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[Report No. 113-__]

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

IN THE HOUSE OF REPRESENTATIVES

____ --, 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

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 TITLE II—DEPARTMENT OF THE INTERIOR

8 CENTRAL UTAH PROJECT

9 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

10 For carrying out activities authorized by the Central
11 Utah Project Completion Act, \$9,874,000, to remain
12 available until expended, of which \$1,000,000 shall be de-
13 posited into the Utah Reclamation Mitigation and Con-
14 servation Account for use by the Utah Reclamation Miti-
15 gation and Conservation Commission: *Provided*, That of
16 the amount provided under this heading, \$1,300,000 shall
17 be available until September 30, 2016, for necessary ex-
18 penses incurred in carrying out related responsibilities of
19 the Secretary of the Interior: *Provided further*, That for
20 fiscal year 2015, of the amount made available to the
21 Commission under this Act or any other Act, the Commis-
22 sion may use an amount not to exceed \$1,500,000 for ad-
23 ministrative expenses.

1 BUREAU OF RECLAMATION

2 The following appropriations shall be expended to
3 execute authorized functions of the Bureau of Reclama-
4 tion:

5 WATER AND RELATED RESOURCES
6 (INCLUDING TRANSFERS OF FUNDS)

7 For management, development, and restoration of
8 water and related natural resources and for related activi-
9 ties, including the operation, maintenance, and rehabilita-
10 tion of reclamation and other facilities, participation in
11 fulfilling related Federal responsibilities to Native Ameri-
12 cans, and related grants to, and cooperative and other
13 agreements with, State and local governments, federally
14 recognized Indian tribes, and others, \$856,351,000, to re-
15 main available until expended, of which \$25,000 shall be
16 available for transfer to the Upper Colorado River Basin
17 Fund and \$6,840,000 shall be available for transfer to the
18 Lower Colorado River Basin Development Fund; of which
19 such amounts as may be necessary may be advanced to
20 the Colorado River Dam Fund: *Provided*, That such trans-
21 fers may be increased or decreased within the overall ap-
22 propriation under this heading: *Provided further*, That of
23 the total appropriated, the amount for program activities
24 that can be financed by the Reclamation Fund or the Bu-
25 reau of Reclamation special fee account established by 16

1 U.S.C. 6806 shall be derived from that Fund or account:
2 *Provided further*, That funds contributed under 43 U.S.C.
3 395 are available until expended for the purposes for
4 which the funds were contributed: *Provided further*, That
5 funds advanced under 43 U.S.C. 397a shall be credited
6 to this account and are available until expended for the
7 same purposes as the sums appropriated under this head-
8 ing: *Provided further*, That of the amounts provided here-
9 in, funds may be used for high-priority projects which
10 shall be carried out by the Youth Conservation Corps, as
11 authorized by 16 U.S.C. 1706.

12 CENTRAL VALLEY PROJECT RESTORATION FUND

13 For carrying out the programs, projects, plans, habi-
14 tat restoration, improvement, and acquisition provisions of
15 the Central Valley Project Improvement Act, \$56,995,000,
16 to be derived from such sums as may be collected in the
17 Central Valley Project Restoration Fund pursuant to sec-
18 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
19 102-575, to remain available until expended: *Provided*,
20 That the Bureau of Reclamation is directed to assess and
21 collect the full amount of the additional mitigation and
22 restoration payments authorized by section 3407(d) of
23 Public Law 102-575: *Provided further*, That none of the
24 funds made available under this heading may be used for
25 the acquisition or leasing of water for in-stream purposes

1 if the water is already committed to in-stream purposes
2 by a court adopted decree or order.

3 CALIFORNIA BAY-DELTA RESTORATION
4 (INCLUDING TRANSFERS OF FUNDS)

5 For carrying out activities authorized by the Water
6 Supply, Reliability, and Environmental Improvement Act,
7 consistent with plans to be approved by the Secretary of
8 the Interior, \$37,000,000, to remain available until ex-
9 pended, of which such amounts as may be necessary to
10 carry out such activities may be transferred to appropriate
11 accounts of other participating Federal agencies to carry
12 out authorized purposes: *Provided*, That funds appro-
13 priated herein may be used for the Federal share of the
14 costs of CALFED Program management: *Provided fur-*
15 *ther*, That CALFED implementation shall be carried out
16 in a balanced manner with clear performance measures
17 demonstrating concurrent progress in achieving the goals
18 and objectives of the Program.

