

113TH CONGRESS  
1ST SESSION

# H. R. 2609

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## AN ACT

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

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for en-  
3 ergy and water development and related agencies for the  
4 fiscal year ending September 30, 2014, and for other pur-  
5 poses, namely:

6 TITLE I—CORPS OF ENGINEERS—CIVIL

7 DEPARTMENT OF THE ARMY

8 CORPS OF ENGINEERS—CIVIL

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

15 INVESTIGATIONS

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

1        SEC. 203. Notwithstanding any other provision of  
2 law, until the pipeline reliability study required in the Con-  
3 solidated Appropriations Act, 2012, is completed, and any  
4 necessary changes are made to Technical Memorandum  
5 No. 8140–CC–2004–1, the Bureau of Reclamation shall  
6 not deny approval, funding, or assistance to any project,  
7 nor disqualify any material from use, based, in whole or  
8 in part, on the corrosion control used, if the corrosion con-  
9 trol meets the requirements of a published national or  
10 international standard promulgated by the American  
11 Water Works Association (“AWWA”), ASTM Inter-  
12 national, the American National Standards Institute  
13 (“ANSI”), NACE International (“NACE”) or the Amer-  
14 ican Society for Testing and Materials (“ASTM”). The  
15 Bureau shall allow any project initiated during the study  
16 to use any corrosion control meeting the above standards.

### 17            TITLE III—DEPARTMENT OF ENERGY

#### 18                            ENERGY PROGRAMS

#### 19            RENEWABLE ENERGY, ENERGY RELIABILITY, AND 20                            EFFICIENCY

21        For Department of Energy expenses including the  
22 purchase, construction, and acquisition of plant and cap-  
23 ital equipment, and other expenses necessary for energy  
24 efficiency and renewable energy activities, and electricity  
25 delivery and energy reliability activities, in carrying out

1 the purposes of the Department of Energy Organization  
2 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
3 condemnation of any real property or any facility or for  
4 plant or facility acquisition, construction, or expansion,  
5 \$982,637,000 (reduced by \$15,000,000) (reduced by  
6 \$9,518,000), to remain available until expended: *Provided*,  
7 That of the amount provided under this heading,  
8 \$76,926,000 shall be available until September 30, 2015,  
9 for program direction.

10 NUCLEAR ENERGY

11 (INCLUDING TRANSFER OF FUNDS)

12 For Department of Energy expenses including the  
13 purchase, construction, and acquisition of plant and cap-  
14 ital equipment, and other expenses necessary for nuclear  
15 energy activities in carrying out the purposes of the De-  
16 partment of Energy Organization Act (42 U.S.C. 7101 et  
17 seq.), including the acquisition or condemnation of any  
18 real property or any facility or for plant or facility acqui-  
19 sition, construction, or expansion, and the purchase of not  
20 more than 10 buses and 2 ambulances, all for replacement  
21 only, \$656,389,000, to remain available until expended,  
22 of which such sums as may be necessary shall be derived  
23 from the Nuclear Waste Fund, to be made available only  
24 to support the high-level waste geological repository at  
25 Yucca Mountain: *Provided*, That of the amount provided

1 under this heading, \$87,500,000 shall be available until  
2 September 30, 2015, for program direction: *Provided fur-*  
3 *ther*, That of the amount provided under this heading,  
4 \$5,000,000 shall be made available to affected units of  
5 local government, as defined in section 2(31) of the Nu-  
6 clear Waste Policy Act of 1982 (42 U.S.C. 10101(31)),  
7 to support the Yucca Mountain high-level waste geological  
8 repository, as authorized by such Act: *Provided further*,  
9 That funds derived from the Nuclear Waste Fund may  
10 be transferred to “Independent Agencies—Nuclear Regu-  
11 latory Commission—Salaries and Expenses” to support  
12 the Yucca Mountain high-level waste geological repository  
13 license application.

