

Calendar No. 101

113TH CONGRESS
1ST SESSION

S. 1245

[Report No. 113–47]

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

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2013

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, 2014, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
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, 2014, and for other pur-
7 poses, namely:

1 “2015” each place it appears in subsections (a)(1) and
2 (b) and inserting “2020”.

3 TITLE III

4 DEPARTMENT OF ENERGY

5 ENERGY PROGRAMS

6 ENERGY EFFICIENCY AND RENEWABLE ENERGY

7 For Department of Energy expenses including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment, and other expenses necessary for energy
10 efficiency and renewable energy activities in carrying out
11 the purposes of the Department of Energy Organization
12 Act (42 U.S.C. 7101 et seq.), including the acquisition or
13 condemnation of any real property or any facility or for
14 plant or facility acquisition, construction, or expansion,
15 \$2,280,985,000, to remain available until expended: *Pro-*
16 *vided*, That \$185,000,000 shall be available until Sep-
17 tember 30, 2015 for program direction: *Provided further*,
18 That, of the amount provided under this heading, the Sec-
19 retary may transfer up to \$95,000,000 to the Defense
20 Production Act Fund for activities of the Department of
21 Energy pursuant to the Defense Production Act of 1950
22 (50 U.S.C. App. 2061, et seq.): *Provided further*, That
23 none of the funds made available may be used for the En-
24 ergy Efficient Building Systems Design Hub.

1 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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 elec-
5 tricity delivery and energy reliability activities in carrying
6 out the purposes of the Department of Energy Organiza-
7 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
8 tion or condemnation of any real property or any facility
9 or for plant or facility acquisition, construction, or expan-
10 sion, \$149,015,000, to remain available until expended:
11 *Provided*, That \$27,615,000 shall be available until Sep-
12 tember 30, 2015 for program direction.

13 NUCLEAR ENERGY

14 For Department of Energy expenses including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment, and other expenses necessary for nuclear
17 energy activities in carrying out the purposes of the De-
18 partment of Energy Organization Act (42 U.S.C. 7101 et
19 seq.), including the acquisition or condemnation of any
20 real property or any facility or for plant or facility acquisi-
21 tion, construction, or expansion, \$735,460,000, to remain
22 available until expended, of which \$24,000,000 shall be
23 derived from the Nuclear Waste Fund: *Provided*, That, of
24 the amount made available under this heading,

1 \$87,500,000 shall be available until September 30, 2015,
2 for program direction.

3 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

4 For necessary expenses in carrying out fossil energy
5 research and development activities, under the authority
6 of the Department of Energy Organization Act (Public
7 Law 95–91), including the acquisition of interest, includ-
8 ing defeasible and equitable interests in any real property
9 or any facility or for plant or facility acquisition or expan-
10 sion, and for conducting inquiries, technological investiga-
11 tions and research concerning the extraction, processing,
12 use, and disposal of mineral substances without objection-
13 able social and environmental costs (30 U.S.C. 3, 1602,
14 and 1603), \$420,575,000, to remain available until ex-
15 pended: *Provided*, That \$115,753,000 shall be available
16 until September 30, 2015 for program direction: *Provided*
17 *further*, That for all programs funded under Fossil Energy
18 appropriations in this Act or any other Act, the Secretary
19 may vest fee title or other property interests acquired
20 under projects in any entity, including the United States.

21 NAVAL PETROLEUM AND OIL SHALE RESERVES

22 For expenses necessary to carry out naval petroleum
23 and oil shale reserve activities, \$20,000,000, to remain
24 available until expended: *Provided*, That, notwithstanding
25 any other provision of law, unobligated funds remaining

1 from prior years shall be available for all naval petroleum
2 and oil shale reserve activities.

3 STRATEGIC PETROLEUM RESERVE

4 For necessary expenses for Strategic Petroleum Re-
5 serve facility development and operations and program
6 management activities pursuant to the Energy Policy and
7 Conservation Act of 1975, as amended (42 U.S.C. 6201
8 et seq.), \$189,400,000, to remain available until expended.

