16  
12 U.S.C. 6806 shall be derived from that Fund or account:  
13 *Provided further*, That funds contributed under 43 U.S.C.  
14 395 are available until expended for the purposes for  
15 which the funds were contributed: *Provided further*, That  
16 funds advanced under 43 U.S.C. 397a shall be credited  
17 to this account and are available until expended for the  
18 same purposes as the sums appropriated under this head-  
19 ing: *Provided further*, That of the amounts provided here-  
20 in, funds may be used for high-priority projects which  
21 shall be carried out by the Youth Conservation Corps, as  
22 authorized by 16 U.S.C. 1706.

23 CENTRAL VALLEY PROJECT RESTORATION FUND

24 For carrying out the programs, projects, plans, habi-  
25 tat restoration, improvement, and acquisition provisions of

1 the Central Valley Project Improvement Act, \$56,995,000,  
2 to be derived from such sums as may be collected in the  
3 Central Valley Project Restoration Fund pursuant to sec-  
4 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law  
5 102–575, to remain available until expended: *Provided*,  
6 That the Bureau of Reclamation is directed to assess and  
7 collect the full amount of the additional mitigation and  
8 restoration payments authorized by section 3407(d) of  
9 Public Law 102–575: *Provided further*, That none of the  
10 funds made available under this heading may be used for  
11 the acquisition or leasing of water for in-stream purposes  
12 if the water is already committed to in-stream purposes  
13 by a court adopted decree or order.

14 CALIFORNIA BAY-DELTA RESTORATION

15 (INCLUDING TRANSFERS OF FUNDS)

16 For carrying out activities authorized by the Water  
17 Supply, Reliability, and Environmental Improvement Act,  
18 consistent with plans to be approved by the Secretary of  
19 the Interior, \$37,000,000, to remain available until ex-  
20 pended, of which such amounts as may be necessary to  
21 carry out such activities may be transferred to appropriate  
22 accounts of other participating Federal agencies to carry  
23 out authorized purposes: *Provided*, That funds appro-  
24 priated herein may be used for the Federal share of the  
25 costs of CALFED Program management: *Provided fur-*

1 *ther*, That CALFED implementation shall be carried out  
2 in a balanced manner with clear performance measures  
3 demonstrating concurrent progress in achieving the goals  
4 and objectives of the Program.

5 POLICY AND ADMINISTRATION

6 For necessary expenses of policy, administration, and  
7 related functions in the Office of the Commissioner, the  
8 Denver office, and offices in the five regions of the Bureau  
9 of Reclamation, to remain available until September 30,  
10 2016, \$53,849,000, to be derived from the Reclamation  
11 Fund and be nonreimbursable as provided in 43 U.S.C.  
12 377: *Provided*, That no part of any other appropriation  
13 in this Act shall be available for activities or functions  
14 budgeted as policy and administration expenses.

15 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

16 (INCLUDING RESCISSION OF FUNDS)

17 Of the unobligated balances available under this  
18 heading, \$500,000 is hereby permanently rescinded.

19 ADMINISTRATIVE PROVISION

20 Appropriations for the Bureau of Reclamation shall  
21 be available for purchase of not to exceed five passenger  
22 motor vehicles, which are for replacement only.

1 GENERAL PROVISIONS—DEPARTMENT OF THE  
2 INTERIOR

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

6 (1) creates or initiates a new program, project, or ac-  
7 tivity;

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

9 (3) increases funds for any program, project, or activ-  
10 ity for which funds have been denied or restricted by this  
11 Act;

12 (4) restarts or resumes any program, project or activ-  
13 ity for which funds are not provided in this Act, unless  
14 prior approval is received from the Committees on Appro-  
15 priations of the House of Representatives and the Senate;

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

17 (A) 15 percent for any program, project or ac-  
18 tivity for which \$2,000,000 or more is available at  
19 the beginning of the fiscal year; or

20 (B) \$300,000 for any program, project or activ-  
21 ity for which less than \$2,000,000 is available at the  
22 beginning of the fiscal year;

23 (6) transfers more than \$500,000 from either the Fa-  
24 cilities Operation, Maintenance, and Rehabilitation cat-  
25 egory or the Resources Management and Development



1 category to any program, project, or activity in the other  
2 category; or

3 (7) transfers, when necessary to discharge legal obli-  
4 gations of the Bureau of Reclamation, more than  
5 \$5,000,000 to provide adequate funds for settled con-  
6 tractor claims, increased contractor earnings due to accel-  
7 erated rates of operations, and real estate deficiency judg-  
8 ments.

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

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

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

22 SEC. 202. (a) None of the funds appropriated or oth-  
23 erwise made available by this Act may be used to deter-  
24 mine the final point of discharge for the interceptor drain  
25 for the San Luis Unit until development by the Secretary

1 of the Interior and the State of California of a plan, which  
2 shall conform to the water quality standards of the State  
3 of California as approved by the Administrator of the En-  
4 vironmental Protection Agency, to minimize any detri-  
5 mental effect of the San Luis drainage waters.

6 (b) The costs of the Kesterson Reservoir Cleanup  
7 Program and the costs of the San Joaquin Valley Drain-  
8 age Program shall be classified by the Secretary of the  
9 Interior as reimbursable or nonreimbursable and collected  
10 until fully repaid pursuant to the “Cleanup Program—  
11 Alternative Repayment Plan” and the “SJVDP—Alter-  
12 native Repayment Plan” described in the report entitled  
13 “Repayment Report, Kesterson Reservoir Cleanup Pro-  
14 gram and San Joaquin Valley Drainage Program, Feb-  
15 ruary 1995”, prepared by the Department of the Interior,  
16 Bureau of Reclamation. Any future obligations of funds  
17 by the United States relating to, or providing for, drainage  
18 service or drainage studies for the San Luis Unit shall  
19 be fully reimbursable by San Luis Unit beneficiaries of  
20 such service or studies pursuant to Federal reclamation  
21 law.

## 1 TITLE III—DEPARTMENT OF ENERGY

## 2 ENERGY PROGRAMS

## 3 ENERGY EFFICIENCY AND RENEWABLE ENERGY

4 For Department of Energy expenses including the  
5 purchase, construction, and acquisition of plant and cap-  
6 ital equipment, and other expenses necessary for energy  
7 efficiency and renewable energy activities in carrying out  
8 the purposes of the Department of Energy Organization  
9 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
10 condemnation of any real property or any facility or for  
11 plant or facility acquisition, construction, or expansion,  
12 \$1,789,000,000, to remain available until expended: *Pro-*  
13 *vided*, That of such amount, \$150,000,000 shall be avail-  
14 able until September 30, 2016, for program direction.