#### 14 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

15 For necessary expenses in carrying out fossil energy  
16 research and development activities, under the authority  
17 of the Department of Energy Organization Act (Public  
18 Law 95–91), including the acquisition of interest, includ-  
19 ing defeasible and equitable interests in any real property  
20 or any facility or for plant or facility acquisition or expan-  
21 sion, and for conducting inquiries, technological investiga-  
22 tions and research concerning the extraction, processing,  
23 use, and disposal of mineral substances without objection-  
24 able social and environmental costs (30 U.S.C. 3, 1602,  
25 and 1603), \$450,000,000, to remain available until ex-

1 pended: *Provided*, That \$115,753,000 shall be available  
2 until September 30, 2015, for program direction: *Provided*  
3 *further*, That for all programs funded under Fossil Energy  
4 appropriations in this Act or any other Act, the Secretary  
5 may vest fee title or other property interests acquired  
6 under projects in any entity, including the United States.

#### 7 NAVAL PETROLEUM AND OIL SHALE RESERVES

8 For expenses necessary to carry out naval petroleum  
9 and oil shale reserve activities, \$14,909,000, to remain  
10 available until expended: *Provided*, That, notwithstanding  
11 any other provision of law, unobligated funds remaining  
12 from prior years shall be available for all naval petroleum  
13 and oil shale reserve activities.

#### 14 STRATEGIC PETROLEUM RESERVE

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

#### 20 NORTHEAST HOME HEATING OIL RESERVE

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

## 1 ENERGY INFORMATION ADMINISTRATION

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

## 5 NON-DEFENSE ENVIRONMENTAL CLEANUP

6 For Department of Energy expenses, including the  
7 purchase, construction, and acquisition of plant and cap-  
8 ital equipment and other expenses necessary for non-de-  
9 fense environmental cleanup activities in carrying out the  
10 purposes of the Department of Energy Organization Act  
11 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
12 demnation of any real property or any facility or for plant  
13 or facility acquisition, construction, or expansion,  
14 \$194,000,000 (increased by \$18,956,000), to remain  
15 available until expended.

16 URANIUM ENRICHMENT DECONTAMINATION AND  
17 DECOMMISSIONING FUND

18 For necessary expenses in carrying out uranium en-  
19 richment facility decontamination and decommissioning,  
20 remedial actions, and other activities of title II of the  
21 Atomic Energy Act of 1954, and title X, subtitle A, of  
22 the Energy Policy Act of 1992, \$545,000,000, to be de-  
23 rived from the Uranium Enrichment Decontamination and  
24 Decommissioning Fund, to remain available until ex-  
25 pended.

1

## SCIENCE

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 science  
5 activities in carrying out the purposes of the Department  
6 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
7 cluding the acquisition or condemnation of any real prop-  
8 erty or facility or for plant or facility acquisition, construc-  
9 tion, or expansion, and purchase of not more than 25 pas-  
10 senger motor vehicles for replacement only, including one  
11 law enforcement vehicle, one ambulance, and one bus,  
12 \$4,653,000,000, to remain available until expended: *Pro-*  
13 *vided*, That \$174,862,000 shall be available until Sep-  
14 tember 30, 2015, for program direction.

15

## ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

16

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

21

## TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE

22

## PROGRAM

23

24 Such sums as are derived from amounts received  
25 from borrowers pursuant to section 1702(b)(1)(B) of the  
Energy Policy Act of 2005 under this heading in prior  
Acts, shall be collected in accordance with section 502(7)





1 gram, \$6,000,000, to remain available until September 30,  
2 2015.

### 3 DEPARTMENTAL ADMINISTRATION

4 For salaries and expenses of the Department of En-  
5 ergy necessary for departmental administration in car-  
6 rying out the purposes of the Department of Energy Orga-  
7 nization Act (42 U.S.C. 7101 et seq.), including the hire  
8 of passenger motor vehicles and official reception and rep-  
9 resentation expenses not to exceed \$30,000, \$187,863,000  
10 (reduced by \$15,000,000) (reduced by \$20,000,000) (re-  
11 duced by \$9,478,000) (reduced by \$20,000,000), to re-  
12 main available until September 30, 2015, plus such addi-  
13 tional amounts as necessary to cover increases in the esti-  
14 mated amount of cost of work for others notwithstanding  
15 the provisions of the Anti-Deficiency Act (31 U.S.C. 1511  
16 et seq.): *Provided*, That such increases in cost of work are  
17 offset by revenue increases of the same or greater amount:  
18 *Provided further*, That moneys received by the Department  
19 for miscellaneous revenues estimated to total  
20 \$108,188,000 in fiscal year 2014 may be retained and  
21 used for operating expenses within this account, as au-  
22 thorized by section 201 of Public Law 95–238, notwith-  
23 standing the provisions of 31 U.S.C. 3302: *Provided fur-*  
24 *ther*, That the sum herein appropriated shall be reduced  
25 as collections are received during the fiscal year so as to

1 result in a final fiscal year 2014 appropriation from the  
2 general fund estimated at not more than \$79,675,000.

