[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000

113TH CONGRESS 2D SESSION  

S. 0000

[Report No. 113–000]

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

IN THE SENATE OF THE UNITED STATES

JUNE _____, 2014

Mrs. Feinstein, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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
money in the Treasury not otherwise appropriated, for en-
ergy and water development and related agencies for the
fiscal year ending September 30, 2015, and for other pur-
poses, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

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

INVESTIGATIONS

For expenses necessary where authorized by law for
the collection and study of basic information pertaining
to river and harbor, flood and storm damage reduction,
shore protection, aquatic ecosystem restoration, and re-
lated needs; for surveys and detailed studies, and plans
and specifications of proposed river and harbor, flood and
storm damage reduction, shore protection, and aquatic
ecosystem restoration and related projects and efforts
prior to construction; for restudy of authorized projects;
and for miscellaneous investigations, and, when authorized
by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $125,000,000, to remain available until expended: *Provided*, That the Secretary may initiate up to, but not more than, 20 new reconnaissance study starts during fiscal year 2015: *Provided further*, That the Secretary shall not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

**CONSTRUCTION**

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies and plans and specifications of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies and plans and specifications shall not constitute a commitment of the Government to construction), $1,421,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which
such sums as are necessary shall be derived from the Inland Waterways Trust Fund to cover the costs as authorized in law for construction, replacement, rehabilitation, and expansion of inland waterways projects: Provided, That the Secretary may initiate up to, but not more than, six new construction starts during fiscal year 2015: Provided further, That for new construction projects, project cost sharing agreements shall be executed as soon as practicable but no later than August 31, 2015: Provided further, That the Secretary may not deviate from the new starts proposed in the work plan, once the plan has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $305,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and
storm damage reduction, aquatic ecosystem restoration,
and related projects authorized by law; providing security
for infrastructure owned or operated by the Corps, includ-
ing administrative buildings and laboratories; maintaining
harbor channels provided by a State, municipality, or
other public agency that serve essential navigation needs
of general commerce, where authorized by law; surveying
and charting northern and northwestern lakes and con-
necting waters; clearing and straightening channels; and
removing obstructions to navigation, $2,800,000,000, to
remain available until expended, of which such sums as
are necessary to cover the Federal share of eligible oper-
ation and maintenance costs for coastal harbors and chan-
els, and for inland harbors shall be derived from the Har-
bor Maintenance Trust Fund; of which such sums as be-
come available from the special account for the Army
Corps of Engineers established by the Land and Water
Conservation Fund Act of 1965 shall be derived from that
account for resource protection, research, interpretation,
and maintenance activities related to resource protection
in the areas at which outdoor recreation is available; and
of which such sums as become available from fees collected
under section 217 of Public Law 104–303 shall be used
to cover the cost of operation and maintenance of the
dredged material disposal facilities for which such fees
have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects, or activities.

**REGULATORY PROGRAM**

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

**FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM**

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation’s early atomic energy program, $100,000,000, to remain available until expended.

**FLOOD CONTROL AND COASTAL EMERGENCIES**

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency
operations, repairs, and other activities in response to such disasters as authorized by law, $28,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Army Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $178,000,000, to remain available until September 30, 2016, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and
other activities in response to any flood, hurricane, or
tother natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until September 30, 2016.

GENERAL PROVISIONS—CORPS OF
ENGINEERS—CIVIL

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

Sec. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2015, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Com-

mittees on Appropriations;
(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in paragraphs 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: Provided, That for a base level less than $100,000, the reprogramming limit is $25,000: Provided further, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: Provided, That for a base level less than $2,000,000, the reprogramming limit is $300,000: Provided further, That up to $3,000,000 may be reprogrammed for settled con-
tractor claims, changed conditions, or real estate deficiency judgments: Provided further, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers shall notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: Provided further, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study or activity is allowed: Provided further, That for a base level less than $1,000,000, the reprogramming limit is $150,000: Provided further, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The reprogramming guidelines in paragraphs (6), (7), and (8) shall apply to the Investigations, Construction, and Operation and Maintenance portions
of the Mississippi River and Tributaries Account respectively; and

(10) **Formerly Utilized Sites Remedial Action Program.**—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) **De Minimis Reprogrammings.**—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) **Continuing Authorities Program.**—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Secretary shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year which shall include:

(1) A table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if applicable, and the fiscal year enacted level; *and*

(2) A delineation in the table for each appropriation both by object class and program, project
and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. The Secretary of the Army may transfer to the Fish and Wildlife Service, and the Fish and Wildlife Service may accept and expend, up to $4,700,000 of funds provided in this title under the heading “Operation and Maintenance” to mitigate for fisheries lost due to Corps of Engineers projects.


SEC. 104. The Secretary shall allocate funds made available in this Act solely in accordance with the provisions of this Act and the report accompanying this Act.

SEC. 105. (a) Of the funds made available in prior appropriations Acts for water resources efforts under the headings “Corps of Engineers–Civil, Department of the Army” and “Operation and Maintenance—Operation and Maintenance, Army” that remain unobligated as of the date of enactment of this Act, including amounts specified
in law for particular projects, programs, or activities, $28,000,000 is rescinded.

(b) None of the funds under subsection (a) may be cancelled from amounts that the Congress designated as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 106. Section 536(g) of the Water Resources Development Act of 2000 (Public Law 106–541, 114 Stat. 2662) is amended by striking “$50,000,000” and inserting “$75,000,000”.