## 15 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

16 For Department of Energy expenses including the  
17 purchase, construction, and acquisition of plant and cap-  
18 ital equipment, and other expenses necessary for elec-  
19 tricity delivery and energy reliability activities in carrying  
20 out the purposes of the Department of Energy Organiza-  
21 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-  
22 tion or condemnation of any real property or any facility  
23 or for plant or facility acquisition, construction, or expan-  
24 sion, \$160,000,000, to remain available until expended:

1 *Provided*, That of such amount, \$27,500,000 shall be  
2 available until September 30, 2016, for program direction.

### 3 NUCLEAR ENERGY

4 For Department of Energy expenses including the  
5 purchase, construction, and acquisition of plant and cap-  
6 ital equipment, and other expenses necessary for nuclear  
7 energy activities in carrying out the purposes of the De-  
8 partment of Energy Organization Act (42 U.S.C. 7101 et  
9 seq.), including the acquisition or condemnation of any  
10 real property or any facility or for plant or facility acqui-  
11 sition, construction, or expansion, \$899,000,000, to remain  
12 available until expended: *Provided*, That of such amount,  
13 \$73,000,000 shall be available until September 30, 2016,  
14 for program direction including official reception and rep-  
15 resentation expenses not to exceed \$10,000.

### 16 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

17 For necessary expenses in carrying out fossil energy  
18 research and development activities, under the authority  
19 of the Department of Energy Organization Act (42 U.S.C.  
20 7101 et seq.), including the acquisition of interest, includ-  
21 ing defeasible and equitable interests in any real property  
22 or any facility or for plant or facility acquisition or expan-  
23 sion, and for conducting inquiries, technological investiga-  
24 tions and research concerning the extraction, processing,  
25 use, and disposal of mineral substances without objection-

1 able social and environmental costs (30 U.S.C. 3, 1602,  
2 and 1603), \$593,000,000, to remain available until ex-  
3 pended: *Provided*, That of such amount, \$120,000,000  
4 shall be available until September 30, 2016, for program  
5 direction.

6       NAVAL PETROLEUM AND OIL SHALE RESERVES

7       For expenses necessary to carry out naval petroleum  
8 and oil shale reserve activities, \$19,950,000, to remain  
9 available until expended: *Provided*, That, notwithstanding  
10 any other provision of law, unobligated funds remaining  
11 from prior years shall be available for all naval petroleum  
12 and oil shale reserve activities.

13               ELK HILLS SCHOOL LANDS FUND

14       For necessary expenses in fulfilling the final payment  
15 under the Settlement Agreement entered into by the  
16 United States and the State of California on October 11,  
17 1996, as authorized by section 3415 of Public Law 104–  
18 106 (10 U.S.C. 7420 Note), \$15,579,815, for payment to  
19 the State of California for the Teachers’ Retirement Fund  
20 of the State, of which \$15,579,815 shall be derived from  
21 the Elk Hills School Lands Fund.

22               STRATEGIC PETROLEUM RESERVE

23       For necessary expenses for Strategic Petroleum Re-  
24 serve facility development and operations and program  
25 management activities pursuant to the Energy Policy and

1 Conservation Act (42 U.S.C. 6201 et seq.), \$205,000,000,  
2 to remain available until expended.

3           NORTHEAST HOME HEATING OIL RESERVE

4                   (INCLUDING RESCISSION OF FUNDS)

5           For necessary expenses for Northeast Home Heating  
6 Oil Reserve storage, operation, and management activities  
7 pursuant to the Energy Policy and Conservation Act (42  
8 U.S.C. 6201 et seq.), \$7,600,000, to remain available until  
9 expended: *Provided*, That of the unobligated balances from  
10 prior year appropriations available under this heading,  
11 \$6,000,000 is hereby permanently rescinded: *Provided fur-*  
12 *ther*, That no amounts may be rescinded from amounts  
13 that were designated by the Congress as an emergency re-  
14 quirement pursuant to a concurrent resolution on the  
15 budget or the Balanced Budget and Emergency Deficit  
16 Control Act of 1985.

17           ENERGY INFORMATION ADMINISTRATION

18           For necessary expenses in carrying out the activities  
19 of the Energy Information Administration, \$120,000,000,  
20 to remain available until expended.

21           NON-DEFENSE ENVIRONMENTAL CLEANUP

22           For Department of Energy expenses, including the  
23 purchase, construction, and acquisition of plant and cap-  
24 ital equipment and other expenses necessary for non-de-  
25 fense environmental cleanup activities in carrying out the

1 purposes of the Department of Energy Organization Act  
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
3 demnation of any real property or any facility or for plant  
4 or facility acquisition, construction, or expansion,  
5 \$241,174,000, to remain available until expended.

6 URANIUM ENRICHMENT DECONTAMINATION AND  
7 DECOMMISSIONING FUND

8 For necessary expenses in carrying out uranium en-  
9 richment facility decontamination and decommissioning,  
10 remedial actions, and other activities of title II of the  
11 Atomic Energy Act of 1954, and title X, subtitle A, of  
12 the Energy Policy Act of 1992, \$585,976,000, to be de-  
13 rived from the Uranium Enrichment Decontamination and  
14 Decommissioning Fund, to remain available until ex-  
15 pended.

16 SCIENCE

17 For Department of Energy expenses including the  
18 purchase, construction, and acquisition of plant and cap-  
19 ital equipment, and other expenses necessary for science  
20 activities in carrying out the purposes of the Department  
21 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
22 cluding the acquisition or condemnation of any real prop-  
23 erty or facility or for plant or facility acquisition, construc-  
24 tion, or expansion, and purchase of not more than 17 pas-  
25 senger motor vehicles for replacement only, including two

1 buses, \$5,071,000,000, to remain available until ex-  
2 pended: *Provided*, That of such amount, \$180,000,000  
3 shall be available until September 30, 2016, for program  
4 direction: *Provided further*, That no funding may be made  
5 available for U.S. cash contributions to the International  
6 Thermonuclear Experimental Reactor project until its  
7 governing Council implements the recommendations of the  
8 Third Biennial International Organization Management  
9 Assessment Report: *Provided further*, That the Secretary  
10 of Energy may waive this requirement upon submission  
11 to the Committees on Appropriations of the House of Rep-  
12 resentatives and the Senate a determination that the  
13 Council is making satisfactory progress towards imple-  
14 mentation of such recommendations.