3 OFFICE OF THE INSPECTOR GENERAL

4 For necessary expenses of the Office of the Inspector  
5 General in carrying out the provisions of the Inspector  
6 General Act of 1978, \$42,000,000, to remain available  
7 until September 30, 2015.

8 ATOMIC ENERGY DEFENSE ACTIVITIES

9 NATIONAL NUCLEAR SECURITY

10 ADMINISTRATION

11 WEAPONS ACTIVITIES

12 For Department of Energy expenses, including the  
13 purchase, construction, and acquisition of plant and cap-  
14 ital equipment and other incidental expenses necessary for  
15 atomic energy defense weapons activities in carrying out  
16 the purposes of the Department of Energy Organization  
17 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
18 condemnation of any real property or any facility or for  
19 plant or facility acquisition, construction, or expansion,  
20 and the purchase of not to exceed one ambulance,  
21 \$7,675,000,000, to remain available until expended.

22 DEFENSE NUCLEAR NONPROLIFERATION

23 For Department of Energy expenses, including the  
24 purchase, construction, and acquisition of plant and cap-  
25 ital equipment and other incidental expenses necessary for

1 defense nuclear nonproliferation activities, in carrying out  
2 the purposes of the Department of Energy Organization  
3 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
4 condemnation of any real property or any facility or for  
5 plant or facility acquisition, construction, or expansion,  
6 \$2,100,000,000, to remain available until expended: *Pro-*  
7 *vided*, That the Secretary of Energy may make available  
8 from funds provided under this heading in this Act not  
9 more than \$48,000,000 for the purpose of carrying out  
10 domestic uranium enrichment research, development, and  
11 demonstration activities.

#### 12 NAVAL REACTORS

13 For Department of Energy expenses necessary for  
14 naval reactors activities to carry out the Department of  
15 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-  
16 ing the acquisition (by purchase, condemnation, construc-  
17 tion, or otherwise) of real property, plant, and capital  
18 equipment, facilities, and facility expansion,  
19 \$1,109,000,000, to remain available until expended: *Pro-*  
20 *vided*, That \$43,212,000 shall be available until Sep-  
21 tember 30, 2015, for program direction.

#### 22 OFFICE OF THE ADMINISTRATOR

23 For necessary expenses of the Office of the Adminis-  
24 trator in the National Nuclear Security Administration,  
25 including official reception and representation expenses

1 not to exceed \$12,000, \$382,000,000 (reduced by  
2 \$9,478,000), to remain available until September 30,  
3 2015.

## 4 ENVIRONMENTAL AND OTHER DEFENSE

### 5 ACTIVITIES

#### 6 DEFENSE ENVIRONMENTAL CLEANUP

7 For Department of Energy expenses, including the  
8 purchase, construction, and acquisition of plant and cap-  
9 ital equipment and other expenses necessary for atomic  
10 energy defense environmental cleanup activities in car-  
11 rying out the purposes of the Department of Energy Orga-  
12 nization Act (42 U.S.C. 7101 et seq.), including the acqui-  
13 sition or condemnation of any real property or any facility  
14 or for plant or facility acquisition, construction, or expan-  
15 sion, and the purchase of not to exceed one sport utility  
16 vehicle, three lube trucks, and one fire truck for replace-  
17 ment only, \$4,750,000,000 (increased by \$22,586,500), to  
18 remain available until expended: *Provided*, That  
19 \$280,784,000 shall be available until September 30, 2015,  
20 for program direction.

#### 21 OTHER DEFENSE ACTIVITIES

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 atomic  
25 energy defense, other defense activities, and classified ac-

1 tivities, in carrying out the purposes of the Department  
2 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
3 cluding the acquisition or condemnation of any real prop-  
4 erty or any facility or for plant or facility acquisition, con-  
5 struction, or expansion, \$830,000,000, to remain available  
6 until expended: *Provided*, That of such amount,  
7 \$122,734,000 shall be available until September 30, 2015  
8 for program direction.