9 NORTHEAST HOME HEATING OIL RESERVE

10 For necessary expenses for Northeast Home Heating
11 Oil Reserve storage, operation, and management activities
12 pursuant to the Energy Policy and Conservation Act,
13 \$8,000,000, to remain available until expended.

14 ENERGY INFORMATION ADMINISTRATION

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

18 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

1 or facility acquisition, construction, or expansion,
2 \$232,956,000, to remain available until expended.

3 URANIUM ENRICHMENT DECONTAMINATION AND
4 DECOMMISSIONING FUND

5 For necessary expenses in carrying out uranium en-
6 richment facility decontamination and decommissioning,
7 remedial actions, and other activities of title II of the
8 Atomic Energy Act of 1954, and title X, subtitle A, of
9 the Energy Policy Act of 1992, \$554,823,000, to be de-
10 rived from the Uranium Enrichment Decontamination and
11 Decommissioning Fund, to remain available until ex-
12 pended.

13 SCIENCE

14 For Department of Energy expenses including the
15 purchase, construction, and acquisition of plant and cap-
16 ital equipment and other expenses necessary for science
17 activities in carrying out the purposes of the Department
18 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
19 cluding the acquisition or condemnation of any real prop-
20 erty or facility or for plant or facility acquisition, construc-
21 tion, or expansion, and purchase of not more than 25 pas-
22 senger motor vehicles for replacement only, including one
23 law enforcement vehicle, one ambulance, and one bus,
24 \$5,152,752,000, to remain available until expended: *Pro-*
25 *vided*, That \$193,300,000 shall be available until Sep-

1 standing the provisions of the Anti-Deficiency Act (31
2 U.S.C. 1511 et seq.): *Provided*, That such increases in
3 cost of work are offset by revenue increases of the same
4 or greater amount: *Provided further*, That moneys received
5 by the Department for miscellaneous revenues estimated
6 to total \$108,188,000 in fiscal year 2014 may be retained
7 and used for operating expenses within this account, as
8 authorized by section 201 of Public Law 95–238, notwith-
9 standing the provisions of 31 U.S.C. 3302: *Provided fur-*
10 *ther*, That the sum herein appropriated shall be reduced
11 as collections are received during the fiscal year so as to
12 result in a final fiscal year 2014 appropriation from the
13 general fund estimated at not more than \$126,449,000.

14 OFFICE OF THE INSPECTOR GENERAL

15 For necessary expenses of the Office of the Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, as amended, \$42,120,000, to remain
18 available until expended.

19 ATOMIC ENERGY DEFENSE ACTIVITIES

20 NATIONAL NUCLEAR SECURITY

21 ADMINISTRATION

22 WEAPONS ACTIVITIES

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

1 atomic energy defense weapons activities in carrying out
2 the purposes of the Department of Energy Organization
3 Act (42 U.S.C. 7101 et seq.), including the acquisition or
4 condemnation of any real property or any facility or for
5 plant or facility acquisition, construction, or expansion,
6 \$7,868,409,000, to remain available until expended: *Pro-*
7 *vided*, That of these funds, the Secretary may transfer to
8 Defense Nuclear Nonproliferation, not earlier than 30
9 days after certification to the Committees on Appropria-
10 tions of the House of Representatives and the Senate that
11 such transfer is needed for national security reasons, and
12 after congressional notification and approval of the Com-
13 mittees on Appropriations of the House of Representatives
14 and the Senate, up to \$48,000,000 to further the develop-
15 ment and demonstration of national nuclear security-re-
16 lated enrichment technologies: *Provided further*, That the
17 Secretary may reprogram, not earlier than 30 days after
18 certification by the Secretary of Energy and Secretary of
19 Defense to the Committees on Appropriations and Armed
20 Services of the House of Representatives and the Senate
21 that the first production unit of the B61 can be delivered
22 by 2019 with the current baseline of \$8,168,000,000, and
23 after congressional notification and approval of the Com-
24 mittees on Appropriations and Armed Services of the

1 House of Representatives and the Senate, up to
2 \$168,400,000 to further the B61 life extension program.

3 DEFENSE NUCLEAR NONPROLIFERATION

4 For Department of Energy expenses, including the
5 purchase, construction, and acquisition of plant and cap-
6 ital equipment and other incidental expenses necessary for
7 defense nuclear nonproliferation 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 \$2,180,142,000, to remain available until expended.