SEC. 107. In determining the economic justification for navigation projects and the allocation of operation and maintenance funds involving coastal energy ports, the Secretary of the Army is directed to quantify the value of commodities and equipment used in offshore energy extraction and production, including the fabrication, servicing and supply of domestic offshore energy production facilities, and include the value as a part of the National Economic Development calculation and in the Waterborne Commerce evaluation. Within 1 year of the date of enactment of this Act, the Secretary in conjunction with relevant stakeholders, shall establish a methodology to collect information related to the value of commodities and equipment used in offshore energy extraction and production.
1 The methodology shall protect proprietary information and establish a reporting requirement.

2 SEC. 108. The limited reevaluation report initiated in fiscal year 2012 for the Mobile Harbor, Alabama navigation project shall include evaluation of the full depth of the project as authorized under section 201 of Public Law 99–662 (110 Stat. 4090) at the same non-Federal share of the cost as in the design agreement executed on August 14, 2012.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $7,300,000, to remain available until expended, of which $1,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission: Provided, That of the amount provided under this heading, $1,300,000 shall be available until September 30, 2016, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior: Provided further, That for fiscal year 2015, of the amount made available to the Commission under this Act or any other Act, the Commis-
sion may use an amount not to exceed $1,500,000 for admin-

istrative expenses.

**BUREAU OF RECLAMATION**

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclama-

tion:

**WATER AND RELATED RESOURCES**

*(INCLUDING TRANSFERS OF FUNDS)*

For management, development, and restoration of water and related natural resources and for related activi-
ties, including the operation, maintenance, and rehabilita-
tion of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Ameri-
cans, and related grants to, and cooperative and other agreements with, State and local governments, federally

recognized Indian tribes, and others, $1,069,705,000, to remain available until expended, of which $25,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,840,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be ad-

vanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program...
1 activities that can be financed by the Reclamation Fund
2 or the Bureau of Reclamation special fee account estab-
3 lished by 16 U.S.C. 6806 shall be derived from that Fund
4 or account: Provided further, That funds contributed
5 under 43 U.S.C. 395 are available until expended for the
6 purposes for which the funds were contributed: Provided
7 further, That funds advanced under 43 U.S.C. 397a shall
8 be credited to this account and are available until ex-
9 pended for the same purposes as the sums appropriated
10 under this heading: Provided further, That of the amounts
11 provided herein, funds may be used for high-priority
12 projects which shall be carried out by the Youth Conserva-
13 tion Corps, as authorized by 16 U.S.C. 1706.

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

CALIFORNIA BAY-DELTA RESTORATION
(INCLUDING TRANSFERS OF FUNDS)

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

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and
related functions in the Office of the Commissioner, the
Denver office, and offices in the five regions of the Bureau
of Reclamation, to remain available until September 30,
2016, $59,500,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses: Provided further, That $400,000 of the funds provided herein shall not be available until completion of the Final Feasibility Study and issuance of the Final Environmental Impact Statements for the storage studies being conducted under the authority of Public Law 108–361.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

(RECISION)

Of the unobligated balances available under this heading, $500,000 are hereby permanently rescinded.

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Sec. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure
in fiscal year 2015, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

   (A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

   (B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;
(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

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

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

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

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall
be fully reimbursable by San Luis Unit beneficiaries of
such service or studies pursuant to Federal reclamation
law.

SEC. 203. Section 9504(e) of the Secure Water Act
of 2009 (42 U.S.C. 10364(e)) is amended by striking
"$200,000,000" and inserting "$400,000,000".

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. Section 301 of the Reclamation States
is amended—

(a) by striking "90,000,000" and inserting
"$110,000,000"; and

(b) by striking "2012" and inserting "2017".

SEC. 205. Title I of Public Law 108–361 (the Calfed
Bay-Delta Authorization Act) (118 Stat. 1681), as
amended by section 210 of Public Law 111–85, is amend-
ed by striking "2015" each place it appears and inserting
"2018".

COLORADO RIVER BASIN SYSTEM WATER

SEC. 206. (a) IN GENERAL.—The Secretary of the
Interior shall fund or participate in pilot projects to in-
crease Colorado River System water in Lake Mead and
the initial units of Colorado River Storage Project res-
ervoirs, as authorized by the first section of the Act of
April 11, 1956 (43 U.S.C. 620), to address the effects of historic drought conditions.

(b) ADMINISTRATION.—Pilot projects under this section shall be funded through—

(1) grants by the Secretary to public entities that use water from the Colorado River Basin for municipal purposes, for projects that are implemented by 1 or more non-Federal entities; or

(2) grants or other appropriate financial agreements to provide additional funds for renewing or implementing water conservation agreements that are in existence on the date of enactment of this Act.

(c) UPPER COLORADO RIVER BASIN FUND.—Funds in the Upper Colorado River Basin Fund established by section 5 of the Colorado River Storage Project Act (4320 U.S.C. 620d) shall not be used to carry out this section.

SEC. 207. During the fiscal year period covered by this Act and only if the state of drought emergency declared by the Governor of California remains in force, the Secretary of the Interior, in consultation with the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall take all necessary actions to provide the maximum quantity of water supplies possible to Central Valley
1 Project agricultural, municipal and industrial, and refuge
2 service and repayment contractors, State Water Project
3 contractors, and any other locality or municipality in the
4 State of California, by approving, consistent with applica-
5 ble laws (including regulations), projects and operations
6 to provide additional water supplies as quickly as possible
7 based on available information to address the emergency
8 conditions: Provided, That the head of each applicable
9 Federal agency shall, in carrying out this section, consult
10 with the Council on Environmental Quality in accordance
11 with section 1506.11 of title 40, Code of Federal Regula-
12 tions (including successor regulations) to develop alter-
13 native arrangements to comply with the National Environ-
14 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during
15 the time period covered by this section: Provided further,
16 That nothing in this section shall preempt any State law
17 in effect on the date of enactment of this Act, including
18 area of origin and other water rights protections in Cali-
19 fornia.