15                                   NUCLEAR WASTE DISPOSAL

16       For nuclear waste disposal activities to carry out the  
17 purposes of the Nuclear Waste Policy Act of 1982 (Public  
18 Law 97-425), including the acquisition of real property  
19 or facility construction or expansion, \$150,000,000, to re-  
20 main available until expended, and to be derived from the  
21 Nuclear Waste Fund.

22                                   ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

23       For necessary expenses in carrying out the activities  
24 authorized by section 5012 of the America COMPETES  
25 Act (42 U.S.C. 16538), \$280,000,000, to remain available



1 until expended: *Provided*, That of such amount,  
2 \$28,000,000 shall be available until September 30, 2016,  
3 for program direction.

4 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE  
5 PROGRAM

6 Such sums as are derived from amounts received  
7 from borrowers pursuant to section 1702(b) of the Energy  
8 Policy Act of 2005 (42 U.S.C. 16512(b)) under this head-  
9 ing in prior Acts, shall be collected in accordance with sec-  
10 tion 502(7) of the Congressional Budget Act of 1974: *Pro-*  
11 *vided*, That, for necessary administrative expenses to carry  
12 out this Loan Guarantee program, \$42,000,000 is appro-  
13 priated, to remain available until September 30, 2016:  
14 *Provided further*, That \$25,000,000 of the fees collected  
15 pursuant to section 1702(h) of the Energy Policy Act of  
16 2005 shall be credited as offsetting collections to this ac-  
17 count to cover administrative expenses and shall remain  
18 available until expended, so as to result in a final fiscal  
19 year 2015 appropriation from the general fund estimated  
20 at not more than \$17,000,000: *Provided further*, That fees  
21 collected under section 1702(h) in excess of the amount  
22 appropriated for administrative expenses shall not be  
23 available until appropriated: *Provided further*, That the  
24 Department of Energy shall not subordinate any loan obli-  
25 gation to other financing in violation of section 1702 of



1 hire of passenger motor vehicles and official reception and  
2 representation expenses not to exceed \$30,000, plus such  
3 additional amounts as necessary to cover increases in the  
4 estimated amount of cost of work for others notwith-  
5 standing the provisions of the Anti-Deficiency Act (31  
6 U.S.C. 1511 et seq.): *Provided*, That such increases in  
7 cost of work are offset by revenue increases of the same  
8 or greater amount: *Provided further*, That moneys received  
9 by the Department for miscellaneous revenues estimated  
10 to total \$119,171,000 in fiscal year 2015 may be retained  
11 and used for operating expenses within this account, as  
12 authorized by section 201 of Public Law 95–238, notwith-  
13 standing the provisions of 31 U.S.C. 3302: *Provided fur-*  
14 *ther*, That the sum herein appropriated shall be reduced  
15 as collections are received during the fiscal year so as to  
16 result in a final fiscal year 2015 appropriation from the  
17 general fund estimated at not more than \$136,000,000.

18 OFFICE OF THE INSPECTOR GENERAL

19 For necessary expenses of the Office of the Inspector  
20 General in carrying out the provisions of the Inspector  
21 General Act of 1978, \$42,120,000, to remain available  
22 until September 30, 2016.

1           ATOMIC ENERGY DEFENSE ACTIVITIES  
2                    NATIONAL NUCLEAR SECURITY  
3                            ADMINISTRATION  
4                                    WEAPONS ACTIVITIES

5           For Department of Energy expenses, including the  
6 purchase, construction, and acquisition of plant and cap-  
7 ital equipment and other incidental expenses necessary for  
8 atomic energy defense weapons activities in carrying out  
9 the purposes of the Department of Energy Organization  
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
11 condemnation of any real property or any facility or for  
12 plant or facility acquisition, construction, or expansion,  
13 and the purchase of not to exceed 4 passenger vehicles,  
14 \$8,204,209,000, to remain available until expended: *Pro-*  
15 *vided*, That of such amount, \$97,118,000 shall be avail-  
16 able until September 30, 2016, for program direction.

17                    DEFENSE NUCLEAR NONPROLIFERATION  
18                            (INCLUDING RESCISSION OF FUNDS)

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



## 1 OFFICE OF THE ADMINISTRATOR

2 For necessary expenses of the Office of the Adminis-  
3 trator in the National Nuclear Security Administration,  
4 \$386,863,000, to remain available until September 30,  
5 2016, including official reception and representation ex-  
6 penses not to exceed \$12,000.

## 7 ENVIRONMENTAL AND OTHER DEFENSE

## 8 ACTIVITIES

## 9 DEFENSE ENVIRONMENTAL CLEANUP

10 For Department of Energy expenses, including the  
11 purchase, construction, and acquisition of plant and cap-  
12 ital equipment and other expenses necessary for atomic  
13 energy defense environmental cleanup activities in car-  
14 rying out the purposes of the Department of Energy Orga-  
15 nization Act (42 U.S.C. 7101 et seq.), including the acqui-  
16 sition or condemnation of any real property or any facility  
17 or for plant or facility acquisition, construction, or expan-  
18 sion, and the purchase of not to exceed one sport utility  
19 vehicle, one heavy duty truck, two ambulances, and one  
20 ladder fire truck for replacement only, \$4,801,280,000, to  
21 remain available until expended: *Provided*, That of such  
22 amount, \$280,784,000 shall be available until September  
23 30, 2016, for program direction.

## 1                   OTHER DEFENSE ACTIVITIES

2           For Department of Energy expenses, including the  
3 purchase, construction, and acquisition of plant and cap-  
4 ital equipment and other expenses, necessary for atomic  
5 energy defense, other defense activities, and classified ac-  
6 tivities, in carrying out the purposes of the Department  
7 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
8 cluding the acquisition or condemnation of any real prop-  
9 erty or any facility or for plant or facility acquisition, con-  
10 struction, or expansion, \$754,000,000, to remain available  
11 until expended: *Provided*, That of such amount,  
12 \$249,378,000 shall be available until September 30, 2016,  
13 for program direction.