9 POWER MARKETING ADMINISTRATION

10 BONNEVILLE POWER ADMINISTRATION FUND

11 Expenditures from the Bonneville Power Administra-  
12 tion Fund, established pursuant to Public Law 93–454,  
13 are approved for construction of, or participating in the  
14 construction of, a high voltage line from Bonneville’s high  
15 voltage system to the service areas of requirements cus-  
16 tomers located within Bonneville’s service area in southern  
17 Idaho, southern Montana, and western Wyoming; and  
18 such line may extend to, and interconnect in, the Pacific  
19 Northwest with lines between the Pacific Northwest and  
20 the Pacific Southwest, and for John Day Reprogramming  
21 and Construction, the Columbia River Basin White Stur-  
22 geon Hatchery, and Kelt Reconditioning and Reproductive  
23 Success Evaluation Research, and, in addition, for official  
24 reception and representation expenses in an amount not

1 to exceed \$5,000: *Provided*, That during fiscal year 2014,  
2 no new direct loan obligations may be made.

3 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
4 ADMINISTRATION

5 For necessary expenses of operation and maintenance  
6 of power transmission facilities and of marketing electric  
7 power and energy, including transmission wheeling and  
8 ancillary services, pursuant to section 5 of the Flood Con-  
9 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-  
10 eastern power area, and including official reception and  
11 representation expenses in an amount not to exceed  
12 \$1,500, \$7,750,000, to remain available until expended:  
13 *Provided*, That notwithstanding 31 U.S.C. 3302 and sec-  
14 tion 5 of the Flood Control Act of 1944, up to \$7,750,000  
15 collected by the Southeastern Power Administration from  
16 the sale of power and related services shall be credited to  
17 this account as discretionary offsetting collections, to re-  
18 main available until expended for the sole purpose of fund-  
19 ing the annual expenses of the Southeastern Power Ad-  
20 ministration: *Provided further*, That the sum herein appro-  
21 priated for annual expenses shall be reduced as collections  
22 are received during the fiscal year so as to result in a final  
23 fiscal year 2014 appropriation estimated at not more than  
24 \$0: *Provided further*, That, notwithstanding 31 U.S.C.  
25 3302, up to \$78,081,000 collected by the Southeastern

1 Power Administration pursuant to the Flood Control Act  
2 of 1944 to recover purchase power and wheeling expenses  
3 shall be credited to this account as offsetting collections,  
4 to remain available until expended for the sole purpose  
5 of making purchase power and wheeling expenditures:  
6 *Provided further*, That for purposes of this appropriation,  
7 annual expenses means expenditures that are generally re-  
8 covered in the same year that they are incurred (excluding  
9 purchase power and wheeling expenses).

10 OPERATION AND MAINTENANCE, SOUTHWESTERN

11 POWER ADMINISTRATION

12 For necessary expenses of operation and maintenance  
13 of power transmission facilities and of marketing electric  
14 power and energy, for construction and acquisition of  
15 transmission lines, substations and appurtenant facilities,  
16 and for administrative expenses, including official recep-  
17 tion and representation expenses in an amount not to ex-  
18 ceed \$1,500 in carrying out section 5 of the Flood Control  
19 Act of 1944 (16 U.S.C. 825s), as applied to the South-  
20 western Power Administration, \$45,456,000, to remain  
21 available until expended: *Provided*, That notwithstanding  
22 31 U.S.C. 3302 and section 5 of the Flood Control Act  
23 of 1944 (16 U.S.C. 825s), up to \$33,564,000 collected  
24 by the Southwestern Power Administration from the sale  
25 of power and related services shall be credited to this ac-



1 count as discretionary offsetting collections, to remain  
2 available until expended, for the sole purpose of funding  
3 the annual expenses of the Southwestern Power Adminis-  
4 tration: *Provided further*, That the sum herein appro-  
5 priated for annual expenses shall be reduced as collections  
6 are received during the fiscal year so as to result in a final  
7 fiscal year 2014 appropriation estimated at not more than  
8 \$11,892,000: *Provided further*, That, notwithstanding 31  
9 U.S.C. 3302, up to \$42,000,000 collected by the South-  
10 western Power Administration pursuant to the Flood Con-  
11 trol Act of 1944 to recover purchase power and wheeling  
12 expenses shall be credited to this account as offsetting col-  
13 lections, to remain available until expended for the sole  
14 purpose of making purchase power and wheeling expendi-  
15 tures: *Provided further*, That, for purposes of this appro-  
16 priation, annual expenses means expenditures that are  
17 generally recovered in the same year that they are in-  
18 curred (excluding purchase power and wheeling expenses).