20 SEC. 208. (a) AUTHORIZATION OF ADDITIONAL
21 PROJECT BENEFITS.—The Reclamation Safety of Dams
22 Act of 1978 is amended by—

23 (1) striking “Construction” and inserting “Ex-
24 cept as provided in section 5B, construction” in sec-
25 tion 3; and
(2) inserting after section 5A (43 U.S.C. 509a) the following:

“SEC. 5B. Notwithstanding section 3, if the Secretary, in her judgment, determines that additional project benefits, including but not limited to additional conservation storage capacity, are necessary and in the interests of the United States and the project and are feasible and not inconsistent with the purposes of this Act, the Secretary is authorized to develop additional project benefits through the construction of new or supplementary works on a project in conjunction with the Secretary’s activities under section 2 of this Act and subject to the conditions described in the feasibility study, provided the costs associated with developing the additional project benefits are allocated to the authorized purposes of the structure and repaid consistent with all provisions of Federal Reclamation law (the Act of June 17, 1902, 43 U.S.C. 371 et seq.) and acts supplemental to and amendatory of that Act.”.

(b) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.—Section 5 of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 509) is amended in the first sentence—

(1) by inserting “and effective October 1, 2014, not to exceed an additional $1,100,000,000 (October
1, 2003, price levels),” after “(October 1, 2003, price levels),”.

(2) in the proviso—

(A) by striking “$1,250,000” and inserting

“$20,000,000”; and

(B) by striking “Congress” and inserting

“Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate’’;

and

(3) by adding at the end the following: “For modification expenditures between $1,800,000 and $20,000,000 (October 1, 2013, price levels), the Secretary of the Interior shall, at least 30 days before the date on which the funds are expended, submit written notice of the expenditures to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that provides a summary of the project, the cost of the project, and any alternatives that were considered.”.

SEC. 209. Section 10009(c)(2) of the San Joaquin River Restoration Settlement Act (Public Law 111–11; 123 Stat. 1356) is amended by striking “October 1, 2019, all funds in the Fund shall be available for expenditure
without further appropriation.” and inserting “October 1, 2015, all funds in the Fund shall be available for expenditure on an annual basis in an amount not to exceed $40,000,000 without further appropriation.” in lieu thereof.

TITLE III
DEPARTMENT OF ENERGY
ENERGY PROGRAMS
ENERGY EFFICIENCY AND RENEWABLE ENERGY
(INCLUDING TRANSFER)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,072,928,000, to remain available until expended: Provided, That $160,000,000 shall be available until September 30, 2016, for program direction: Provided further, That, of the amount provided under this heading, the Secretary may transfer up to $60,000,000 to the Defense Production Act Fund for activities of the Department of Energy pursuant to the Defense Production Act of 1950.
1 (50 U.S.C. App. 2061, et seq.): Provided further, That, of the amount provided under this heading, $15,000,000 shall be available for weatherization assistance for State level demonstrations of financing methods for low-income multi-family units, including technical assistance for recipients, and shall be awarded on a competitive basis, notwithstanding the requirements of Part A of Title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $174,000,000, to remain available until expended: Provided, That $28,000,000 shall be available until September 30, 2016, for program direction.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear
energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $777,000,000, to remain available until expended, of which $24,000,000 shall be derived from the Nuclear Waste Fund: Provided, That, of the amount made available under this heading, $73,090,000, shall be available until September 30, 2016, for program direction.

Fossil Energy Research and Development

For Department of Energy expenses necessary in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $475,500,000, to remain available until expended: Provided, That $114,202,000, shall be available until September 30, 2016, for program direction.
NAVAL PETROLEUM AND OIL SHALE RESERVES

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

STRATEGIC PETROLEUM RESERVE

For Department of Energy expenses necessary for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $205,000,000, to remain available until expended.

SPR PETROLEUM ACCOUNT

(RESCISSION)

Of the amounts deposited in the SPR Petroleum Account established under section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) in fiscal year 2014 which remain available for obligation under that section, all unobligated balances are hereby permanently rescinded.

NORTHEAST HOME HEATING OIL RESERVE

For Department of Energy expenses necessary for Northeast Home Heating Oil Reserve storage, operation,
and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), $1,600,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For Department of Energy expenses necessary in carrying out the activities of the Energy Information Administration, $117,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $246,000,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For Department of Energy expenses necessary in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992,
$594,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $10,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992: Provided, That the Secretary shall collect up to $200,000,000 in assessments pursuant to section 1802 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g–1), as provided for by this Act. (Energy and Water Development and Related Agencies Appropriations Act, 2015.)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 17 passenger motor vehicles for replacement only, including two buses, $5,086,000,000, to remain available until expended: Provided, That $187,723,000 shall be available until September 30, 2016, for program direction: Provided further, That up to $75,000,000 may be made available for the International Thermonuclear Experimental Reactor.
tor to complete manufacturing of components under existing contracts and take actions to withdraw U.S. participation in this project.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For Department of Energy expenses necessary in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), as amended, $280,000,000, to remain available until expended: Provided, That $29,250,000 shall be available until September 30, 2016, for program direction.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided, That, for necessary administrative expenses to carry out this Loan Guarantee program, $42,000,000 is appropriated, to remain available until September 30, 2016: Provided further, That $25,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2015 appropriation
from the general fund estimated at not more than $17,000,000: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

Advanced Technology Vehicles Manufacturing Loan Program

For Department of Energy administrative expenses necessary in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $4,000,000, to remain available until September 30, 2016.

Office of Indian Energy Policy and Programs

For Department of Energy expenses necessary for Indian energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $16,000,000, to remain available until expended: Provided, That, of the amount appropriated under this heading, $2,510,000 shall be available until September 30, 2016, for program direction.

Clean Coal Technology (Rescission)

Of the unobligated balances from prior year appropriations under this heading, $6,600,000 are hereby permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Con-
gress as an emergency requirement pursuant to the Con-
current Resolution on the Budget or the Balanced Budget
and Emergency Deficit Control Act of 1985, as amended.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the final payment
under the Settlement Agreement entered into by the
United States and the State of California on October 11,
1996, as authorized by section 3415 of Public Law 104–
106, $15,579,815, for payment to the State of California
for the State Teachers’ Retirement Fund, of which
$15,579,815 will be derived from the Elk Hills School
Lands Fund.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of En-
ergy necessary for departmental administration in car-
rying out the purposes of the Department of Energy Orga-
nization Act (42 U.S.C. 7101 et seq.), $229,171,000, to
remain available until September 30, 2016, including the
hire of passenger motor vehicles and official reception and
representation expenses not to exceed $30,000, plus such
additional amounts as necessary to cover increases in the
estimated amount of cost of work for others notwith-
standing the provisions of the Anti-Deficiency Act (31
U.S.C. 1511 et seq.): Provided, That such increases in
cost of work are offset by revenue increases of the same
or greater amount: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $119,171,000 in fiscal year 2015 may be retained and used for operating expenses within this account, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2015 appropriation from the general fund estimated at not more than $110,000,000.

Office of the Inspector General


Atomic Energy Defense Activities

National Nuclear Security Administration

Weapons Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or
condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 4 passenger vehicles, $8,314,902,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,978,000,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $1,208,000,000, to remain available until expended: Provided, That $46,600,000 shall be available until September 30, 2016, for program direction.
FEDERAL SALARIES AND EXPENSES

For necessary expenses for Federal Salaries and Expenses (previously the Office of the Administrator) in the National Nuclear Security Administration, $390,000,000, to remain available until September 30, 2016, including official reception and representation expenses not to exceed $12,000.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one sport utility vehicle, one heavy duty truck, two ambulances, and one ladder fire truck for replacement only, $5,101,971,000, to remain available until expended: Provided, That $280,784,000 shall be available until September 30, 2016, for program direction.
DEFENSE URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING

For an additional amount for atomic energy of defense environmental cleanup activities for Department of Energy contributions for uranium enrichment decontamination and decommissioning activities, $463,000,000, to be deposited into the Defense Environmental Cleanup account which shall be transferred to the “Uranium Enrichment Decontamination and Decommissioning Fund”.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $753,000,000, to remain available until expended: Provided, That $210,607,000 shall be available until September 30, 2016, for program direction.

POWER MARKETING ADMINISTRATION

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454,
are approved for the Black Canyon Trout Hatchery and, in addition, for official reception and representation expenses in an amount not to exceed $5,000: \textit{Provided}, That during fiscal year 2015, no new direct loan obligations may be made.

\textbf{Operation and Maintenance, Southeastern Power Administration}

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,220,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended: \textit{Provided}, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $7,220,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: \textit{Provided further}, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final
fiscal year 2015 appropriation estimated at not more than $0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $73,579,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

**Operation and Maintenance, Southwestern Power Administration**

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $46,240,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act
of 1944 (16 U.S.C. 825s), up to $34,840,000 collected
by the Southwestern Power Administration from the sale
of power and related services shall be credited to this ac-
count as discretionary offsetting collections, to remain
available until expended, for the sole purpose of funding
the annual expenses of the Southwestern Power Adminis-
tration: Provided further, That the sum herein appro-
piated for annual expenses shall be reduced as collections
are received during the fiscal year so as to result in a final
fiscal year 2015 appropriation estimated at not more than
$11,400,000: Provided further, That, notwithstanding 31
U.S.C. 3302, up to $53,000,000 collected by the South-
western Power Administration pursuant to the Flood Con-
trol Act of 1944 to recover purchase power and wheeling
expenses shall be credited to this account as offsetting col-
lections, to remain available until expended for the sole
purpose of making purchase power and wheeling expendi-
tures: Provided further, That, for purposes of this appro-
piation, annual expenses means expenditures that are
generally recovered in the same year that they are in-
curred (excluding purchase power and wheeling expenses).
CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $304,402,000, including official reception and representation expenses in an amount not to exceed $1,500, to remain available until expended, of which $296,321,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $211,030,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2015 appropriation estimated at not more than $93,372,000, of which
$85,291,000 is derived from the Reclamation Fund: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $260,510,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,727,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $4,499,000 collected by the Western Area Power Administration from the sale of power and related services from
the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2015 appropriation estimated at not more than $228,000: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred: Provided further, That for fiscal year 2015, the Administrator of the Western Area Power Administration may accept up to $802,000 in funds contributed by United States power customers of the Falcon and Amistad Dams for deposit into the Falcon and Amistad Operating and Maintenance Fund, and such funds shall be available for the purpose for which contributed in like manner as if said sums had been specifically appropriated for such purpose: Provided further, That any such funds shall be available without further appropriation and without fiscal year limitation for use by the Commissioner of the United States Section of the International Boundary and Water Commission for the sole purpose of operating, maintaining, re-
pairing, rehabilitating, replacing, or upgrading the hydro-
electric facilities at these Dams in accordance with agree-
ments reached between the Administrator, Commissioner,
and the power customers.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regu-
latory Commission to carry out the provisions of the De-
partment of Energy Organization Act (42 U.S.C. 7101 et
seq.), including services as authorized by 5 U.S.C. 3109,
the hire of passenger motor vehicles, $327,277,000, in-
cluding official reception and representation expenses not
to exceed $3,000, to remain available until expended: Pro-
vided, That notwithstanding any other provision of law,
not to exceed $327,277,000 of revenues from fees and an-
nual charges, and other services and collections in fiscal
year 2015 shall be retained and used for necessary ex-
enses in this account, and shall remain available until
expended: Provided further, That the sum herein appro-
priated from the general fund shall be reduced as revenues
are received during fiscal year 2015 so as to result in a
final fiscal year 2015 appropriation from the general fund
estimated at not more than $0.
GENERAL PROVISIONS—DEPARTMENT OF ENERGY