## 14                   POWER MARKETING ADMINISTRATIONS

## 15                   BONNEVILLE POWER ADMINISTRATION FUND

16           Expenditures from the Bonneville Power Administra-  
17 tion Fund, established pursuant to Public Law 93-454,  
18 are approved for the Black Canyon Trout Hatchery and,  
19 in addition, for official reception and representation ex-  
20 penses in an amount not to exceed \$5,000: *Provided*, That  
21 during fiscal year 2015, no new direct loan obligations  
22 may be made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance  
4 of power transmission facilities and of marketing electric  
5 power and energy, including transmission wheeling and  
6 ancillary services, pursuant to section 5 of the Flood Con-  
7 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-  
8 eastern power area, and including official reception and  
9 representation expenses in an amount not to exceed  
10 \$1,500, \$7,220,000, to remain available until expended:  
11 *Provided*, That notwithstanding 31 U.S.C. 3302 and sec-  
12 tion 5 of the Flood Control Act of 1944, up to \$7,220,000  
13 collected by the Southeastern Power Administration from  
14 the sale of power and related services shall be credited to  
15 this account as discretionary offsetting collections, to re-  
16 main available until expended for the sole purpose of fund-  
17 ing the annual expenses of the Southeastern Power Ad-  
18 ministration: *Provided further*, That the sum herein appro-  
19 priated for annual expenses shall be reduced as collections  
20 are received during the fiscal year so as to result in a final  
21 fiscal year 2015 appropriation estimated at not more than  
22 \$0: *Provided further*, That, notwithstanding 31 U.S.C.  
23 3302, up to \$73,579,000 collected by the Southeastern  
24 Power Administration pursuant to the Flood Control Act  
25 of 1944 to recover purchase power and wheeling expenses



1 shall be credited to this account as offsetting collections,  
2 to remain available until expended for the sole purpose  
3 of making purchase power and wheeling expenditures:  
4 *Provided further*, That for purposes of this appropriation,  
5 annual expenses means expenditures that are generally re-  
6 covered in the same year that they are incurred (excluding  
7 purchase power and wheeling expenses).

8       OPERATION AND MAINTENANCE, SOUTHWESTERN  
9                                   POWER ADMINISTRATION

10       For necessary expenses of operation and maintenance  
11 of power transmission facilities and of marketing electric  
12 power and energy, for construction and acquisition of  
13 transmission lines, substations and appurtenant facilities,  
14 and for administrative expenses, including official recep-  
15 tion and representation expenses in an amount not to ex-  
16 ceed \$1,500 in carrying out section 5 of the Flood Control  
17 Act of 1944 (16 U.S.C. 825s), as applied to the South-  
18 western Power Administration, \$46,240,000, to remain  
19 available until expended: *Provided*, That notwithstanding  
20 31 U.S.C. 3302 and section 5 of the Flood Control Act  
21 of 1944 (16 U.S.C. 825s), up to \$34,840,000 collected  
22 by the Southwestern Power Administration from the sale  
23 of power and related services shall be credited to this ac-  
24 count as discretionary offsetting collections, to remain  
25 available until expended, for the sole purpose of funding

1 the annual expenses of the Southwestern Power Adminis-  
2 tration: *Provided further*, That the sum herein appro-  
3 priated for annual expenses shall be reduced as collections  
4 are received during the fiscal year so as to result in a final  
5 fiscal year 2015 appropriation estimated at not more than  
6 \$11,400,000: *Provided further*, That, notwithstanding 31  
7 U.S.C. 3302, up to \$53,000,000 collected by the South-  
8 western Power Administration pursuant to the Flood Con-  
9 trol Act of 1944 to recover purchase power and wheeling  
10 expenses shall be credited to this account as offsetting col-  
11 lections, to remain available until expended for the sole  
12 purpose of making purchase power and wheeling expendi-  
13 tures: *Provided further*, That, for purposes of this appro-  
14 priation, annual expenses means expenditures that are  
15 generally recovered in the same year that they are in-  
16 curred (excluding purchase power and wheeling expenses).

17 CONSTRUCTION, REHABILITATION, OPERATION AND  
18 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
19 TRATION

20 For carrying out the functions authorized by title III,  
21 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
22 U.S.C. 7152), and other related activities including con-  
23 servation and renewable resources programs as author-  
24 ized, including official reception and representation ex-  
25 penses in an amount not to exceed \$1,500, \$304,402,000,

1 to remain available until expended, of which \$296,321,000  
2 shall be derived from the Department of the Interior Rec-  
3 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.  
4 3302, section 5 of the Flood Control Act of 1944 (16  
5 U.S.C. 825s), and section 1 of the Interior Department  
6 Appropriation Act, 1939 (43 U.S.C. 392a), up to  
7 \$211,030,000 collected by the Western Area Power Ad-  
8 ministration from the sale of power and related services  
9 shall be credited to this account as discretionary offsetting  
10 collections, to remain available until expended, for the sole  
11 purpose of funding the annual expenses of the Western  
12 Area Power Administration: *Provided further*, That the  
13 sum herein appropriated for annual expenses shall be re-  
14 duced as collections are received during the fiscal year so  
15 as to result in a final fiscal year 2015 appropriation esti-  
16 mated at not more than \$93,372,000, of which  
17 \$85,291,000 is derived from the Reclamation Fund: *Pro-*  
18 *vided further*, That, notwithstanding 31 U.S.C. 3302, up  
19 to \$260,510,000 collected by the Western Area Power Ad-  
20 ministration pursuant to the Flood Control Act of 1944  
21 and the Reclamation Project Act of 1939 to recover pur-  
22 chase power and wheeling expenses shall be credited to  
23 this account as offsetting collections, to remain available  
24 until expended for the sole purpose of making purchase  
25 power and wheeling expenditures: *Provided further*, That,

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

5 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
6 FUND

7 For operation, maintenance, and emergency costs for  
8 the hydroelectric facilities at the Falcon and Amistad  
9 Dams, \$4,727,000, to remain available until expended,  
10 and to be derived from the Falcon and Amistad Operating  
11 and Maintenance Fund of the Western Area Power Ad-  
12 ministration, as provided in section 2 of the Act of June  
13 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding  
14 the provisions of that Act and of 31 U.S.C. 3302, up to  
15 \$4,499,000 collected by the Western Area Power Adminis-  
16 tration from the sale of power and related services from  
17 the Falcon and Amistad Dams shall be credited to this  
18 account as discretionary offsetting collections, to remain  
19 available until expended for the sole purpose of funding  
20 the annual expenses of the hydroelectric facilities of these  
21 Dams and associated Western Area Power Administration  
22 activities: *Provided further*, That the sum herein appro-  
23 priated for annual expenses shall be reduced as collections  
24 are received during the fiscal year so as to result in a final  
25 fiscal year 2015 appropriation estimated at not more than