19 POLICY AND ADMINISTRATION

20 For necessary expenses of policy, administration, and
21 related functions in the Office of the Commissioner, the
22 Denver office, and offices in the five regions of the Bureau
23 of Reclamation, to remain available until September 30,
24 2016, \$53,849,000, to be derived from the Reclamation
25 Fund and be nonreimbursable as provided in 43 U.S.C.

1 377: *Provided*, That no part of any other appropriation
2 in this Act shall be available for activities or functions
3 budgeted as policy and administration expenses.

4 BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT
5 (INCLUDING RESCISSION OF FUNDS)

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

8 ADMINISTRATIVE PROVISION

9 Appropriations for the Bureau of Reclamation shall
10 be available for purchase of not to exceed five passenger
11 motor vehicles, which are for replacement only.

12 GENERAL PROVISIONS—DEPARTMENT OF THE
13 INTERIOR

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

17 (1) creates or initiates a new program, project, or ac-
18 tivity;

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

20 (3) increases funds for any program, project, or activ-
21 ity for which funds have been denied or restricted by this
22 Act;

23 (4) restarts or resumes any program, project or activ-
24 ity for which funds are not provided in this Act, unless

1 prior approval is received from the Committees on Appro-
2 priations of the House of Representatives and the Senate;

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

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

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

10 (6) transfers more than \$500,000 from either the Fa-
11 cilities Operation, Maintenance, and Rehabilitation cat-
12 egory or the Resources Management and Development
13 category to any program, project, or activity in the other
14 category; or

15 (7) transfers, when necessary to discharge legal obli-
16 gations of the Bureau of Reclamation, more than
17 \$5,000,000 to provide adequate funds for settled con-
18 tractor claims, increased contractor earnings due to accel-
19 erated rates of operations, and real estate deficiency judg-
20 ments.

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

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

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

11 SEC. 202. (a) None of the funds appropriated or oth-
12 erwise made available by this Act may be used to deter-
13 mine the final point of discharge for the interceptor drain
14 for the San Luis Unit until development by the Secretary
15 of the Interior and the State of California of a plan, which
16 shall conform to the water quality standards of the State
17 of California as approved by the Administrator of the En-
18 vironmental Protection Agency, to minimize any detri-
19 mental effect of the San Luis drainage waters.

20 (b) The costs of the Kesterson Reservoir Cleanup
21 Program and the costs of the San Joaquin Valley Drain-
22 age Program shall be classified by the Secretary of the
23 Interior as reimbursable or nonreimbursable and collected
24 until fully repaid pursuant to the “Cleanup Program—
25 Alternative Repayment Plan” and the “SJVDP—Alter-

1 native Repayment Plan” described in the report entitled
2 “Repayment Report, Kesterson Reservoir Cleanup Pro-
3 gram and San Joaquin Valley Drainage Program, Feb-
4 ruary 1995”, prepared by the Department of the Interior,
5 Bureau of Reclamation. Any future obligations of funds
6 by the United States relating to, or providing for, drainage
7 service or drainage studies for the San Luis Unit shall
8 be fully reimbursable by San Luis Unit beneficiaries of
9 such service or studies pursuant to Federal reclamation
10 law.

11 SEC. 203. (a) Of the funds made available by this
12 Act under “Central Valley Project Restoration Fund”, not
13 less than an amount equal to 90 percent of the fees au-
14 thorized by Section 3407 of Public Law 102-575 paid in
15 fiscal year 2015:

16 (1) by the Friant Division shall be made available to
17 implement sections 10201 and 10202 of Public Law 111-
18 11;

19 (2) by the South-of-Delta Central Valley Project
20 Water Service Contractors shall be made available to im-
21 plement Section 103 (d)(2)(A) and (d)(1)(A) and (B) of
22 Public Law 108-361; and

23 (3) by the Sacramento Valley Central Valley Project
24 Water Service Contractors shall be made available to ac-
25 quire water from willing sellers for the purpose of

1 supplementing water made available to such water service
2 contractors.

3 (b) Of the funds made available by this Act under
4 “California Bay-Delta Restoration”, not less than 90 per-
5 cent of such funds shall be made available to acquire water
6 from willing sellers for the purpose of supplementing
7 water made available to water service and repayment con-
8 tractors anywhere within the Central Valley Project serv-
9 ice area.

10 (c) Subject to subsection (d), the minimum alloca-
11 tions in subsections (a) and (b) may be waived upon cer-
12 tification by the Secretary of the Interior to the Commit-
13 tees on Appropriations of the House of Representatives
14 and the Senate that the Secretary has prepared and imple-
15 mented a plan to ameliorate the water supply shortfall in
16 the San Joaquin Valley.

17 (d) The minimum allocation in subsection (a)(1) may
18 be waived only upon the certification contained in (c) and
19 upon certification by the Secretary of the Interior that the
20 water management goal identified in the Stipulation of
21 Settlement of Natural Resources Defense Council, et al.
22 v. Rodgers, et al. (CIV NO. S-88-1658 – LKK/GGH) has
23 been met.

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
4 NUCLEAR ENERGY

5 For Department of Energy expenses including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment, and other expenses necessary for nuclear
8 energy activities in carrying out the purposes of the De-
9 partment of Energy Organization Act (42 U.S.C. 7101 et
10 seq.), including the acquisition or condemnation of any
11 real property or any facility or for plant or facility acquisi-
12 tion, construction, or expansion, \$899,000,000, to remain
13 available until expended: *Provided*, That of such amount,
14 \$73,000,000 shall be available until September 30, 2016,
15 for program direction including official reception and rep-
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 (UF₆), 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 TITLE IV—INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, notwithstanding 40 U.S.C. 14704, and for nec-
9 essary expenses for the Federal Co-Chairman and the Al-
10 ternate on the Appalachian Regional Commission, for pay-
11 ment of the Federal share of the administrative expenses
12 of the Commission, including services as authorized by 5
13 U.S.C. 3109, and hire of passenger motor vehicles,
14 \$80,317,000, to remain available until expended.

15 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

16 SALARIES AND EXPENSES

17 For necessary expenses of the Defense Nuclear Fa-
18 cilities Safety Board in carrying out activities authorized
19 by the Atomic Energy Act of 1954, as amended by Public
20 Law 100–456, section 1441, \$29,150,000, to remain
21 available until September 30, 2016.

22 DELTA REGIONAL AUTHORITY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Delta Regional Author-
25 ity and to carry out its activities, as authorized by the

1 Delta Regional Authority Act of 2000, notwithstanding
2 sections 382C(b)(2), 382F(d), 382M, and 382N of said
3 Act, \$12,000,000, to remain available until expended.

4 DENALI COMMISSION

5 For expenses of the Denali Commission including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment as necessary and other expenses,
8 \$10,000,000, to remain available until expended, notwith-
9 standing the limitations contained in section 306(g) of the
10 Denali Commission Act of 1998: *Provided*, That funds
11 shall be available for construction projects in an amount
12 not to exceed 80 percent of total project cost for distressed
13 communities, as defined by section 307 of the Denali Com-
14 mission Act of 1998 (division C, title III, Public Law 105-
15 277), as amended by section 701 of appendix D, title VII,
16 Public Law 106-113 (113 Stat. 1501A-280), and an
17 amount not to exceed 50 percent for non-distressed com-
18 munities.

19 NORTHERN BORDER REGIONAL COMMISSION

20 For necessary expenses of the Northern Border Re-
21 gional Commission in carrying out activities authorized by
22 subtitle V of title 40, United States Code, \$3,000,000, to
23 remain available until expended: *Provided*, That such
24 amounts shall be available for administrative expenses,

1 notwithstanding section 15751(b) of title 40, United
2 States Code.

3 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

8 NUCLEAR REGULATORY COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Commission in car-
11 rying out the purposes of the Energy Reorganization Act
12 of 1974 and the Atomic Energy Act of 1954, including
13 official representation expenses not to exceed \$25,000,
14 \$1,052,433,000, to remain available until expended, of
15 which \$55,000,000 shall be derived from the Nuclear
16 Waste Fund: *Provided*, That of the amount appropriated
17 herein, not more than \$9,500,000 may be made available
18 for salaries, travel, and other support costs for the Office
19 of the Commission, to remain available until September
20 30, 2016, of which, notwithstanding section 201(a)(2)(c)
21 of the Energy Reorganization Act of 1974 (42 U.S.C.
22 5841(a)(2)(c)), the use and expenditure shall only be ap-
23 proved by a majority vote of the Commission: *Provided*
24 *further*, That revenues from licensing fees, inspection serv-
25 ices, and other services and collections estimated at

1 \$880,155,000 in fiscal year 2015 shall be retained and
2 used for necessary salaries and expenses in this account,
3 notwithstanding 31 U.S.C. 3302, and shall remain avail-
4 able until expended: *Provided further*, That the sum herein
5 appropriated shall be reduced by the amount of revenues
6 received during fiscal year 2015 so as to result in a final
7 fiscal year 2015 appropriation estimated at not more than
8 \$172,278,000: *Provided further*, That of the amounts ap-
9 propriated under this heading, \$10,000,000 shall be for
10 university research and development in areas relevant to
11 their respective organization's mission, and \$5,000,000
12 shall be for a Nuclear Science and Engineering Grant Pro-
13 gram that will support multiyear projects that do not align
14 with programmatic missions but are critical to maintain-
15 ing the discipline of nuclear science and engineering.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
18 General in carrying out the provisions of the Inspector
19 General Act of 1978, \$12,071,000, to remain available
20 until September 30, 2016: *Provided*, That revenues from
21 licensing fees, inspection services, and other services and
22 collections estimated at \$10,099,000 in fiscal year 2015
23 shall be retained and be available until September 30,
24 2016, for necessary salaries and expenses in this account,
25 notwithstanding section 3302 of title 31, United States

1 Code: *Provided further*, That the sum herein appropriated
2 shall be reduced by the amount of revenues received dur-
3 ing fiscal year 2015 so as to result in a final fiscal year
4 2015 appropriation estimated at not more than
5 \$1,972,000: *Provided further*, That, of the amounts appro-
6 priated under this heading, \$850,000 shall be for Inspec-
7 tor General services for the Defense Nuclear Facilities
8 Safety Board, which shall not be available from fee reve-
9 nues.

10 NUCLEAR WASTE TECHNICAL REVIEW BOARD

11 SALARIES AND EXPENSES

12 For necessary expenses of the Nuclear Waste Tech-
13 nical Review Board, as authorized by Public Law 100-
14 203, section 5051, \$3,400,000, to be derived from the Nu-
15 clear Waste Fund, to remain available until September 30,
16 2016.

17 GENERAL PROVISIONS—INDEPENDENT

18 AGENCIES

19 SEC. 401. The Chairman of the Nuclear Regulatory
20 Commission shall notify the other members of the Com-
21 mission, the Committees on Appropriations of the House
22 of Representatives and the Senate, the Committee on En-
23 ergy and Commerce of the House of Representatives, and
24 the Committee on Environment and Public Works of the
25 Senate, not later than 1 day after the Chairman begins

1 performing functions under the authority of section 3 of
2 Reorganization Plan No. 1 of 1980, or after a member
3 of the Commission who is delegated emergency functions
4 under subsection (b) of that section begins performing
5 those functions. Such notification shall include an expla-
6 nation of the circumstances warranting the exercise of
7 such authority. The Chairman shall report to the Commit-
8 tees, not less frequently than once each week, on the ac-
9 tions taken by the Chairman, or a delegated member of
10 the Commission, under such authority, until the authority
11 is relinquished. The Chairman shall notify the Committees
12 not later than 1 day after such authority is relinquished.
13 The Chairman shall submit the report required by section
14 3(d) of the Reorganization Plan No. 1 of 1980 to the
15 Committees not later than 1 day after it was submitted
16 to the Commission. This section shall be in effect in fiscal
17 year 2015 and each subsequent fiscal year.

18 SEC. 402. The Nuclear Regulatory Commission shall
19 comply with the July 5, 2011, version of Chapter VI of
20 its Internal Commission Procedures when responding to
21 Congressional requests for information.

22 TITLE V—GENERAL PROVISIONS
23 (INCLUDING TRANSFERS OF FUNDS)

24 SEC. 501. None of the funds appropriated by this Act
25 may be used in any way, directly or indirectly, to influence

1 congressional action on any legislation or appropriation
2 matters pending before Congress, other than to commu-
3 nicate to Members of Congress as described in 18 U.S.C.
4 1913.

5 SEC. 502. None of the funds made available by this
6 Act may be used to enter into a contract, memorandum
7 of understanding, or cooperative agreement with, make a
8 grant to, or provide a loan or loan guarantee to any cor-
9 poration that was convicted of a felony criminal violation
10 under any Federal law within the preceding 24 months,
11 where the awarding agency is aware of the conviction, un-
12 less the agency has considered suspension or debarment
13 of the corporation and has made a determination that this
14 further action is not necessary to protect the interests of
15 the Government.

16 SEC. 503. None of the funds made available by this
17 Act may be used to enter into a contract, memorandum
18 of understanding, or cooperative agreement with, make a
19 grant to, or provide a loan or loan guarantee to, any cor-
20 poration that has any unpaid Federal tax liability that has
21 been assessed, for which all judicial and administrative
22 remedies have been exhausted or have lapsed, and that
23 is not being paid in a timely manner pursuant to an agree-
24 ment with the authority responsible for collecting the tax
25 liability, where the awarding agency is aware of the unpaid

1 tax liability, unless the agency has considered suspension
2 or debarment of the corporation and has made a deter-
3 mination that this further action is not necessary to pro-
4 tect the interests of the Government.

5 SEC. 504. (a) None of the funds made available in
6 title III of this Act may be transferred to any department,
7 agency, or instrumentality of the United States Govern-
8 ment, except pursuant to a transfer made by or transfer
9 authority provided in this Act or any other appropriations
10 Act for any fiscal year, transfer authority referenced in
11 the report of the Committee on Appropriations accom-
12 panying this Act, or any authority whereby a department,
13 agency, or instrumentality of the United States Govern-
14 ment may provide goods or services to another depart-
15 ment, agency, or instrumentality.

16 (b) None of the funds made available for any depart-
17 ment, agency, or instrumentality of the United States
18 Government may be transferred to accounts funded in title
19 III of this Act, except pursuant to a transfer made by or
20 transfer authority provided in this Act or any other appro-
21 priations Act for any fiscal year, transfer authority ref-
22 erenced in the report of the Committee on Appropriations
23 accompanying this Act, or any authority whereby a de-
24 partment, agency, or instrumentality of the United States

1 Government may provide goods or services to another de-
2 partment, agency, or instrumentality.

3 (c) The head of any relevant department or agency
4 funded in this Act utilizing any transfer authority shall
5 submit to the Committees on Appropriations of the House
6 of Representatives and the Senate a semiannual report de-
7 tailing the transfer authorities, except for any authority
8 whereby a department, agency, or instrumentality of the
9 United States Government may provide goods or services
10 to another department, agency, or instrumentality, used
11 in the previous 6 months and in the year-to-date. This
12 report shall include the amounts transferred and the pur-
13 poses for which they were transferred, and shall not re-
14 place or modify existing notification requirements for each
15 authority.

16 SEC. 505. None of the funds made available by this
17 Act may be used in contravention of Executive Order No.
18 12898 of February 11, 1994 (“Federal Actions to Address
19 Environmental Justice in Minority Populations and Low-
20 Income Populations”).

21 SEC. 506. None of the funds made available by this
22 Act may be used to conduct closure of adjudicatory func-
23 tions, technical review, or support activities associated
24 with the Yucca Mountain geologic repository license appli-
25 cation, or for actions that irrevocably remove the possi-

1 bility that Yucca Mountain may be a repository option in
2 the future.

3 SPENDING REDUCTION ACCOUNT

4 SEC. 507. The amount by which the applicable alloca-
5 tion of new budget authority made by the Committee on
6 Appropriations of the House of Representatives under sec-
7 tion 302(b) of the Congressional Budget Act of 1974 ex-
8 ceeds the amount of proposed new budget authority is \$0.

9 This Act may be cited as the “Energy and Water De-
10 velopment and Related Agencies Appropriations Act,
11 2015”.

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[FULL COMMITTEE PRINT]

Union Calendar No. _____

113TH CONGRESS
2^D Session

H. R. _____

[Report No. 113-_____] _____

A BILL

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

, 2014

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