19 CONSTRUCTION, REHABILITATION, OPERATION AND  
20 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
21 TRATION

22 For carrying out the functions authorized by title III,  
23 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
24 U.S.C. 7152), and other related activities including con-  
25 servation and renewable resources programs as author-

1 ized, including official reception and representation ex-  
2 penses in an amount not to exceed \$1,500; \$299,919,000,  
3 to remain available until expended, of which \$292,019,000  
4 shall be derived from the Department of the Interior Rec-  
5 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.  
6 3302, section 5 of the Flood Control Act of 1944 (16  
7 U.S.C. 825s), and section 1 of the Interior Department  
8 Appropriation Act, 1939 (43 U.S.C. 392a), up to  
9 \$203,989,000 collected by the Western Area Power Ad-  
10 ministration from the sale of power and related services  
11 shall be credited to this account as discretionary offsetting  
12 collections, to remain available until expended, for the sole  
13 purpose of funding the annual expenses of the Western  
14 Area Power Administration: *Provided further*, That the  
15 sum herein appropriated for annual expenses shall be re-  
16 duced as collections are received during the fiscal year so  
17 as to result in a final fiscal year 2014 appropriation esti-  
18 mated at not more than \$95,930,000, of which  
19 \$88,030,000 is derived from the Reclamation Fund: *Pro-*  
20 *vided further*, That notwithstanding 31 U.S.C. 3302, up  
21 to \$230,738,000 collected by the Western Area Power Ad-  
22 ministration pursuant to the Flood Control Act of 1944  
23 and the Reclamation Project Act of 1939 to recover pur-  
24 chase power and wheeling expenses shall be credited to  
25 this account as offsetting collections, to remain available

1 until expended for the sole purpose of making purchase  
2 power and wheeling expenditures: *Provided further*, That  
3 for purposes of this appropriation, annual expenses means  
4 expenditures that are generally recovered in the same year  
5 that they are incurred (excluding purchase power and  
6 wheeling expenses).

7 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
8 FUND

9 For operation, maintenance, and emergency costs for  
10 the hydroelectric facilities at the Falcon and Amistad  
11 Dams, \$5,330,671, to remain available until expended,  
12 and to be derived from the Falcon and Amistad Operating  
13 and Maintenance Fund of the Western Area Power Ad-  
14 ministration, as provided in section 2 of the Act of June  
15 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding  
16 the provisions of that Act and of 31 U.S.C. 3302, up to  
17 \$4,910,671 collected by the Western Area Power Adminis-  
18 tration from the sale of power and related services from  
19 the Falcon and Amistad Dams shall be credited to this  
20 account as discretionary offsetting collections, to remain  
21 available until expended for the sole purpose of funding  
22 the annual expenses of the hydroelectric facilities of these  
23 Dams and associated Western Area Power Administration  
24 activities: *Provided further*, That the sum herein appro-  
25 priated for annual expenses shall be reduced as collections

1 are received during the fiscal year so as to result in a final  
2 fiscal year 2014 appropriation estimated at not more than  
3 \$420,000: *Provided further*, That for purposes of this ap-  
4 propriation, annual expenses means expenditures that are  
5 generally recovered in the same year that they are in-  
6 curred: *Provided further*, That for fiscal year 2014, the  
7 Administrator of the Western Area Power Administration  
8 may accept up to \$865,000 in funds contributed by United  
9 States power customers of the Falcon and Amistad Dams  
10 for deposit into the Falcon and Amistad Operating and  
11 Maintenance Fund, and such funds shall be available for  
12 the purpose for which contributed in like manner as if said  
13 sums had been specifically appropriated for such purpose:  
14 *Provided further*, That any such funds shall be available  
15 without further appropriation and without fiscal year limi-  
16 tation for use by the Commissioner of the United States  
17 Section of the International Boundary and Water Com-  
18 mission for the sole purpose of operating, maintaining, re-  
19 pairing, rehabilitating, replacing, or upgrading the hydro-  
20 electric facilities at these Dams in accordance with agree-  
21 ments reached between the Administrator, Commissioner,  
22 and the power customers.