1 \$228,000: *Provided further*, That for purposes of this ap-  
2 propriation, annual expenses means expenditures that are  
3 generally recovered in the same year that they are in-  
4 curred: *Provided further*, That for fiscal year 2015, the  
5 Administrator of the Western Area Power Administration  
6 may accept up to \$802,000 in funds contributed by United  
7 States power customers of the Falcon and Amistad Dams  
8 for deposit into the Falcon and Amistad Operating and  
9 Maintenance Fund, and such funds shall be available for  
10 the purpose for which contributed in like manner as if said  
11 sums had been specifically appropriated for such purpose:  
12 *Provided further*, That any such funds shall be available  
13 without further appropriation and without fiscal year limi-  
14 tation for use by the Commissioner of the United States  
15 Section of the International Boundary and Water Com-  
16 mission for the sole purpose of operating, maintaining, re-  
17 pairing, rehabilitating, replacing, or upgrading the hydro-  
18 electric facilities at these Dams in accordance with agree-  
19 ments reached between the Administrator, Commissioner,  
20 and the power customers.

21 FEDERAL ENERGY REGULATORY COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Federal Energy Regu-  
24 latory Commission to carry out the provisions of the De-  
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 seq.), including services as authorized by 5 U.S.C. 3109,  
2 the hire of passenger motor vehicles, and official reception  
3 and representation expenses not to exceed \$3,000,  
4 \$304,389,000, to remain available until expended: *Pro-*  
5 *vided*, That of the amount appropriated herein, not more  
6 than \$5,400,000 may be made available for salaries, trav-  
7 el, and other support costs for the offices of the Commis-  
8 sioners: *Provided further*, That notwithstanding any other  
9 provision of law, not to exceed \$304,389,000 of revenues  
10 from fees and annual charges, and other services and col-  
11 lections in fiscal year 2015 shall be retained and used for  
12 necessary expenses in this account, and shall remain avail-  
13 able until expended: *Provided further*, That the sum herein  
14 appropriated from the general fund shall be reduced as  
15 revenues are received during fiscal year 2015 so as to re-  
16 sult in a final fiscal year 2015 appropriation from the gen-  
17 eral fund estimated at not more than \$0.

18 GENERAL PROVISIONS—DEPARTMENT OF

19 ENERGY

20 (INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

21 SEC. 301. (a) No appropriation, funds, or authority  
22 made available by this title for the Department of Energy  
23 shall be used to initiate or resume any program, project,  
24 or activity or to prepare or initiate Requests For Proposals  
25 or similar arrangements (including Requests for

1 Quotations, Requests for Information, and Funding Op-  
2 portunity Announcements) for a program, project, or ac-  
3 tivity if the program, project, or activity has not been  
4 funded by Congress.

5 (b)(1) Unless the Secretary of Energy notifies the  
6 Committees on Appropriations of the House of Represent-  
7 atives and the Senate at least 3 full business days in ad-  
8 vance, none of the funds made available in this title may  
9 be used to—

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

12 (B) make a discretionary contract award or  
13 Other Transaction Agreement totaling \$1,000,000  
14 or more, including a contract covered by the Federal  
15 Acquisition Regulation;

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

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

22 (2) The Secretary of Energy shall submit to the Com-  
23 mittees on Appropriations of the House of Representatives  
24 and the Senate within 15 days of the conclusion of each  
25 quarter a report detailing each grant allocation or discre-

1 tionary grant award totaling less than \$1,000,000 pro-  
2 vided during the previous quarter.

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

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

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

20 (2) the contract, grant, or cooperative agree-  
21 ment includes a clause conditioning the Federal Gov-  
22 ernment’s obligation on the availability of future  
23 year budget authority and the Secretary notifies the  
24 Committees on Appropriations of the House of Rep-



1        representatives and the Senate at least 3 days in ad-  
2        vance.

3        (d) Except as provided in subsections (e), (f), and (g),  
4        the amounts made available by this title shall be expended  
5        as authorized by law for the programs, projects, and ac-  
6        tivities specified in the “Bill” column in the “Department  
7        of Energy” table included under the heading “Title III—  
8        Department of Energy” in the report of the Committee  
9        on Appropriations accompanying this Act.

10        (e) The amounts made available by this title may be  
11        reprogrammed for any program, project, or activity, and  
12        the Department shall notify the Committees on Appropria-  
13        tions of the House of Representatives and the Senate at  
14        least 30 days prior to the use of any proposed reprogram-  
15        ming which would cause any program, project, or activity  
16        funding level to increase or decrease by more than  
17        \$5,000,000 or 10 percent, whichever is less, during the  
18        time period covered by this Act.

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

22                (1) creates, initiates, or eliminates a program,  
23        project, or activity;

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

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

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

13          (2) The Secretary of Energy shall notify the Commit-  
14          tees on Appropriations of the House of Representatives  
15          and the Senate of any waiver under paragraph (1) as soon  
16          as practicable, but not later than 3 days after the date  
17          of the activity to which a requirement or restriction would  
18          otherwise have applied. Such notice shall include an expla-  
19          nation of the substantial risk under paragraph (1) that  
20          permitted such waiver.

21          SEC. 302. The unexpended balances of prior appro-  
22          priations provided for activities in this Act may be avail-  
23          able to the same appropriation accounts for such activities  
24          established pursuant to this title. Available balances may  
25          be merged with funds in the applicable established ac-

1 counts and thereafter may be accounted for as one fund  
2 for the same time period as originally enacted.

3 SEC. 303. Funds appropriated by this or any other  
4 Act, or made available by the transfer of funds in this  
5 Act, for intelligence activities are deemed to be specifically  
6 authorized by the Congress for purposes of section 504  
7 of the National Security Act of 1947 (50 U.S.C. 414) dur-  
8 ing fiscal year 2015 until the enactment of the Intelligence  
9 Authorization Act for fiscal year 2015.

10 SEC. 304. None of the funds made available in this  
11 title shall be used for the construction of facilities classi-  
12 fied as high-hazard nuclear facilities under 10 CFR Part  
13 830 unless independent oversight is conducted by the Of-  
14 fice of Independent Enterprise Assessments to ensure the  
15 project is in compliance with nuclear safety requirements.