13 NAVAL REACTORS

14 For Department of Energy expenses necessary for
15 naval reactors activities to carry out the Department of
16 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
17 ing the acquisition (by purchase, condemnation, construc-
18 tion, or otherwise) of real property, plant, and capital
19 equipment, facilities, and facility expansion,
20 \$1,312,134,000, to remain available until expended: *Pro-*
21 *vided*, That \$44,404,000 shall be available until Sep-
22 tember 30, 2015 for program direction.

23 OFFICE OF THE ADMINISTRATOR

24 For necessary expenses of the Office of the Adminis-
25 trator in the National Nuclear Security Administration,

1 including official reception and representation expenses
2 not to exceed \$12,000,\$397,784,000, to remain available
3 until September 30, 2015.

4 ENVIRONMENTAL AND OTHER DEFENSE

5 ACTIVITIES

6 DEFENSE ENVIRONMENTAL CLEANUP

7 For Department of Energy expenses, including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment and other expenses necessary for atomic
10 energy defense environmental cleanup activities in car-
11 rying out the purposes of the Department of Energy Orga-
12 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
13 sition or condemnation of any real property or any facility
14 or for plant or facility acquisition, construction, or expan-
15 sion, and the purchase of not to exceed one sport utility
16 vehicle, three lube trucks, and one fire truck for replace-
17 ment only, \$5,146,536,000, to remain available until ex-
18 pended: *Provided*, That \$320,784,000 shall be available
19 until September 30, 2015 for program direction.

20 OTHER DEFENSE ACTIVITIES

21 For Department of Energy expenses, including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment and other expenses, necessary for atomic
24 energy defense, other defense activities, and classified ac-
25 tivities, in carrying out the purposes of the Department

1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
2 cluding the acquisition or condemnation of any real prop-
3 erty or any facility or for plant or facility acquisition, con-
4 struction, or expansion, \$762,080,000, to remain available
5 until expended: *Provided*, That \$127,035,000 shall be
6 available until September 30, 2015, for program direction.

7 POWER MARKETING ADMINISTRATION

8 BONNEVILLE POWER ADMINISTRATION FUND

9 Expenditures from the Bonneville Power Administra-
10 tion Fund, established pursuant to Public Law 93-454,
11 are approved for construction of, or participating in the
12 construction of, a high voltage line from Bonneville's high
13 voltage system to the service areas of requirements cus-
14 tomers located within Bonneville's service area in southern
15 Idaho, southern Montana, and western Wyoming; and
16 such line may extend to, and interconnect in, the Pacific
17 Northwest with lines between the Pacific Northwest and
18 the Pacific Southwest, and for John Day Reprogramming
19 and Construction, the Columbia River Basin White Stur-
20 geon Hatchery, and Kelt Reconditioning and Reproductive
21 Success Evaluation Research, and, in addition, for official
22 reception and representation expenses in an amount not
23 to exceed \$5,000: *Provided*, That during fiscal year 2014,
24 no new direct loan obligations 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,\$7,750,000, 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 \$7,750,000
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 2014 appropriation estimated at not more than
22 \$0: *Provided further*, That, notwithstanding 31 U.S.C.
23 3302, up to \$93,284,000 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, \$45,456,000, 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 \$33,564,000 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 2014 appropriation estimated at not more than
6 \$11,892,000: *Provided further*, That, notwithstanding 31
7 U.S.C. 3302, up to \$42,000,000 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; \$299,919,000,

1 to remain available until expended, of which \$292,019,000
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 \$203,989,000 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 2014 appropriation esti-
16 mated at not more than \$95,930,000, of which
17 \$88,030,000 is derived from the Reclamation Fund: *Pro-*
18 *vided further*, That notwithstanding 31 U.S.C. 3302, up
19 to \$230,738,000 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, including the cost of vol-

1 unitary purchases of power allowances in compliance with
2 existing State Cap and Trade Programs: *Provided further*,
3 That for purposes of this appropriation, annual expenses
4 means expenditures that are generally recovered in the
5 same year that they are incurred (excluding purchase
6 power and wheeling expenses).