## 1 FEDERAL ENERGY REGULATORY COMMISSION

## 2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Energy Regu-  
4 latory Commission to carry out the provisions of the De-  
5 partment of Energy Organization Act (42 U.S.C. 7101 et  
6 seq.), including services as authorized by 5 U.S.C. 3109,  
7 the hire of passenger motor vehicles, and official reception  
8 and representation expenses not to exceed \$3,000,  
9 \$304,600,000, to remain available until expended: *Pro-*  
10 *vided*, That notwithstanding any other provision of law,  
11 not to exceed \$304,600,000 of revenues from fees and an-  
12 nual charges, and other services and collections in fiscal  
13 year 2014 shall be retained and used for necessary ex-  
14 penses in this account, and shall remain available until  
15 expended: *Provided further*, That the sum herein appro-  
16 priated from the general fund shall be reduced as revenues  
17 are received during fiscal year 2014 so as to result in a  
18 final fiscal year 2014 appropriation from the general fund  
19 estimated at not more than \$0.

## 20 GENERAL PROVISIONS, DEPARTMENT OF

## 21 ENERGY

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 301. (a) No appropriation, funds, or authority  
24 made available by this title for the Department of Energy  
25 shall be used to initiate or resume any program, project,

1 or activity or to prepare or initiate Requests For Proposals  
2 or similar arrangements (including Requests for  
3 Quotations, Requests for Information, and Funding Op-  
4 portunity Announcements) for a program, project, or ac-  
5 tivity if the program, project, or activity has not been  
6 funded by Congress.

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

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

14 (B) make a discretionary contract award or  
15 Other Transaction Agreement totaling in excess of  
16 \$1,000,000, including a contract covered by the  
17 Federal Acquisition Regulation;

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

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

24 (2) The Secretary of Energy shall submit to the Com-  
25 mittees on Appropriations of the House of Representatives

1 and the Senate on the first business day of each quarter  
2 a report detailing each grant allocation or discretionary  
3 grant award totaling less than \$1,000,000 provided during  
4 the previous quarter.

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

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

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

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

1 Committees on Appropriations of the House of Rep-  
2 resentatives and the Senate at least 3 days in ad-  
3 vance.

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

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

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

23 (1) creates, initiates, or eliminates a program,  
24 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 2014 until the enactment of the Intelligence  
9 Authorization Act for fiscal year 2014.

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 Health, Safety, and Security to ensure the project  
15 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. Section 20320 of the Continuing Appro-  
25 priations Resolution, 2007, Public Law 109–289, division

1 B, as amended by the Revised Continuing Appropriations  
2 Resolution, 2007, Public Law 110–5, is amended by strik-  
3 ing in subsection (c) “an annual review” after “conduct”  
4 and inserting in lieu thereof “a review every three years”.

5 SEC. 307. None of the funds made available by this  
6 or any subsequent Act for fiscal year 2014 or any fiscal  
7 year hereafter may be used to pay the salaries of Depart-  
8 ment of Energy employees to carry out the amendments  
9 made by section 407 of division A of the American Recov-  
10 ery and Reinvestment Act of 2009.

11 SEC. 308. Notwithstanding section 307 of Public Law  
12 111–85, of the funds made available by the Department  
13 of Energy for activities at Government-owned, contractor-  
14 operated laboratories funded in this or any subsequent  
15 Energy and Water Development appropriation Act for any  
16 fiscal year, the Secretary may authorize a specific amount,  
17 not to exceed 4.5 percent of such funds, to be used by  
18 such laboratories for laboratory directed research and de-  
19 velopment.