16 SEC. 305. None of the funds made available in this  
17 title may be used to approve critical decision-2 or critical  
18 decision-3 under Department of Energy Order 413.3B, or  
19 any successive departmental guidance, for construction  
20 projects where the total project cost exceeds  
21 \$100,000,000, until a separate independent cost estimate  
22 has been developed for the project for that critical deci-  
23 sion.

24 SEC. 306. (a) Any determination (including a deter-  
25 mination made prior to the date of enactment of this Act)

1 by the Secretary pursuant to section 3112(d)(2)(B) of the  
2 USEC Privatization Act (42 U.S.C. 2297h-10(d)(2)(B)),  
3 as amended, shall be valid for not more than 2 calendar  
4 years subsequent to such determination.

5 (b) Not less than 30 days prior to the provision of  
6 uranium in any form the Secretary of Energy shall notify  
7 the Committees on Appropriations of the House of Rep-  
8 resentatives and the Senate of—

9 (1) the amount of uranium to be provided;

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

13 (3) the expected date of the provision of the  
14 uranium;

15 (4) the recipient of the uranium; and

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

19 (c) If on the expected date of provision, the estimated  
20 gross fair market value of the uranium hexafluoride  
21 (UF<sub>6</sub>), comprising of uranium and conversion, is more  
22 than 10 percent lower than the gross fair market value  
23 on the date the most recent determination was signed by  
24 the Secretary, the Secretary shall issue a new determina-  
25 tion pursuant to section 3112(d)(2)(B) of the USEC Pri-

1 vatization Act (42 U.S.C. 2297h–10(d)(2)(B)) before the  
2 provision can be processed.

3       SEC. 307. Notwithstanding section 301(c) of this Act,  
4 none of the funds made available under the heading “De-  
5 partment of Energy—Energy Programs—Science” may  
6 be used for a multiyear contract, grant, cooperative agree-  
7 ment, or Other Transaction Agreement of \$1,000,000 or  
8 less unless the contract, grant, cooperative agreement, or  
9 Other Transaction Agreement is funded for the full period  
10 of performance as anticipated at the time of award.

11       SEC. 308. In fiscal year 2015 and subsequent fiscal  
12 years, the Secretary of Energy shall submit to the congres-  
13 sional defense committees (as defined in U.S.C.  
14 101(a)(16)) a report, on each major warhead refurbish-  
15 ment program that reaches the Phase 6.3 milestone, that  
16 provides an analysis of alternatives. Such report shall in-  
17 clude—

18           (1) a full description of alternatives considered  
19 prior to the award of Phase 6.3;

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

24           (3) identification of the cost and risk of critical  
25 technology elements associated with each alternative,

1 including technology maturity, integration risk, man-  
2 ufacturing feasibility, and demonstration needs;

3 (4) identification of the cost and risk of addi-  
4 tional capital asset and infrastructure capabilities  
5 required to support production and certification of  
6 each alternative;

7 (5) a comparative analysis of the risks, costs,  
8 and scheduling needs for any military requirement  
9 intended to enhance warhead safety, security, or  
10 maintainability, including any requirement to con-  
11 solidate and/or integrate warhead systems or mods  
12 as compared to at least one other feasible refurbish-  
13 ment alternative the Nuclear Weapons Council con-  
14 siders appropriate; and

15 (6) a life-cycle cost estimate for the alternative  
16 selected that details the overall cost, scope, and  
17 schedule planning assumptions.

18 SEC. 309. (a) Unobligated balances available from  
19 prior year appropriations are hereby permanently re-  
20 scinded from the following accounts of the Department of  
21 Energy in the specified amounts:

22 (1) “Energy Programs—Energy Efficiency and Re-  
23 newable Energy”, \$18,111,000.

24 (2) “Energy Programs—Electricity Delivery and En-  
25 ergy Reliability”, \$4,809,000.

1       (3) “Energy Programs—Nuclear Energy”,  
2 \$1,046,000.

3       (4) “Energy Programs—Fossil Energy Research and  
4 Development”, \$8,243,000.

5       (5) “Energy Programs—Science”, \$5,257,000.

6       (6) “Energy Programs—Advanced Research Projects  
7 Agency—Energy”, \$619,000.

8       (7) “Power Marketing Administrations—Construc-  
9 tion, Rehabilitation, Operation and Maintenance, Western  
10 Area Power Administration”, \$1,720,000.

11       (b) No amounts may be rescinded by this section  
12 from amounts that were designated by the Congress as  
13 an emergency requirement pursuant to a concurrent reso-  
14 lution on the budget or the Balanced Budget and Emer-  
15 gency Deficit Control Act of 1985.

16       SEC. 310. From funds made available by this Act for  
17 pension plan payments in excess of legal requirements, up  
18 to \$90,000,000 under “Weapons Activities” and up to  
19 \$30,000,000 under “Defense Nuclear Nonproliferation”  
20 may be transferred to “Defense Environmental Cleanup”  
21 to support decontamination and other requirements at the  
22 Waste Isolation Pilot Plant.

23       SEC. 311. (a) None of the funds made available in  
24 this or any prior Act under the heading “Defense Nuclear

1 Nonproliferation” may be made available for contracts  
2 with, or Federal assistance to, the Russian Federation.

3 (b) The Secretary of Energy may waive the prohibi-  
4 tion in subsection (a) if the Secretary determines that  
5 such activity is in the national security interests of the  
6 United States. This waiver authority may not be dele-  
7 gated.

8 (c) A waiver under subsection (b) shall not be effec-  
9 tive until 30 days after the date on which the Secretary  
10 submits to the Committees on Appropriations of the  
11 House of Representatives and the Senate, in classified  
12 form if necessary, a report on the justification for the  
13 waiver.

14 SEC. 312. All balances under “United States Enrich-  
15 ment Corporation Fund” are hereby permanently re-  
16 scinded. No amounts may be rescinded from amounts that  
17 were designated by the Congress as an emergency require-  
18 ment pursuant to a concurrent resolution on the budget  
19 or the Balanced Budget and Emergency Deficit Control  
20 Act of 1985.