7 FALCON AND AMISTAD OPERATING AND MAINTENANCE
8 FUND

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

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

1 FEDERAL ENERGY REGULATORY COMMISSION

2 SALARIES AND EXPENSES

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

20 GENERAL PROVISIONS—DEPARTMENT OF

21 ENERGY

22 (INCLUDING CANCELLATION AND TRANSFER OF FUNDS)

23 SEC. 301. The unexpended balances of prior appro-
24 priations provided for activities in this Act may be avail-
25 able to the same appropriation accounts for such activities

1 established pursuant to this title. Available balances may
2 be merged with funds in the applicable established ac-
3 counts and thereafter may be accounted for as one fund
4 for the same time period as originally enacted.

5 SEC. 302. Funds appropriated by this or any other
6 Act, or made available by the transfer of funds in this
7 Act, for intelligence activities are deemed to be specifically
8 authorized by the Congress for purposes of section 504
9 of the National Security Act of 1947 (50 U.S.C. 414) dur-
10 ing fiscal year 2014 until the enactment of the Intelligence
11 Authorization Act for fiscal year 2014.

12 SEC. 303. Not to exceed 5 percent, or \$100,000,000,
13 of any appropriation, whichever is less, made available for
14 Department of Energy activities funded in this Act or sub-
15 sequent Energy and Water Development and Related
16 Agencies Appropriations Acts may be transferred between
17 such appropriations, but no such appropriation, except as
18 otherwise provided, shall be increased or decreased by
19 more than 5 percent by any such transfers, and any such
20 proposed transfers shall be submitted promptly to the
21 Committees on Appropriations of the House and Senate.

22 SEC. 304. None of the funds made available in this
23 title shall be used for the construction of facilities classi-
24 fied as high-hazard nuclear facilities under 10 CFR Part
25 830 unless independent oversight is conducted by the Of-

1 fice of Health, Safety, and Security to ensure the project
2 is in compliance with nuclear safety requirements.

3 SEC. 305. None of the funds made available in this
4 title may be used to approve critical decision-2 or critical
5 decision-3 under Department of Energy Order 413.3B, or
6 any successive departmental guidance, for construction
7 projects where the total project cost exceeds
8 \$100,000,000, until a separate independent cost estimate
9 has been developed for the project for that critical deci-
10 sion.

11 SEC. 306. (a) Any determination (including a deter-
12 mination made prior to the date of enactment of this Act)
13 by the Secretary pursuant to section 3112(d)(2)(B) of the
14 USEC Privatization Act (110 Stat. 1321–335), as amend-
15 ed, shall be valid for not more than 2 calendar years sub-
16 sequent to such determination.

17 (b) Not less than 30 days prior to the provision of
18 uranium in any form the Secretary shall notify the House
19 and Senate Committees on Appropriations of the fol-
20 lowing:

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

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

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

3 (4) the recipient of the uranium; and

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

7 (c) Not later than June 30, 2014, the Secretary shall
8 submit to the House and Senate Committees on Appro-
9 priations a revised excess uranium inventory management
10 plan for fiscal years 2015 through 2019.

11 SEC. 307. Section 20320 of the Continuing Appro-
12 priations Resolution, 2007, Public Law 109–289, division
13 B, as amended by the Revised Continuing Appropriations
14 Resolution, 2007, Public Law 110–5, is amended by strik-
15 ing in subsection (c) “an annual review” after “conduct”
16 and inserting in lieu thereof “a review every three years”.

17 SEC. 308. (a) IN GENERAL.—Subject to subsections
18 (b) through (d), the Secretary may appoint, without re-
19 gard to the provisions of chapter 33 of title 5, United
20 States Code, governing appointments in the competitive
21 service, exceptionally well qualified individuals to sci-
22 entific, engineering, or other critical technical positions.

23 (b) LIMITATIONS.—

1 (1) NUMBER OF POSITIONS.—The number of
2 critical positions authorized by subsection (a) may
3 not exceed 120 at any one time in the Department.

4 (2) TERM.—The term of an appointment under
5 subsection (a) may not exceed 4 years.

6 (3) PRIOR EMPLOYMENT.—An individual ap-
7 pointed under subsection (a) shall not have been a
8 Department employee during the 2-year period end-
9 ing on the date of appointment.

10 (4) PAY.—

11 (A) IN GENERAL.—The Secretary shall
12 have the authority to fix the basic pay of an in-
13 dividual appointed under subsection (a) at a
14 rate to be determined by the Secretary up to
15 level I of the Executive Schedule without regard
16 to the civil service laws.

17 (B) TOTAL ANNUAL COMPENSATION.—The
18 total annual compensation for any individual
19 appointed under subsection (a) may not exceed
20 the highest total annual compensation payable
21 at the rate determined under section 104 of
22 title 3, United States Code.

23 (5) ADVERSE ACTIONS.—An individual ap-
24 pointed under subsection (a) may not be considered

1 to be an employee for purposes of subchapter II of
2 chapter 75 of title 5, United States Code.

3 (c) REQUIREMENTS.—

4 (1) IN GENERAL.—The Secretary shall ensure
5 that—

6 (A) the exercise of the authority granted
7 under subsection (a) is consistent with the
8 merit principles of section 2301 of title 5,
9 United States Code; and

10 (B) the Department notifies diverse profes-
11 sional associations and institutions of higher
12 education, including those serving the interests
13 of women and racial or ethnic minorities that
14 are underrepresented in scientific, engineering,
15 and mathematical fields, of position openings as
16 appropriate.

17 (2) REPORT.—Not later than 2 years after the
18 date of enactment of this Act, the Secretary and the
19 Director of the Office of Personnel Management
20 shall submit to Congress a report on the use of the
21 authority provided under this section that includes,
22 at a minimum, a description or analysis of—

23 (A) the ability to attract exceptionally well
24 qualified scientists, engineers, and technical
25 personnel;

1 (B) the amount of total compensation paid
2 each employee hired under the authority each
3 calendar year; and

4 (C) whether additional safeguards or meas-
5 ures are necessary to carry out the authority
6 and, if so, what action, if any, has been taken
7 to implement the safeguards or measures.

8 (d) TERMINATION OF EFFECTIVENESS.—The au-
9 thority provided by this section terminates effective on the
10 date that is 4 years after the date of enactment of this
11 Act.

12 SEC. 309. (a) DEFINITIONS.—In this section:

13 (1) AFFECTED INDIAN TRIBE.—The term “af-
14 fected Indian tribe” has the meaning given the term
15 in section 2 of the Nuclear Waste Policy Act of 1982
16 (42 U.S.C. 10101).

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

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

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

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

7 (b) PILOT PROGRAM.—Notwithstanding any provi-
8 sion of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
9 10101 et seq.), the Secretary is authorized, in the current
10 fiscal year and subsequent fiscal years, to conduct a pilot
11 program, through 1 or more private sector partners, to
12 license, construct, and operate 1 or more government or
13 privately owned consolidated storage facilities to provide
14 interim storage as needed for spent nuclear fuel and high-
15 level radioactive waste, with priority for storage given to
16 spent nuclear fuel located on sites without an operating
17 nuclear reactor.

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

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

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

4 (3) to demonstrate the safe storage of spent nu-
5 clear fuel and high-level radioactive waste, as appli-
6 cable, at the 1 or more consolidated storage facilities
7 pending the construction and operation of deep geo-
8 logic disposal capacity for the permanent disposal of
9 the spent nuclear fuel.

10 (d) CONSENT-BASED APPROVAL.—Prior to siting a
11 consolidated storage facility pursuant to this section, the
12 Secretary shall enter into an agreement to host the facility
13 with—

14 (1) the Governor of the State;

15 (2) each unit of local government within the ju-
16 risdiction of which the facility is proposed to be lo-
17 cated; and

18 (3) each affected Indian tribe.

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

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

23 (2) all other applicable laws (including regula-
24 tions).