20 SEC. 309. Notwithstanding section 301(c) of this Act,  
21 none of the funds made available under the heading “De-  
22 partment of Energy—Energy Programs—Science” may  
23 be used for a multiyear contract, grant, cooperative agree-  
24 ment, or Other Transaction Agreement of \$1,500,000 or  
25 less unless the contract, grant, cooperative agreement, or

1 Other Transaction Agreement is funded for the full period  
2 of performance as anticipated at the time of award.

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

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

10 (2) a description of the Department of Energy's  
11 plan to provide adequate amounts of tritium and en-  
12 riched uranium for national security purposes  
13 through 2060; and

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

19 SEC. 311. The Secretary of Energy shall submit to  
20 the congressional defense committees (as defined in 10  
21 U.S.C. 101(a)(16)) not later than December 1, 2013, a  
22 report that provides an analysis of alternatives for each  
23 major warhead refurbishment program that reaches Phase  
24 6.3, including—

1           (1) a summary of the overall cost, scope, and  
2           schedule planning assumptions for the major refurbish-  
3           ment activity;

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

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

10          (4) an assessment of the risks, costs, and  
11          scheduling needs for each military requirement es-  
12          tablished by the Department of Defense or any re-  
13          quirement established to enhance safety, security, or  
14          maintainability;

15          (5) identification of the cost and risk of critical  
16          technology elements associated with each refurbish-  
17          ment alternative, including technology maturity, in-  
18          tegration risk, manufacturing feasibility, and dem-  
19          onstration needs; and

20          (6) identification of the cost and risk of capital  
21          asset and infrastructure capabilities required to sup-  
22          port production and certification of each refurbish-  
23          ment alternative.

1 tees not later than 1 day after it was submitted to the  
2 Commission.

### 3 TITLE V—GENERAL PROVISIONS

4 (INCLUDING TRANSFERS AND RESCISSIONS OF FUNDS)

5 SEC. 501. None of the funds appropriated by this Act  
6 may be used in any way, directly or indirectly, to influence  
7 congressional action on any legislation or appropriation  
8 matters pending before Congress, other than to commu-  
9 nicate to Members of Congress as described in 18 U.S.C.  
10 1913.

11 SEC. 502. None of the funds made available by this  
12 Act may be used to eliminate or reduce funding for a pro-  
13 gram, project, or activity as proposed in a President's  
14 budget request for a fiscal year until such proposed change  
15 is subsequently enacted in an appropriations Act, or unless  
16 such change is made pursuant to the reprogramming and  
17 transfer provisions of this Act.

18 SEC. 503. None of the funds made available by this  
19 Act may be used to enter into a contract, memorandum  
20 of understanding, or cooperative agreement with, make a  
21 grant to, or provide a loan or loan guarantee to any cor-  
22 poration that was convicted of a felony criminal violation  
23 under any Federal law within the preceding 24 months,  
24 where the awarding agency is aware of the conviction, un-  
25 less the agency has considered suspension or debarment

1 of the corporation and has made a determination that this  
2 further action is not necessary to protect the interests of  
3 the Government.

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

18 SEC. 505. (a) None of the funds made available in  
19 title III of this Act may be transferred to any department,  
20 agency, or instrumentality of the United States Govern-  
21 ment, except pursuant to a transfer made by or transfer  
22 authority provided in this Act or any other appropriation  
23 Act for any fiscal year, transfer authority referenced in  
24 the report of the Committee on Appropriations accom-  
25 panying this Act, or any authority whereby a department,

1 agency, or instrumentality of the United States Govern-  
2 ment may provide goods or services to another depart-  
3 ment, agency, or instrumentality.

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

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



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

3 SEC. 506. 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. 507. None of the funds made available under  
9 this Act may be expended for any new hire by any Federal  
10 agency funded in this Act that is not verified through the  
11 E-Verify Program as described in section 403(a) of the  
12 Illegal Immigration Reform and Immigrant Responsibility  
13 Act of 1996 (8 U.S.C. 1324a note).

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

17 (1) Under the heading “Corps of Engineers-  
18 Civil—Department of the Army”, \$200,000,000, to  
19 be derived by the Secretary of the Army from funds  
20 made available for “Construction, General”, “Flood  
21 Control, Mississippi River and Tributaries, Arkan-  
22 sas, Illinois, Kentucky, Louisiana, Mississippi, Mis-  
23 sissippi, and Tennessee”, “General Investigations”,  
24 “Construction”, “Investigations”, and “Mississippi  
25 River and Tributaries”.

1           (2) “Department of Energy—Energy Pro-  
2           grams—Energy Efficiency and Renewable Energy”,  
3           \$157,000,000.

4           (3) “Department of Energy—Atomic Energy  
5           Defense Activities—National Nuclear Security Ad-  
6           ministration—Weapons Activities”, \$142,000,000.

7           (4) “Department of Energy—Atomic Energy  
8           Defense Activities—National Nuclear Security Ad-  
9           ministration—Defense Nuclear Nonproliferation”,  
10          \$20,000,000.

11          (b) No amounts may be rescinded under 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. 509. None of the funds made available in this  
17          Act may be used to conduct closure of adjudicatory func-  
18          tions, technical review, or support activities associated  
19          with the Yucca Mountain geologic repository license appli-  
20          cation, or for actions that irrevocably remove the possi-  
21          bility that Yucca Mountain may be a repository option in  
22          the future.

23          SEC. 510. The Commissioner of the Bureau of Rec-  
24          lamation and the Assistant Secretary of the Army (Civil  
25          Works) shall submit to the Committees on Appropriations

1 of the House of Representatives and the Senate, at the  
2 time that the President's budget proposal for fiscal year  
3 2015 is submitted pursuant to section 1105(a) of title 31,  
4 United States Code, a comprehensive report compiled in  
5 conjunction with the Government Accountability Office  
6 that details updated missions, goals, strategies, and prior-  
7 ities, and performance metrics that are measurable, re-  
8 peatable, and directly linked to requests for funding.

9       SEC. 511. It is the sense of the Congress that the  
10 Congress should not pass any legislation that authorizes  
11 spending cuts that would increase poverty in the United  
12 States.

13                               SPENDING REDUCTION ACCOUNT

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

19       SEC. 513. None of the funds made available in this  
20 Act may be used—

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

23               (2) to implement or enforce the standards es-  
24 tablished by the tables contained in section  
25 325(i)(1)(B) of the Energy Policy and Conservation

1 Act (42 U.S.C. 6295(i)(1)(B)) with respect to  
2 BPAR incandescent reflector lamps, BR incandes-  
3 cent reflector lamps, and ER incandescent reflector  
4 lamps.

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

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

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

23 SEC. 517. None of the funds made available in this  
24 Act may be used to relocate or consolidate general and  
25 administrative functions, personnel, or resources of the

1 Buffalo and Chicago Districts of the Corps of Engineers  
2 Great Lakes and Ohio River Division.

3 SEC. 518. None of the funds made available by this  
4 Act may be used to carry out section 801 of the Energy  
5 Independence and Security Act of 2007 (42 U.S.C.  
6 17281).

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

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

24 (2) are presently indicted for, or otherwise  
25 criminally or civilly charged by a governmental enti-

1 ty with, commission of any of the offenses enumer-  
2 ated above in paragraph (1); or

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

7 SEC. 520. The amounts otherwise provided by this  
8 Act are revised by reducing the amount made available  
9 for “Department of Energy—Energy Programs—Depart-  
10 ment Administration”, and increasing the amount made  
11 available for “Corps of Engineers-Civil—Department of  
12 the Army—Corps of Engineers—Construction”, by  
13 \$2,000,000.

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

21 SEC. 522. None of the funds made available in this  
22 Act or funds available in the Bonneville Power Adminis-  
23 tration Fund may be used by the Department of Energy  
24 for any program, project, or activity required by or other-  
25 wise proposed in the memorandum from Steven Chu, Sec-

1 retary of Energy, to the Power Marketing Administrators  
2 with the subject line “Power Marketing Administrations’  
3 Role” and dated March 16, 2012.

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

9 SEC. 524. None of the funds made available by this  
10 Act may be used to lease or purchase new light duty vehi-  
11 cles for any executive fleet, or for an agency’s fleet inven-  
12 tory, except in accordance with Presidential Memo-  
13 randum—Federal Fleet Performance, dated May 24,  
14 2011.

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

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

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

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

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

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

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

22        SEC. 532. None of the funds made available by this  
23 Act may be used to implement, administer, or enforce the  
24 National Ocean Policy developed under Executive Order  
25 No. 13547 of July 19, 2010 (75 Fed. Reg. 43023, relating



1 to the stewardship of oceans, coasts, and the Great  
2 Lakes).

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

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

13 This Act may be cited as the “Energy and Water De-  
14 velopment and Related Agencies Appropriations Act,  
15 2014”.

Passed the House of Representatives July 10, 2013.

Attest:

*Clerk.*

113TH CONGRESS  
1ST SESSION

# H. R. 2609

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## AN ACT

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