21 SEC. 313. (a) None of the funds made available by  
22 this or any other Act making appropriations for Energy  
23 and Water Development for any fiscal year or funds avail-  
24 able in the SPR Petroleum Account in this and subsequent  
25 fiscal years may be used to carry out a test drawdown



1 and sale or exchange of petroleum products from the Stra-  
2 tegic Petroleum Reserve as authorized by section 161(g)  
3 of the Energy Policy and Conservation Act (42 U.S.C.  
4 6241(g)) unless the Secretary of Energy submits to the  
5 Committees on Appropriations of the House of Represent-  
6 atives and the Senate not less than 30 full calendar days  
7 in advance of such test—

8 (1) notification of intent to conduct a test;

9 (2) an explanation of why such a test is necessary  
10 or what is expected to be learned;

11 (3) the amount of crude oil or refined petroleum  
12 product to be offered for sale or exchange;

13 (4) an estimate of revenues expected from such test;  
14 and

15 (5) a plan for refilling the Reserve, including whether  
16 the acquisition will be of the same or of a different petro-  
17 leum product.

18 (b) None of the funds made available by this or any  
19 prior Act or funds available in the SPR Petroleum Ac-  
20 count may be used to acquire any petroleum product other  
21 than crude oil.

22 SEC. 314. Of the funds authorized by the Secretary  
23 of Energy for laboratory directed research and develop-  
24 ment, no individual program, project, or activity funded  
25 by this or any subsequent Energy and Water Development

1 appropriations Act for any fiscal year may be charged  
2 more than the statutory maximum authorized for such ac-  
3 tivities.

4       SEC. 315. None of the funds made available by this  
5 Act may be used by the Department of Energy to finalize,  
6 implement, or enforce the proposed rule entitled “Stand-  
7 ards Ceiling Fans and Ceiling Fan Light Kits” and identi-  
8 fied by regulation identification number 1904–AC87.

#### 9           TITLE IV—INDEPENDENT AGENCIES

##### 10                   APPALACHIAN REGIONAL COMMISSION

11       For expenses necessary to carry out the programs au-  
12 thorized by the Appalachian Regional Development Act of  
13 1965, notwithstanding 40 U.S.C. 14704, and for nec-  
14 essary expenses for the Federal Co-Chairman and the Al-  
15 ternate on the Appalachian Regional Commission, for pay-  
16 ment of the Federal share of the administrative expenses  
17 of the Commission, including services as authorized by 5  
18 U.S.C. 3109, and hire of passenger motor vehicles,  
19 \$80,317,000, to remain available until expended.

##### 20                   DEFENSE NUCLEAR FACILITIES SAFETY BOARD

##### 21                           SALARIES AND EXPENSES

22       For necessary expenses of the Defense Nuclear Fa-  
23 cilities Safety Board in carrying out activities authorized  
24 by the Atomic Energy Act of 1954, as amended by Public

1 Law 100–456, section 1441, \$29,150,000, to remain  
2 available until September 30, 2016.

3 DELTA REGIONAL AUTHORITY

4 SALARIES AND EXPENSES

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

10 DENALI COMMISSION

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

## 1           NORTHERN BORDER REGIONAL COMMISSION

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

## 9           SOUTHEAST CRESCENT REGIONAL COMMISSION

10          For necessary expenses of the Southeast Crescent Re-  
11 gional Commission in carrying out activities authorized by  
12 subtitle V of title 40, United States Code, \$250,000, to  
13 remain available until expended.

## 14           NUCLEAR REGULATORY COMMISSION

## 15                   SALARIES AND EXPENSES

16          For necessary expenses of the Commission in car-  
17 rying out the purposes of the Energy Reorganization Act  
18 of 1974 and the Atomic Energy Act of 1954, including  
19 official representation expenses not to exceed \$25,000,  
20 \$1,052,433,000, to remain available until expended, of  
21 which \$55,000,000 shall be derived from the Nuclear  
22 Waste Fund: *Provided*, That of the amount appropriated  
23 herein, not more than \$9,500,000 may be made available  
24 for salaries, travel, and other support costs for the Office  
25 of the Commission, to remain available until September

1 30, 2016, of which, notwithstanding section 201(a)(2)(c)  
2 of the Energy Reorganization Act of 1974 (42 U.S.C.  
3 5841(a)(2)(c)), the use and expenditure shall only be ap-  
4 proved by a majority vote of the Commission: *Provided*  
5 *further*, That revenues from licensing fees, inspection serv-  
6 ices, and other services and collections estimated at  
7 \$880,155,000 in fiscal year 2015 shall be retained and  
8 used for necessary salaries and expenses in this account,  
9 notwithstanding 31 U.S.C. 3302, and shall remain avail-  
10 able until expended: *Provided further*, That the sum herein  
11 appropriated shall be reduced by the amount of revenues  
12 received during fiscal year 2015 so as to result in a final  
13 fiscal year 2015 appropriation estimated at not more than  
14 \$172,278,000: *Provided further*, That of the amounts ap-  
15 propriated under this heading, \$10,000,000 shall be for  
16 university research and development in areas relevant to  
17 their respective organization's mission, and \$5,000,000  
18 shall be for a Nuclear Science and Engineering Grant Pro-  
19 gram that will support multiyear projects that do not align  
20 with programmatic missions but are critical to maintain-  
21 ing the discipline of nuclear science and engineering.

22 OFFICE OF INSPECTOR GENERAL

23 For necessary expenses of the Office of Inspector  
24 General in carrying out the provisions of the Inspector  
25 General Act of 1978, \$12,071,000, to remain available

1 until September 30, 2016: *Provided*, That revenues from  
2 licensing fees, inspection services, and other services and  
3 collections estimated at \$10,099,000 in fiscal year 2015  
4 shall be retained and be available until September 30,  
5 2016, for necessary salaries and expenses in this account,  
6 notwithstanding section 3302 of title 31, United States  
7 Code: *Provided further*, That the sum herein appropriated  
8 shall be reduced by the amount of revenues received dur-  
9 ing fiscal year 2015 so as to result in a final fiscal year  
10 2015 appropriation estimated at not more than  
11 \$1,972,000: *Provided further*, That, of the amounts appro-  
12 priated under this heading, \$850,000 shall be for Inspec-  
13 tor General services for the Defense Nuclear Facilities  
14 Safety Board, which shall not be available from fee reve-  
15 nues.

16           NUCLEAR WASTE TECHNICAL REVIEW BOARD

17                           SALARIES AND EXPENSES

18           For necessary expenses of the Nuclear Waste Tech-  
19 nical Review Board, as authorized by Public Law 100-  
20 203, section 5051, \$3,400,000, to be derived from the Nu-  
21 clear Waste Fund, to remain available until September 30,  
22 2016.