1 (f) PILOT PROGRAM PLAN.—Not later than 120 days
2 after the date on which the Secretary issues the request
3 for proposals under subsection (c), the Secretary shall sub-
4 mit to Congress a plan to carry out this section that in-
5 cludes—

6 (1) an estimate of the cost of licensing, con-
7 structing, and operating a consolidated storage facil-
8 ity, including the transportation costs, on an annual
9 basis, over the expected lifetime of the facility;

10 (2) a schedule for—

11 (A) obtaining any license necessary to con-
12 struct and operate a consolidated storage facil-
13 ity from the Nuclear Regulatory Commission;

14 (B) constructing the facility;

15 (C) transporting spent fuel to the facility;

16 and

17 (D) removing the spent fuel and decom-
18 missioning the facility; and

19 (3) an estimate of the cost of any financial as-
20 sistance, compensation, or incentives proposed to be
21 paid to the host State, Indian tribe, or local govern-
22 ment;

23 (4) an estimate of any future reductions in the
24 damages expected to be paid by the United States
25 for the delay of the Department of Energy in accept-

1 ing spent fuel expected to result from the pilot pro-
2 gram;

3 (5) recommendations for any additional legisla-
4 tion needed to authorize and implement the pilot
5 program; and

6 (6) recommendations for a mechanism to en-
7 sure that any spent nuclear fuel or high-level radio-
8 active waste stored at a consolidated storage facility
9 pursuant to this section shall move to deep geologic
10 disposal capacity, following a consent-based approval
11 process for that deep geologic disposal capacity con-
12 sistent with subsection (d), within a reasonable time
13 after the issuance of a license to construct and oper-
14 ate the consolidated storage facility.

15 (g) PUBLIC PARTICIPATION.—Prior to choosing a
16 site for the construction of a consolidated storage facility
17 under this section, the Secretary shall conduct 1 or more
18 public hearings in the vicinity of each potential site and
19 in at least 1 other location within the State in which the
20 site is located to solicit public comments and recommenda-
21 tions.

22 (h) USE OF NUCLEAR WASTE FUND.—The Secretary
23 may make expenditures from the Nuclear Waste Fund to
24 carry out this section, subject to appropriations.

1 SEC. 310. Section 804 of Public Law 110–140 (42
2 U.S.C. 17283) is hereby repealed.

3 SEC. 311. Section 205 of Public Law 95–91 (42
4 U.S.C. 7135), as amended, is hereby further amended:

5 (1) in paragraph (i)(1) by striking “once every
6 two years” and inserting “once every four years”;
7 and

8 (2) in paragraph (k)(1) by striking “once every
9 three years” and inserting “once every four years”.

10 SEC. 312. Notwithstanding any other provision of
11 law, the Department may use funds appropriated by this
12 title to carry out a study regarding the conversion to con-
13 tractor performance of any function performed by Federal
14 employees at the New Brunswick Laboratory, pursuant to
15 Office of Management and Budget Circular A–76 or any
16 other administrative regulation, directive, or policy.

17 SEC. 313. Of the amounts appropriated for non-de-
18 fense programs in this title, \$7,000,000 are hereby re-
19 duced to reflect savings from limiting foreign travel for
20 contractors working for the Department of Energy, con-
21 sistent with similar savings achieved for Federal employ-
22 ees. The Department shall allocate the reduction among
23 the non-security appropriations made in this title.

24 SEC. 314. Section 15(g) of Public Law 85–536 (15
25 U.S.C. 644), as amended, is hereby further amended by

1 inserting the following at the end: “(3) First tier sub-
2 contracts that are awarded by Management and Operating
3 contractors sponsored by the Department of Energy to
4 small business concerns, small businesses concerns owned
5 and controlled by service disabled veterans, qualified
6 HUBZone small business concerns, small business con-
7 cerns owned and controlled by socially and economically
8 disadvantaged individuals, and small business concerns
9 owned and controlled by women, shall be considered to-
10 ward the annually established agency and Government-
11 wide goals for procurement contracts awarded.”

12 SEC. 315. (a) ESTABLISHMENT.—There is estab-
13 lished an independent commission to be known as the
14 “Commission to Review the Effectiveness of the National
15 Energy Laboratories.” The National Energy Laboratories
16 refers to all Department of Energy national laboratories.

17 (b) MEMBERS.—

18 (1) The Commission shall be composed of nine
19 members who shall be appointed by the Secretary of
20 Energy not later than January 1, 2014 from among
21 persons nominated by the President’s Council of Ad-
22 visors on Science and Technology.

23 (2) The President’s Council of Advisors on
24 Science and Technology shall, not later than Novem-
25 ber 15, 2013, nominate not less than 18 persons for

1 appointment to the Commission from among persons
2 who meet qualification described in subparagraph
3 (3).

4 (3) Each person nominated for appointment to
5 the Board shall—

6 (A) be eminent in a field of science or en-
7 gineering; and/or

8 (B) have expertise in managing scientific
9 facilities; and

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

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

16 (5) No person shall be nominated for appoint-
17 ment to the Board who is an employee of—

18 (A) the Department of Energy;

19 (B) a national laboratory or site under
20 contract with the Department of Energy;

21 (C) a managing entity or parent company
22 for a national laboratory or site under contract
23 with the Department of Energy; or

1 (D) an entity performing scientific and en-
2 gineering activities under contract with the De-
3 partment of Energy.

4 (c) COMMISSION REVIEW AND RECOMMENDA-
5 TIONS.—

6 (1) The Commission shall, by no later than No-
7 vember 1, 2014, transmit to the Secretary of Energy
8 and the Appropriations Committees of the House
9 and Senate a report containing the Commission's
10 finding and conclusions.

11 (2) The Commission shall address whether the
12 Department of Energy's national laboratories—

13 (A) are properly aligned with the Depart-
14 ment's strategic priorities;

15 (B) have clear, well understood, and prop-
16 erly balanced missions that are not unneces-
17 sarily redundant and duplicative;

18 (C) have unique capabilities that have suf-
19 ficiently evolved to meet current and future en-
20 ergy and national security challenges;

21 (D) are appropriately sized to meet the
22 Department's energy and national security mis-
23 sions; and

1 (E) are appropriately supporting other
2 Federal agencies and the extent to which it ben-
3 efits DOE missions.

4 (3) The Commission shall also determine
5 whether there are opportunities to more effectively
6 and efficiently use the capabilities of the national
7 laboratories, including consolidation and realign-
8 ment, reducing overhead costs, reevaluating govern-
9 ance models using industrial and academic bench-
10 marks for comparison, and assessing the impact of
11 DOE's oversight and management approach. In its
12 evaluation, the Commission should also consider the
13 cost and effectiveness of using other research, devel-
14 opment, and technology centers and universities as
15 an alternative to meeting DOE's energy and na-
16 tional security goals.

17 (d) RESPONSE BY THE SECRETARY OF ENERGY.—

18 (1) The Secretary of Energy shall, by no later
19 than February 1, 2015, transmit to Appropriations
20 Committees of the House and Senate a report con-
21 taining the Secretary's approval or disapproval of
22 the Commission's recommendations and an imple-
23 mentation plan for approved recommendations.

24 SEC. 316. The Committee on Appropriations of the
25 United States Senate shall receive a 30-day advance noti-

1 fication with a detailed explanation of any waiver or ad-
2 justment made by the National Nuclear Security Adminis-
3 tration's Fee Determining Official to at-risk award fees
4 for Management and Operating contractors that result in
5 award term extensions.

6 TITLE IV

7 INDEPENDENT AGENCIES

8 APPALACHIAN REGIONAL COMMISSION

9 For expenses necessary to carry out the programs au-
10 thorized by the Appalachian Regional Development Act of
11 1965, as amended, notwithstanding 40 U.S.C. 14704, and
12 for necessary expenses for the Federal Co-Chairman and
13 the Alternate on the Appalachian Regional Commission,
14 for payment of the Federal share of the administrative ex-
15 penses of the Commission, including services as authorized
16 by 5 U.S.C. 3109, and hire of passenger motor vehicles,
17 \$68,200,000, to remain available until expended.

18 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

19 SALARIES AND EXPENSES

20 For necessary expenses of the Defense Nuclear Fa-
21 cilities Safety Board in carrying out activities authorized
22 by the Atomic Energy Act of 1954, as amended by Public
23 Law 100-456, section 1441, \$29,915,000, to remain
24 available until September 30, 2015.

1 Projects pursuant to the Alaska Natural Gas Pipeline Act
2 of 2004, \$1,000,000, to remain available until expended:
3 *Provided*, That any fees, charges, or commissions received
4 pursuant to section 802 of Public Law 110–140 in fiscal
5 year 2014 in excess of \$2,402,000 shall not be available
6 for obligation until appropriated in a subsequent Act of
7 Congress.

8 GENERAL PROVISION—INDEPENDENT

9 AGENCIES

10 SEC. 401. Notwithstanding the limitations contained
11 in section 306(g) of the Denali Commission Act of 1998,
12 the Denali Commission may use amounts transferred pur-
13 suant to section 329 of the Department of Transportation
14 and Related Agencies Appropriations Act, 1999, for ad-
15 ministrative expenses.

16 TITLE V

17 GENERAL PROVISIONS

18 SEC. 501. None of the funds appropriated by this Act
19 may be used in any way, directly or indirectly, to influence
20 congressional action on any legislation or appropriation
21 matters pending before Congress, other than to commu-
22 nicate to Members of Congress as described in 18 U.S.C.
23 1913.

24 SEC. 502. None of the funds made available in this
25 Act may be transferred to any department, agency, or in-

1 strumentality of the United States Government, except
2 pursuant to a transfer made by, or transfer authority pro-
3 vided in this Act or any other appropriation Act.

4 SEC. 503. (a) The head of any executive branch de-
5 partment, agency, board, commission, or office funded by
6 this Act shall submit annual reports to the Inspector Gen-
7 eral or senior ethics official for any entity without an In-
8 spector General, regarding the costs and contracting pro-
9 cedures related to each conference held by any such de-
10 partment, agency, board, commission, or office during fis-
11 cal year 2014 for which the cost to the United States Gov-
12 ernment was more than \$100,000.

13 (b) Each report submitted shall include, for each con-
14 ference described in subsection (a) held during the applica-
15 ble period—

16 (1) a description of its purpose;

17 (2) the number of participants attending;

18 (3) a detailed statement of the costs to the
19 United States Government, including—

20 (A) the cost of any food or beverages;

21 (B) the cost of any audio-visual services;

22 (C) the cost of employee or contractor
23 travel to and from the conference; and

1 (D) a discussion of the methodology used
2 to determine which costs relate to the con-
3 ference; and

4 (4) a description of the contracting procedures
5 used including—

6 (A) whether contracts were awarded on a
7 competitive basis; and

8 (B) a discussion of any cost comparison
9 conducted by the departmental component or
10 office in evaluating potential contractors for the
11 conference.

12 (c) Within 15 days of the date of a conference held
13 by any executive branch department, agency, board, com-
14 mission, or office funded by this Act during fiscal year
15 2014 for which the cost to the United States Government
16 was more than \$20,000, the head of any such department,
17 agency, board, commission, or office shall notify the In-
18 spector General or senior ethics official for any entity
19 without an Inspector General, of the date, location, and
20 number of employees attending such conference.

21 (d) A grant or contract funded by amounts appro-
22 priated by this Act to an executive branch agency may
23 not be used for the purpose of defraying the costs of a
24 conference described in subsection (c) that is not directly
25 and programmatically related to the purpose for which the

1 grant or contract was awarded, such as a conference held
2 in connection with planning, training, assessment, review,
3 or other routine purposes related to a project funded by
4 the grant or contract.

5 (e) None of the funds made available in this Act may
6 be used for travel and conference activities that are not
7 in compliance with Office of Management and Budget
8 Memorandum M-12-12 dated May 11, 2012.

9 This Act may be cited as the “Energy and Water De-
10 velopment and Related Agencies Appropriations Act,
11 2014”.

Calendar No. 101

113TH CONGRESS
1ST SESSION

S. 1245

[Report No. 113-47]

A BILL

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

JUNE 27, 2013

Read twice and placed on the calendar