(INCLUDING TRANSFER OF FUNDS)

Sec. 301. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Sec. 302. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2015 until the enactment of the Intelligence Authorization Act for fiscal year 2015.

Sec. 303. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Independent Enterprise Assessments to ensure the project is in compliance with nuclear safety requirements.

Sec. 304. None of the funds made available in this title may be used to approve critical decision-2 or critical
decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

Sec. 305. (a) In this fiscal year, and in each subsequent fiscal year, any determination (including a determination made prior to the date of enactment of this Act) by the Secretary pursuant to section 3112(d)(2)(B) of the USEC Privatization Act (110 Stat. 1321–335), as amended, shall be valid for not more than 2 calendar years subsequent to such determination.

(b) In this fiscal year, and in each subsequent fiscal year, not less than 30 days prior to the provision of uranium in any form the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be provided;

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

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

(4) the recipient of the uranium; and
(5) the value the Secretary expects to receive in exchange for the uranium, including any adjustments to the gross fair market value of the uranium.

(6) whether the uranium to be provided is encumbered by any restriction pursuant to an international agreement or otherwise.

SEC. 306. Notwithstanding section 307 of Public Law 111–85, of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this or any subsequent Energy and Water Development Appropriations Act for any fiscal year, the Secretary may authorize a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory directed research and development.

SEC. 307. The Secretary of Energy shall submit to the congressional defense committees (as defined in U.S.C. 101(a)(16)), a report on each major warhead refurbishment program that reaches the Phase 6.3 milestone that provides an analysis of alternatives which includes—

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

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

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

(4) identification of the cost and risk of additional capital asset and infrastructure capabilities required to support production and certification of each alternative;

(5) a comparative analysis of the risks, costs, and scheduling needs for any military requirement intended to enhance warhead safety, security, or maintainability, including any requirement to consolidate and/or integrate warhead systems or mods as compared to at least one other feasible refurbishment alternative the Nuclear Weapons Council considers appropriate; and

(6) a life-cycle cost estimate for the alternative selected that details the overall cost, scope, and schedule planning assumptions. For the B61–12 life extension program, the life cycle cost estimate shall include an analysis of reduced life cycle costs for Option 3b, including cost savings from consolidating the different B61 variants.
SEC. 308. (a) DEFINITIONS.—In this section:

(1) AFFECTED INDIAN TRIBE.—The term “affected Indian tribe” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(2) HIGH-LEVEL RADIOACTIVE WASTE.—The term “high-level radioactive waste” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(3) NUCLEAR WASTE FUND.—The term “Nuclear Waste Fund” means the Nuclear Waste Fund established under section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(5) SPENT NUCLEAR FUEL.—The term “spent nuclear fuel” has the meaning given the term in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101).

(b) PILOT PROGRAM.—Notwithstanding any provision of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.), the Secretary is authorized, in the current fiscal year and subsequent fiscal years, to conduct a pilot program, through 1 or more private sector partners, to license, construct, and operate 1 or more government or
privately owned consolidated storage facilities to provide
interim storage as needed for spent nuclear fuel and high-
level radioactive waste, with priority for storage given to
spent nuclear fuel located on sites without an operating
nuclear reactor.

(c) REQUESTS FOR PROPOSALS.—Not later than 120
days after the date of enactment of this Act, the Secretary
shall issue a request for proposals for cooperative agree-
ments—

(1) to obtain any license necessary from the
Nuclear Regulatory Commission for the construction
of 1 or more consolidated storage facilities;

(2) to demonstrate the safe transportation of
spent nuclear fuel and high-level radioactive waste,
as applicable; and

(3) to demonstrate the safe storage of spent nu-
clear fuel and high-level radioactive waste, as applic-
able, at the 1 or more consolidated storage facilities
pending the construction and operation of deep geo-
logic disposal capacity for the permanent disposal of
the spent nuclear fuel.

(d) CONSENT-BASED APPROVAL.—Prior to siting a
consolidated storage facility pursuant to this section, the
Secretary shall enter into an agreement to host the facility
with—
(1) the Governor of the State;

(2) each unit of local government within the jurisdiction of which the facility is proposed to be located; and

(3) each affected Indian tribe.

(e) APPLICABILITY.—In executing this section, the Secretary shall comply with—

(1) all licensing requirements and regulations of the Nuclear Regulatory Commission; and

(2) all other applicable laws (including regulations).

(f) PILOT PROGRAM PLAN.—Not later than 120 days after the date on which the Secretary issues the request for proposals under subsection (e), the Secretary shall submit to Congress a plan to carry out this section that includes—

(1) an estimate of the cost of licensing, constructing, and operating a consolidated storage facility, including the transportation costs, on an annual basis, over the expected lifetime of the facility;

(2) a schedule for—

(A) obtaining any license necessary to construct and operate a consolidated storage facility from the Nuclear Regulatory Commission;

(B) constructing the facility;
(C) transporting spent fuel to the facility;

and

(D) removing the spent fuel and decommissioning the facility; and

(3) an estimate of the cost of any financial assistance, compensation, or incentives proposed to be paid to the host State, Indian tribe, or local government;

(4) an estimate of any future reductions in the damages expected to be paid by the United States for the delay of the Department of Energy in accepting spent fuel expected to result from the pilot program;

(5) recommendations for any additional legislation needed to authorize and implement the pilot program; and

(6) recommendations for a mechanism to ensure that any spent nuclear fuel or high-level radioactive waste stored at a consolidated storage facility pursuant to this section shall move to deep geologic disposal capacity, following a consent-based approval process for that deep geologic disposal capacity consistent with subsection (d), within a reasonable time after the issuance of a license to construct and operate the consolidated storage facility.
(g) Public Participation.—Prior to choosing a site for the construction of a consolidated storage facility under this section, the Secretary shall conduct 1 or more public hearings in the vicinity of each potential site and in at least 1 other location within the State in which the site is located to solicit public comments and recommendations.

(h) Use of Nuclear Waste Fund.—The Secretary may make expenditures from the Nuclear Waste Fund to carry out this section, subject to appropriations.

Sec. 309. (a) Domestic Uranium Enrichment.—

(1) None of the funds appropriated by this or any other Act or that may be available to the Department of Energy may be used to build a train of centrifuges using domestic enrichment technology for national security needs in fiscal year 2015.

(2) Of the $110,000,000 appropriated under “Weapons Activities” for domestic uranium enrichment, only $55,000,000 shall be made available until the Secretary of Energy submits to the Appropriations Committees of the House and Senate—

(A) an inventory of all unobligated enriched uranium available to the Department of Energy for defense purposes;
(B) an assessment of why the current inventory of available unobligated enriched uranium is not sufficient to meet defense needs;

(C) a cost-benefit analysis of each of the options available to supply enriched uranium for defense purposes, including new bilateral agreements; and

(D) if deemed necessary for national security needs, a determination by the Secretary of Energy that building a national security train is the lowest cost option that meets national security requirements.

Sec. 310. For fiscal year 2015, section 1802 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g–1) shall be applied as follows:

(a) in subsection (e):

(1) as if “only to the extent provided in advance in appropriations Acts” were inserted after “utilities”;

(2) as if “Amounts authorized to be collected pursuant to this section shall be deposited in the Fund and credited as offsetting receipts.” were inserted as the second sentence; and

(3) by substituting “$200,000,000” for “$150,000,000”;

June 16, 2014 (6:11 p.m.)
(b) in subsection (e), by substituting “September 30, 2015.” for all that follows beginning with “the earlier of—.

SEC. 311. (a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term “alternative fuel” has the meaning given the term in section 400AA(g) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)).

(2) ALTERNATIVE FUEL INFRASTRUCTURE.—The term “alternative fuel infrastructure” means any ancillary equipment necessary to provide alternative fuel to vehicles.

(3) COVERED INDIVIDUAL.—The term “covered individual” means—

(A) any employee (as defined in section 2105 of title 5, United States Code);

(B) a member of a uniformed service;

(C) any other individual who performs services for or on behalf of a Federal agency under a contract or subcontract with a Federal agency; or

(D) a visitor to a Federal agency or facility.

(4) FEDERAL AGENCY.—
(A) IN GENERAL.—The term “Federal agency” has the meaning given the term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(B) INCLUSION.—The term “Federal agency” includes the Executive Office of the President.

(b) AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of appropriations and paragraph (2), the head of a Federal agency may—

(A) construct, operate, and maintain alternative fuel infrastructure on property under the jurisdiction of the Federal agency; and

(B) provide alternative fuel on a reimbursable basis on property under the jurisdiction of the Federal agency for use by privately owned vehicles used by covered individuals.

(2) LIMITATION.—A Federal agency may not provide compensation, benefits, or any other payment to a covered individual for the purpose of purchasing alternative fuel under paragraph (1).

(e) FEES.—The head of a Federal agency shall charge fees for alternative fuel provided to covered individ-
uals sufficient to cover the costs of only the alternative fuel provided under this section.

(d) DEPOSIT AND AVAILABILITY OF FEES AND COMMISSIONS.—Any fees or commissions collected by the head of a Federal agency under this section—

(1) shall be—

(A) deposited monthly into the account of the Treasury from which the amounts were made available to carry out this section, notwithstanding section 3302(b) of title 31, United States Code; and

(B) transferred from the Treasury to an appropriate account of the agency if the agency operates with a budget outside of the Treasury; and

(2) shall be available for obligation by the head of the Federal agency without further appropriation during—

(A) the fiscal year collected; and

(B) the fiscal year following the fiscal year collected.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year, the head of each Federal agency participating in the activities authorized by
subsection (b) shall submit to the Administrator of General Services a report on the financial administration of activities carried out under this section with respect to that fiscal year.

(2) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act and every 5 years thereafter, the Administrator of General Services, in consultation with the Secretary, shall submit to the appropriate committees of Congress, including the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, a report that—

(A) aggregates the information provided by the heads of Federal agencies in the annual reports under paragraph (1); and

(B) provides information on whether the fees collected under subsection (c) are sufficient to cover the cost to the head of a Federal agency of carrying out this section.

SEC. 312. (a) PRIOR NOTIFICATION OF SPR DRAWDOWNS.—As soon as practicable after making an exchange, and as soon as practicable prior to making a drawdown, or not less than 30 days prior to a test drawdown, of petroleum in excess of 500,000 barrels from the Strategic Petroleum Reserve, the Secretary shall provide
notice of such drawdown to the Committees on Appropriations of the U.S. House of Representatives and the United States Senate, which shall include at a minimum—

(1) the justification for the drawdown, including a specific description of any obligation under international energy agreements;

(2) the provisions of law (including regulations) authorizing the drawdown;

(3) the number of barrels of petroleum proposed to be withdrawn;

(4) the location of the Strategic Petroleum Reserve site or sites from which the petroleum are proposed to be withdrawn;

(5) a good faith estimate of the expected proceeds from the sale of the petroleum;

(6) an estimate of the total inventories of petroleum in the Strategic Petroleum Reserve after the anticipated drawdown; and

(7) a detailed plan for disposition of the proceeds after deposit into the Strategic Petroleum Reserve Petroleum Account.

(b) POST-SALE NOTIFICATION.—Upon the execution of all contract awards associated with the competitive sale, the Secretary shall notify the Committee on Appropriations of the U.S. House of Representatives and the United
States Senate of the actual value of the proceeds from the sale.

(c) **REPORT ON REFINED PETROLEUM PRODUCTS.**—

Prior to acquiring, under existing authorities, any refined petroleum products for inclusion in the Strategic Petroleum Reserve, the Secretary shall submit to the Committees on Appropriations of the U.S. House of Representatives and the United States Senate—

(1) a detailed plan including—

(A) justification for acquiring refined petroleum product;

(B) funding sources for storing the refined petroleum products, including both mandatory and discretionary sources;

(C) the length of time the refined products reserve will exist;

(D) geographic regions for the storage of the refined petroleum products; and

(E) conditions upon which refined petroleum products may be released;

(2) the report required in Public Law 111–8 (123 Stat. 617) regarding the expansion of the reserve on the domestic petroleum market.

SEC. 313. (a) Unobligated balances available from prior year appropriations are hereby permanently re-
1 rescinded from the following accounts of the Department of Energy in the specified amounts:


(2) “Energy Programs—Electricity Delivery and Energy Reliability”, $4,851,000.

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

(4) “Energy Programs—Fossil Energy Research and Development”, $9,905,000.

(5) “Energy Programs—Science”, $7,022,000.


(b) No amounts may be rescinded by this section from amounts that were designated by the Congress as
an emergency requirement pursuant to a concurrent reso-

lution on the budget or the Balanced Budget and Emer-

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs au-

thorized by the Appalachian Regional Development Act of

1965, notwithstanding 40 U.S.C. 14704, and for nec-

essary expenses for the Federal Co-Chairman and the Al-
ternate on the Appalachian Regional Commission, for pay-

ment of the Federal share of the administrative expenses

of the Commission, including services as authorized by 5

U.S.C. 3109, and hire of passenger motor vehicles,

$80,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For expenses necessary for the Defense Nuclear Fa-

cilities Safety Board in carrying out activities authorized

by the Atomic Energy Act of 1954, as amended by Public

Law 100–456, section 1441, $28,000,000, to remain

available until September 30, 2016.
DELTA REGIONAL AUTHORITY

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

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $10,000,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For expenses necessary of the Northern Border Regional Commission in carrying out activities authorized by
subtitle V of title 40, United States Code, $5,000,000, to
remain available until expended: Provided, That such
amounts shall be available for administrative expenses,
notwithstanding section 15751(b) of title 40, United
States Code.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary of the Commission in car-
rying out the purposes of the Energy Reorganization Act
of 1974 and the Atomic Energy Act of 1954,
$1,047,433,000, including official representation expenses
not to exceed $25,000, to remain available until expended:
Provided, That of the amount appropriated herein, not
more than $9,500,000 may be made available for salaries,
travel, and other support costs for the Office of the Com-
misison, to remain available until September 30, 2016:
Provided further, That revenues from licensing fees, in-
spection services, and other services and collections esti-
imated at $925,155,000 in fiscal year 2015 shall be re-
tained and used for necessary salaries and expenses in this
account, notwithstanding 31 U.S.C. 3302, and shall re-
main available until expended: Provided further, That the
sum herein appropriated shall be reduced by the amount
of revenues received during fiscal year 2015 so as to result

June 16, 2014 (6:11 p.m.)
in a final fiscal year 2015 appropriation estimated at not more than $122,278,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $12,071,000, to remain available until September 30, 2016: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $10,099,000 in fiscal year 2015 shall be retained and be available until September 30, 2016, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2015 so as to result in a final fiscal year 2015 appropriation estimated at not more than $1,972,000: Provided further, That, of the amounts appropriated under this heading, $850,000 shall be for Inspector General services for the Defense Nuclear Facilities Safety Board, which shall not be available from fee revenues: Provided further, That, notwithstanding any other provision of law, the Inspector General of the Nuclear Regulatory Commission is authorized to exercise the same authorities with respect to the Defense Nuclear Facilities Safety Board, as determined by the Inspector General of

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For expenses necessary of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,400,000, to be derived from the Nuclear Waste Fund, to remain available until September 30, 2016.

GENERAL PROVISIONS—INDEPENDENT AGENCIES

Sec. 401. The Nuclear Regulatory Commission shall comply with the July 5, 2011, version of Chapter VI of its Internal Commission Procedures when responding to Congressional requests for information.

Sec. 402. (a) REDUCING AND PROTECTING VULNERABLE RADIOLOGICAL MATERIAL.—The Nuclear Regulatory Commission (NRC) shall establish mandatory security standards for all equipment located within the United States using High Risk Radiological Material to be enforced at all sites in the United States no later than 5 years from the enactment of this Act.
(1) The Commission shall adopt and publish new mandatory security standards using the security criteria established by the National Nuclear Security Administration (NNSA) Global Threat Reduction Initiative (GTRI) for all devices located within the United States using High Risk Radiological Material.

(2) The Commission shall actively enforce NNSA GTRI security standards with inspections that occur at least once every 2 years at every site with High Risk Radiological Material.

(3) The Commission shall work with NNSA GTRI to review the security standards at least every 5 years to determine if any amendments need to be made to those standards.

(4) NNSA GTRI in collaboration with NRC shall establish and implement a training program designed for Commission and NRC Agreement State inspectors to ensure proper enforcement of the security standards.

(5) NNSA GTRI shall continue to implement a training and exercise program designed for operators and local law enforcement to ensure proper response to security events.
(6) The term “High Risk Radiological Material” means the 14 radionuclides identified by the Interagency Task Force on Radiation Source Protection and Security in its 2010 Radiation Source Protection and Security Task Force Report (August 11, 2010) with activity levels of 10 Curies or greater. These High Risk Radiological Materials pose a greater threat to the public and the environment and could also pose a potentially more significant security risk.

(b) IN-DEVICE DELAY MECHANISMS.—The NRC shall require all new devices with High Risk Radiological Material to be assessed by NNSA GTRI for adequate delay against a potential theft or sabotage before these devices can be sold and used in the United States.

(1) For new devices with High Risk Radiological Material that NNSA GTRI determines do not have adequate built-in delay, NNSA GTRI shall work with the vendor to develop improved delay into the device.

(2) The NRC shall require any operators procuring new devices with High Risk Radiological Material to only use those devices with enhanced delay approved by NNSA GTRI or implemented in conjunction with NNSA GTRI.
(3) NNSA GTRI and NRC should continue to collaborate on the implementation of retrofitting existing irradiators with In-Device Delay kits.

c) During the 5-year period NRC develops and implements new minimum security standards, facilities with High Risk Radiological Material will have the option to receive NNSA GTRI support to implement security enhancements and NNSA GTRI security enhancements should be offered on a cost share arrangement, whereby, NNSA GTRI provides no more than 50 percent of the total costs.

After the 5-year period, facilities with High-Risk Radioactive Material will be required to implement and maintain security enhancements at their own cost.

d) REPLACEMENT TECHNOLOGIES.—NNSA GTRI shall create a program to explore the use of non-radioactive or very short-lived radioactive replacement technologies for devices that use High Risk Radioactive Materials including but not limited to blood irradiators, research irradiators, gamma knife devices, teletherapy devices, and well logging devices.

If a facility already using a device with High Risk Radioactive Material wants to replace it with non-radiological or short-lived radiological devices, NNSA GTRI shall replace devices that use High Risk Radioactive Mater-
rial with non-radioactive replacement technologies under a cost sharing arrangement with the private sector where the NNSA GTRI pays up to 50 percent of the cost of replacement.

(e) LIFECYCLE MANAGEMENT.—The NRC shall require device licensees to provide adequate financial assurances through appropriate mechanisms, including bonding and deposits, to ensure that High Risk Radiological Materials sold by the device manufacturer to be used in its equipment will be recovered and properly disposed at the end of the useful life of the material.

(f) LICENSING OF RADIOLOGICAL SOURCES.—The NRC shall discontinue licensing for each application of new high-risk radiological sources as soon as is practicable, but in no event later than 15 years after the date of enactment of this Act, unless non-radioactive or very short-lived radioactive replacement technologies are not available.

No later than 1 year after enactment of this Act, the NRC shall require all new licensees seeking high-risk radiological sources and current licensees seeking to replace high-risk radiological sources to conduct a feasibility review of non-radioactive or very short-lived radioactive alternatives available on the market and provide a justifica-
tion for requesting a high-risk radiological source if non-radioactive alternatives are not available.

(g) REPORTING.—Not later than 1 year after enactment of this Act, and annually thereafter for an additional 5 years, the Chairman of the NRC and the Administrator of the National Nuclear Security Administration shall submit a joint report to the Committees on Appropriations of the House of Representatives and the Senate on:

(1) Progress made towards finalizing the new NRC security standards;

(2) The number of buildings with security upgrades meeting the NNSA GTRI standards;

(3) The number of NRC and Agreement State inspectors trained and certified;

(4) The number of irradiators in the United States with installed in-device delay mechanisms and the progress made on developing and implementing new in-device delay mechanisms;

(5) The number of devices for which replacement technologies have been implemented to replace High Risk Radiological Materials, and the total amount of costs incurred by NNSA GTRI to implement these replacements; and

(6) Progress on implementing financial assurances.
SEC. 403. For this fiscal year, and each fiscal year hereafter, each independent agency receiving funding under this Title shall submit to the Committees on Appropriations of the U.S. House of Representatives and United States Senate a Congressional Budget Justification and a detailed annual report.

TITLE V
GENERAL PROVISIONS

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

SEC. 502. (a) None of the funds made available in title III of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide
goods or services to another department, agency, or instrumentality.

(b) None of the funds made available for any department, agency, or instrumentality of the United States Government may be transferred to accounts funded in title III of this Act, except pursuant to a transfer made by or transfer authority provided in this Act or any other appropriations Act for any fiscal year, transfer authority referenced in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or any authority whereby a department, agency, or instrumentality of the United States Government may provide goods or services to another department, agency, or instrumentality.

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

Sec. 503. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2015”.
A BILL

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

Approved: July 10, 2014.

[Report No. 113-000]

Calendar No. 000

[COMMITTEE PRINT]