1           GENERAL PROVISIONS—INDEPENDENT  
2                           AGENCIES

3           SEC. 401. The Chairman of the Nuclear Regulatory  
4 Commission shall notify the other members of the Com-  
5 mission, the Committees on Appropriations of the House  
6 of Representatives and the Senate, the Committee on En-  
7 ergy and Commerce of the House of Representatives, and  
8 the Committee on Environment and Public Works of the  
9 Senate, not later than 1 day after the Chairman begins  
10 performing functions under the authority of section 3 of  
11 Reorganization Plan No. 1 of 1980, or after a member  
12 of the Commission who is delegated emergency functions  
13 under subsection (b) of that section begins performing  
14 those functions. Such notification shall include an expla-  
15 nation of the circumstances warranting the exercise of  
16 such authority. The Chairman shall report to the Commit-  
17 tees, not less frequently than once each week, on the ac-  
18 tions taken by the Chairman, or a delegated member of  
19 the Commission, under such authority, until the authority  
20 is relinquished. The Chairman shall notify the Committees  
21 not later than 1 day after such authority is relinquished.  
22 The Chairman shall submit the report required by section  
23 3(d) of the Reorganization Plan No. 1 of 1980 to the  
24 Committees not later than 1 day after it was submitted

1 to the Commission. This section shall be in effect in fiscal  
2 year 2015 and each subsequent fiscal year.

3       SEC. 402. The Nuclear Regulatory Commission shall  
4 comply with the July 5, 2011, version of Chapter VI of  
5 its Internal Commission Procedures when responding to  
6 Congressional requests for information until those Proce-  
7 dures are changed or waived by a majority of the Commis-  
8 sion, in accordance with Commission practice.

## 9                   TITLE V—GENERAL PROVISIONS

10                   (INCLUDING TRANSFERS OF FUNDS)

11       SEC. 501. None of the funds appropriated by this Act  
12 may be used in any way, directly or indirectly, to influence  
13 congressional action on any legislation or appropriation  
14 matters pending before Congress, other than to commu-  
15 nicate to Members of Congress as described in 18 U.S.C.  
16 1913.

17       SEC. 502. None of the funds made available by this  
18 Act may be used to enter into a contract, memorandum  
19 of understanding, or cooperative agreement with, make a  
20 grant to, or provide a loan or loan guarantee to any cor-  
21 poration that was convicted of a felony criminal violation  
22 under any Federal law within the preceding 24 months,  
23 where the awarding agency is aware of the conviction, un-  
24 less the agency has considered suspension or debarment  
25 of the corporation and has made a determination that this



1 further action is not necessary to protect the interests of  
2 the Government.

3       SEC. 503. None of the funds made available by this  
4 Act may be used to enter into a contract, memorandum  
5 of understanding, or cooperative agreement with, make a  
6 grant to, or provide a loan or loan guarantee to, any cor-  
7 poration that has any unpaid Federal tax liability that has  
8 been assessed, for which all judicial and administrative  
9 remedies have been exhausted or have lapsed, and that  
10 is not being paid in a timely manner pursuant to an agree-  
11 ment with the authority responsible for collecting the tax  
12 liability, where the awarding agency is aware of the unpaid  
13 tax liability, unless the agency has considered suspension  
14 or debarment of the corporation and has made a deter-  
15 mination that this further action is not necessary to pro-  
16 tect the interests of the Government.

17       SEC. 504. (a) None of the funds made available in  
18 title III of this Act may be transferred to any department,  
19 agency, or instrumentality of the United States Govern-  
20 ment, except pursuant to a transfer made by or transfer  
21 authority provided in this Act or any other appropriations  
22 Act for any fiscal year, transfer authority referenced in  
23 the report of the Committee on Appropriations accom-  
24 panying this Act, or any authority whereby a department,  
25 agency, or instrumentality of the United States Govern-

1 ment may provide goods or services to another depart-  
2 ment, agency, or instrumentality.

3 (b) None of the funds made available for any depart-  
4 ment, agency, or instrumentality of the United States  
5 Government may be transferred to accounts funded in title  
6 III of this Act, except pursuant to a transfer made by or  
7 transfer authority provided in this Act or any other appro-  
8 priations Act for any fiscal year, transfer authority ref-  
9 erenced in the report of the Committee on Appropriations  
10 accompanying this Act, or any authority whereby a de-  
11 partment, agency, or instrumentality of the United States  
12 Government may provide goods or services to another de-  
13 partment, agency, or instrumentality.

14 (c) The head of any relevant department or agency  
15 funded in this Act utilizing any transfer authority shall  
16 submit to the Committees on Appropriations of the House  
17 of Representatives and the Senate a semiannual report de-  
18 tailing the transfer authorities, except for any authority  
19 whereby a department, agency, or instrumentality of the  
20 United States Government may provide goods or services  
21 to another department, agency, or instrumentality, used  
22 in the previous 6 months and in the year-to-date. This  
23 report shall include the amounts transferred and the pur-  
24 poses for which they were transferred, and shall not re-

1 place or modify existing notification requirements for each  
2 authority.

3 SEC. 505. None of the funds made available by this  
4 Act may be used in contravention of Executive Order No.  
5 12898 of February 11, 1994 (“Federal Actions to Address  
6 Environmental Justice in Minority Populations and Low-  
7 Income Populations”).

8 SEC. 506. None of the funds made available by this  
9 Act may be used to conduct closure of adjudicatory func-  
10 tions, technical review, or support activities associated  
11 with the Yucca Mountain geologic repository license appli-  
12 cation, or for actions that irrevocably remove the possi-  
13 bility that Yucca Mountain may be a repository option in  
14 the future.

15 SPENDING REDUCTION ACCOUNT

16 SEC. 507. The amount by which the applicable alloca-  
17 tion of new budget authority made by the Committee on  
18 Appropriations of the House of Representatives under sec-  
19 tion 302(b) of the Congressional Budget Act of 1974 ex-  
20 ceeds the amount of proposed new budget authority is \$0.

21 This Act may be cited as the “Energy and Water De-  
22 velopment and Related Agencies Appropriations Act,  
23 2015”.

Union Calendar No. 362

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4923**

[Report No. 113-486]

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## **A BILL**

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2015, and for other purposes.

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JUNE 20, 2014

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed