IN THE SENATE OF THE UNITED STATES

JULY 18, 2011
Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 7, 2011
Reported by Mrs. FEINSTEIN, with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT
Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, 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, 2012; and for other pur-
7 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 supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary when 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 related 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 projects and related 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, $104,000,000, to remain available until expended. Provided, That except as provided in section 101, the amounts made available under
this paragraph shall be expended as authorized by law for the programs, projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

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); $1,615,941,000 (reduced by $1,750,000), 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 the Water Resources Development Act of 1996 (Public Law 104–303); and of which such sums as are necessary to cover one-half of the costs of construction, replacement,
rehabilitation, and expansion of inland waterways projects
(including only Olmsted Lock and Dam, Ohio River, Illi-
nois and Kentucky; Emsworth Locks and Dam, Ohio
River, Pennsylvania; Lock and Dams 2, 3, and 4,
Monongahela River, Pennsylvania; and Lock and Dam 27,
Mississippi River, Illinois) shall be derived from the Inland
Waterways Trust Fund: Provided, That of the unobligated
balances from prior year appropriations available under
this heading, $50,000,000 is rescinded: Provided further,
That no amounts may be rescinded from amounts that
were designated by the Congress as an emergency require-
ment pursuant to the Concurrent Resolution on the Budg-
et or the Balanced Budget and Emergency Deficit Control
Act of 1985, as amended: Provided further, That except
as provided in section 101, the amounts made available
under this paragraph shall be expended as authorized by
law for the programs, projects, and activities specified in
the text and table under this heading in the report of the
Committee on Appropriations of the House of Representa-
tives to accompany this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction
projects and related efforts in the Mississippi River allu-
via1 valley below Cape Girardeau, Missouri, as authorized
by law, $240,000,000, 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. Provided: That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

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 of Engineers, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, when authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,366,465,000 (increased by $1,000,000) (increased by $6,360,000) (reduced by $4,900,000), to remain available
until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)) 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 the Water Resources Development Act of 1996 (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 re-
remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities; Provided further, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $196,000,000, to remain available until expended.

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, $109,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for floods, hurricanes, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $27,000,000, 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 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, $185,000,000 (reduced by $6,360,000), to remain available until expended, 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 in this title 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 other 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 section 3016(b)(3) of title 10, United States Code, $5,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

(INCLUDING TRANSFERS OF FUNDS)

Sec. 101. (a) None of the funds provided in this title 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 are denied or restricted by this Act;
(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.


(c) This section shall not apply to additional flood and coastal storm damage reduction and navigation program funds provided under “Remaining Items” in the tables under the headings “Corps of Engineers-Civil—Construction” and “Corps of Engineers-Civil—Operation and
Maintenance'" or to additional investigations funding under "National Programs" under the heading "Corps of Engineers—Civil—Investigations" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

(d) The Corps of Engineers 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. 102. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund suffi-
cipient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

SEC. 104. Not later than 90 days after the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army for Civil Works shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the 1-year period beginning on the date of enactment of this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to “Corps of Engineers—Civil—Construction” up to $100,000,000 of the funds provided for reinforcing or replacing flood walls under the heading “Corps of Engineers—Civil—Flood Control and Coastal Emergencies” in Public Law 109–234 and Public Law 110–252 and up to
$75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the heading "Corps of Engineers-Civil—Flood Control and Coastal Emergencies" in Public Law 110–28, to be used with funds provided for the West Bank and Vicinity project under the heading "Corps of Engineers-Civil—Construction" in Public Law 110–252 and Public Law 110–329, consistent with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

Sec. 107. 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 $3,800,000 of funds provided in this title under the heading "Operation and Maintenance" to mitigate for fisheries lost due to Corps of Engineers projects.

Sec. 108. None of the funds made available by this Act or any subsequent Act making appropriations for Energy and Water Development may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition
of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

Sec. 109. None of the funds made available in this Act may be used by the Corps of Engineers to relocate, or study the relocation of, any regional division headquarters of the Corps located at a military installation or any permanent employees of such headquarters.

Sec. 110. (a) Section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved June 22, 1936, (33 U.S.C. 701h), is amended by—

(1) inserting "for work, which includes planning and design," before "to be expended";

(2) striking "flood control or environmental restoration work" and inserting "water resources development study or project"; and

(3) inserting ": Provided further, That the term 'States' means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes" before the period.

(b) The Secretary shall notify the appropriate committees of Congress prior to initiation of negotiations for accepting contributed funds under 33 U.S.C. 701h.
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, $27,154,000, to remain available until expended, of which $2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,550,000. For fiscal year 2012, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

Bureau of Reclamation

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

Water and Related Resources

(including transfers of funds)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other
agreements with, State and local governments, federally
recognized Indian tribes, and others, $822,300,000, to re-
main available until expended, of which $10,698,000 shall
be available for transfer to the Upper Colorado River
Basin Fund and $6,136,000 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; of which not
more than $500,000 is for high priority projects which
shall be carried out by the Youth Conservation Corps, as
authorized by 16 U.S.C. 1706: Provided, That such trans-
fers may be increased or decreased within the overall ap-
propriation under this heading: Provided further, That of
the total appropriated, the amount for program activities
that can be financed by the Reclamation Fund or the Bu-
reau of Reclamation special fee account established by 16
U.S.C. 460l–6a(i) shall be derived from that Fund or ac-
count: Provided further, That funds contributed under 43
U.S.C. 395 are available until expended for the purposes
for which contributed: Provided further, That funds ad-
vanced under 43 U.S.C. 397a shall be credited to this ac-
count and are available until expended for the same pur-
poses as the sums appropriated under this heading: Pro-
vided further, That except as provided in section 201, the
amounts made available under this paragraph shall be ex-
pended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

Central Valley Project Restoration Fund

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of 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, $35,928,000, to remain available until expended, 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 appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, 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 expended, $60,000,000, 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.
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

(INCLUDING RESCISSION OF FUNDS)

Sec. 201. (a) None of the funds provided in this title 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 for any program, project, or activity for which funds have been denied or restricted by this Act;

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

(5) transfers funds in excess of the following limits—

(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; or

(7) transfers, when 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.

(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 re-
document 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 oth-
erwise made available by this Act may be used to deter-
mine 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 En-
vironmental Protection Agency, to minimize any detri-
mental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup
Program and the costs of the San Joaquin Valley Drain-
age Program shall be classified by the Secretary of the
Interior as reimbursable or nonreimbursable and collected
until fully repaid pursuant to the “Cleanup Program-Al-
ternative Repayment Plan” and the “SJVDP-Alternative
Repayment Plan” described in the report entitled “Repay-
ment 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 serv-
ices or drainage studies for the San Luis Unit shall be fully
reimbursable by San Luis Unit beneficiaries of such serv-

ice or studies pursuant to Federal reclamation law.

Sec. 203. Of the funds deposited in the San Joaquin
River Restoration Fund in accordance with subparagraphs
(A), (B), and (C) of section 10009(e)(1) of Public Law
111–11, all unobligated balances remaining from prior fis-

tal years are hereby permanently rescinded.

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Energy Efficiency and Renewable Energy

For Department of Energy expenses including the
purchase, construction, and acquisition of plant and cap-
ital 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,
$1,304,636,000 (reduced by $6,000,000) (reduced by
$200,000), to remain available until expended. Provided,

That for the purposes of allocating weatherization assist-
ance funds appropriated by this Act to States and tribes;
the Secretary of Energy may waive the allocation formula
established pursuant to section 414(a) of the Energy Con-
servation and Production Act (42 U.S.C. 6864(a)).
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, $139,496,000, to remain available until expended.

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, and the purchase of not more than 10 buses, all for replacement only, $733,633,000, to remain available until expended.

Fossil Energy Research and Development

For necessary expenses 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), $476,993,000 (reduced by $2,200,000) (increased by $2,200,000), to remain available until expended. Provided, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States.

**Naval Petroleum and Oil Shale Reserves**

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,909,000, 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 necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and
Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $192,704,000, to remain available until expended.

**SPR Petroleum Account**

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241 and 6247), the Secretary of Energy shall sell $500,000,000 in petroleum products from the Reserve not later than March 1, 2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury. *Provided,* That during fiscal year 2012 and hereafter, the quantity of petroleum products sold from the Reserve under the authority of this Act may only be replaced using the authority provided in paragraph (a)(1) or (3) of section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240(a)(1) or (3)). *Provided further,* That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

**Northeast Home Heating Oil Reserve**

(*Including Rescission of Funds*)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended. *Provided,* That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs re-
lated to transportation, delivery, and storage; and sales
of petroleum distillate from the Reserve under section 182
of the Energy Policy and Conservation Act (42 U.S.C.
6250a) are hereby permanently rescinded: Provided fur-
ther, That notwithstanding section 181 of the Energy Pol-
icy and Conservation Act (42 U.S.C. 6250), for fiscal year
2012 and hereafter, the Reserve shall contain no more
than 1 million barrels of petroleum distillate.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities
of the Energy Information Administration, $105,000,000,
to remain available until expended:

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
ital equipment and other expenses necessary for non-de-
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 con-
demnation of any real property or any facility or for plant
or facility acquisition, construction, or expansion,
$213,121,000 (increased by $41,000,000), to remain
available until expended.
Uranium Enrichment Decontamination and Decommissioning Fund

For necessary expenses 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, $449,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, and not more than $150,000,000, to be derived from the barter, transfer, or sale of uranium authorized under section 3112 of the USEC Privatization Act (42 U.S.C. 2297h–10) or section 314 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103), to remain available until expended: Provided, That proceeds from such barter, transfer, or sale of uranium in excess of such amount shall not be available until appropriated.

Science

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, construc-
tion, or expansion, and purchase of not more than 49 pas-
senger motor vehicles for replacement only, including one
ambulance and one bus, $4,800,000,000, to remain avail-
able until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the
purposes of the Nuclear Waste Policy Act of 1982 (Public
Law 97–425); $25,000,000, to remain available until ex-
pended, and to be derived from the Nuclear Waste Fund:

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities
authorized by section 5012 of the America COMPETES
Act (42 U.S.C. 16538); $100,000,000 (increased by
$79,640,000), to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
PROGRAM

Subject to section 502 of the Congressional Budget
Act of 1974, for the cost of loan guarantees for renewable
energy or efficient end-use energy technologies under sec-
tion 1703 of the Energy Policy Act of 2005, $160,000,000, to remain available until expended: Pro-
vided, That the amounts provided in this section are in
addition to those provided in any other Act: Provided fur-
ther, That, notwithstanding section 1703(a)(2) of the En-
ergy Policy Act of 2005, funds appropriated for the cost
of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: Provided further, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated, to remain available until expended: Provided further, That $38,000,000 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 2012 appropriations from the general fund estimated at not more than $0: Provided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: Provided further, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: Provided further, That none of the loan guarantee authority made available in this paragraph shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible
or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project. Provided further, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this paragraph for commitments to guarantee loans for projects as a result of such projects benefitting from: (1) otherwise allowable Federal income tax benefits; (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is: (A) paid exclusively in cash; (B) deposited in the Treasury as offsetting receipts; and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the "Price-Anderson Act"); or (4) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee. Provided further, That none of the loan
guarantee authority made available in this paragraph shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this paragraph.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $221,514,000 (reduced by $2,500,000) (reduced by $35,000,000) (reduced by $21,000,000) (reduced by $79,640,000) (reduced by $10,000,000), to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding 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, to remain available until expended. Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 204 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302. Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $109,631,000.

Office of the Inspector General

ATOMIC ENERGY DEFENSE ACTIVITIES
NATIONAL NUCLEAR SECURITY ADMINISTRATION
Weapons Activities
(including rescission of funds)

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, the purchase of not to exceed one ambulance and one aircraft, $7,131,993,000, to remain available until expended:

Provided, That of such amount not more than $130,281,000 may be made available for the B-61 Life Extension Program until the Administrator for Nuclear Security submits to the Committees on Appropriations of the House of Representatives and the Senate the outcome of its Phase 6.2a design definition and cost study:

Provided further, That of the unobligated balances available under this heading, $40,332,000 are hereby rescinded:

Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an
emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

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, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,086,770,000 (increased by $35,000,000), to remain available until expended: Provided, That of the unobligated balances available under this heading, $30,000,000 are hereby rescinded; Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.
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, $1,030,600,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000,000,000 (reduced by $20,000,000), to remain available until expended.

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 expan-
sion, and the purchase of not to exceed one ambulance and one fire truck for replacement only, $4,937,619,000, to remain available until expended.

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, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $814,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition, for official reception and representation expenses in an amount not to exceed $3,000. During fiscal year 2012,
no new direct loan obligations may be made from such
Fund.

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 Con-
trol Act of 1944 (16 U.S.C. §258), as applied to the south-
eastern power area, $8,428,000, to remain available until
expended: Provided, That notwithstanding 31 U.S.C. 3302
and section 5 of the Flood Control Act of 1944, up to
$8,428,000 collected by the Southeastern Power Adminis-
tration from the sale of power and related services shall
be credited to this account as discretionary offsetting col-
lections, to remain available until expended for the sole
purpose of funding the annual expenses of the South-
eastern Power Administration: Provided further, That the
sum herein appropriated for annual expenses shall be re-
duced as collections are received during the fiscal year so
as to result in a final fiscal year 2012 appropriation esti-
mated at not more than $0: Provided further, That not-
withstanding 31 U.S.C. 3302, up to $100,162,000 col-
lected by the Southeastern Power Administration pursu-
ant to the Flood Control Act of 1944 to recover purchase
power and wheeling expenses shall be credited to this ac-
count as offsetting collections, to remain available until
expended for the sole purpose of making purchase power
and wheeling expenditures. *Provided further,* That for pur-
poses of this appropriation, annual expenses means ex-
penditures 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 recep-
tion and representation expenses in an amount not to ex-
ceed $1,500 in carrying out section 5 of the Flood Control
Act of 1944 (16 U.S.C. 825s), as applied to the South-
western Power Administration, $45,010,000, 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 $33,118,000 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 Administra-

tion: 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 2012 appropriation estimated at not more than $11,892,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $40,000,000 collected by the Southwestern 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-
priation, 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 ADMINIS-
TRATION

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 con-
servation and renewable resources programs as author-
ized, including official reception and representation ex-
penses in an amount not to exceed $1,500; $285,900,000, to remain available until expended, of which $278,856,000 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 $189,932,000 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 2012 appropriation estimated at not more than $95,968,000, of which $88,924,000 is derived from the Reclamation Fund. Provided further, That of the amount herein appropriated, not more than $3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992. Provided further, That notwithstanding 31 U.S.C. 3302, up to $306,541,000 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 wheel-
ing 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 expendi-
tures: Provided further, That for purposes of this appro-
priation, annual expenses means expenditures that are
generally recovered in the same year that they are in-
curred (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, $4,169,000; to remain available until expended,
and to be derived from the Falcon and Amistad Operating
and Maintenance Fund of the Western Area Power Ad-
ministration, as provided in section 2 of the Act of June
18, 1954 (68 Stat. 255) as amended: Provided, That not-
withstanding the provisions of that Act and of 31 U.S.C.
3302, up to $3,949,000 collected by the Western Area
Power Administration from the sale of power and related
services from the Falcon and Amistad Dams shall be cred-
ited to this account as discretionary offsetting collections,
to remain available until expended for the sole purpose
of funding the annual expenses of the hydroelectric facili-
ties 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 2012 appropriation estimated at not more than $220,000. Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department 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, and official reception and representation expenses not to exceed $3,000, $304,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues
are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available in this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Except as provided in paragraph (2), the Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a contract, award a grant, or enter into a cooperative agreement that obligates the Government in excess of the budget authority available under such heading for such purpose, or that is properly chargeable to budget authority of a future fiscal year before such budget authority is available, regardless of...
whether the contract, grant, or cooperative agreement in-
cludes a clause conditioning the Government’s obligation
on the availability of such budget authority.
(2) Paragraph (1) shall not apply with respect to
major capital projects.
(c) Except as provided in this section, the amounts
made available by this Act for the Department of Energy
shall be expended as authorized by law for the projects
and activities specified in the text and the “Bill” column
in the “Comparative Statement of New Budget
(Obligational) Authority for 2011 and Budget Requests
and Amounts Recommended in the Bill for 2012” included
under the heading “Title III—Department of Energy” in
the report of the Committee on Appropriations of the
House of Representatives to accompany this Act.
(d) None of the funds provided in this title shall be
available for obligation or expenditure through a re-
programming 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 pro-
gram, project, or activity for which funds are denied
or restricted by this Act;
(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.

(e) The Secretary of Energy and the Administrator for Nuclear Security may jointly waive the restrictions under subsection (a) and subsection (d) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Sec. 302. None of the funds made available in this title may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees;
(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under section 4604; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

Sec. 303. 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. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

Sec. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential
users regarding significant characteristics or equipment in
a user facility or a proposed user facility, the Department
shall ensure broad public notice of such availability or
such need for input to universities and other potential
users. When the Department of Energy considers the par-
ticipation of a university or other potential user as a for-
mal partner in the establishment or operation of a user
facility, the Department shall employ full and open com-
petition in selecting such a partner. For purposes of this
section, the term “user facility” includes, but is not lim-
ited to: (1) a user facility as described in section
13503(a)(2)); (2) a National Nuclear Security Adminis-
tration Defense Programs Technology Deployment Cen-
ter/User Facility; and (3) any other Departmental facility
designated by the Department as a user facility.

Sec. 306. 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) dur-
ing fiscal year 2012 until the enactment of the Intelligence

Sec. 307. (a) In any fiscal year in which the Sec-
retary of Energy determines that additional funds are
needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent of an appropriation made available in this or any subsequent Energy and Water Development Appropriations Act to any other appropriation made available to the Secretary by such Act for such reimbursement.

(b) Where the Secretary recovers the costs of defined benefit pension plans for contractor employees through charges for the indirect costs of research and activities at facilities of the Department of Energy, if the indirect costs attributable to defined benefit pension plan costs in a fiscal year are more than charges in fiscal year 2008, the Secretary shall carry out a transfer of funds under this section.

(c) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer, and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the loan guarantee program under title XVII of the Energy Policy Act of 2005, and the Federal Energy
Regulatory Commission, shall not be subject to this requirement.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

(f) The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not less than 30 days in advance of each transfer authorized by this section.

Sec. 308. 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 Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

Sec. 309. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with an estimated cost of less than
$10,000,000 are considered for purposes of section 4703 of the Atomic Energy Defense Act (50 U.S.C. 2743) as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704(d) of such Act (50 U.S.C. 2744(d)) as a construction project with an estimated cost of less than a minor construction threshold.

Sec. 310. 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. 311. None of the funds made available in this title may be used to make a grant allocation, discretionary grant award, discretionary contract award, or Other Transaction Agreement, or to issue a letter of intent, totaling in excess of $1,000,000, or to announce publicly the intention to make such an allocation, award, or Agreement, or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives.
at least 3 full business days in advance of making such
an allocation, award, or Agreement, or issuing such a let-
ter. Provided, That if the Secretary of Energy determines
that compliance with this section would pose a substantial
risk to human life, health, or safety, an allocation, award,
or Agreement may be made, or a letter may be issued,
without advance notification; and the Secretary shall no-
tify the Committees on Appropriations of the Senate and
the House of Representatives not later than 5 full business
days after the date on which such an allocation, award,
or Agreement is made or letter issued.

Sec. 312. None of the funds made available by this
title may be used to make a final or conditional loan guar-
antee award unless the Secretary of Energy provides noti-
fication of the award, including the proposed subsidy cost,
to the Committees on Appropriations of the Senate and
the House of Representatives at least three full business
days in advance of such award.

Sec. 313. None of the funds included in this title
for the Department of Energy shall be made available to
initiate, administer, promulgate, or enforce any “signifi-
cant regulatory action” as defined by Executive Order No.
12866 unless the Committee on Appropriations has been
notified not later than 30 days before the issuance of such
action.
TITLE IV—INDEPENDENT AGENCIES

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment 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, $68,400,000, to remain available until expended.

Defense Nuclear Facilities Safety Board

Salaries and Expenses

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $29,130,000, to remain available until expended.

Delta Regional Authority

Salaries and Expenses

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $11,700,000, to remain available until expended.

•HR 2354 RS
For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $10,700,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998 (title III of division C of Public Law 105–277): 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 in the subsection (c) added to section 307 of such Act by section 701 of title VII of the provisions of H.R. 3424 (106th Congress) enacted into law in section 1000(a)(4) of Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for non-distressed communities.

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,350,000, 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.
SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Regulatory Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $25,000); $1,027,240,000 (increased by $10,000,000), to remain available until expended: Provided, That of the amount appropriated herein, not more than $7,500,000 may be made available for salaries and other support costs for the Office of the Commission: Provided, That of the amount appropriated herein, $10,000,000 (increased by $10,000,000) shall be used to continue the Yucca Mountain license application, to be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $890,713,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until
expended. *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $136,527,000. *Provided further,* That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to their respective organization’s mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

**OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until expended. *Provided,* That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2012 shall be retained and be available until expended, 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 2012 so
as to result in a final fiscal year 2012 appropriation estimated at not more than $1,086,000.

Nuclear Waste Technical Review Board

Salaries and Expenses

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

Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $4,032,000. Provided, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2012 in excess of $4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

General Provision, Independent Agencies

Sec. 401. (a) None of the funds provided in this title for “Nuclear Regulatory Commission—Salaries and Expenses” 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 are denied or restricted by this Act; or

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

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any project, program, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.
(d) Except as provided in this section, the amounts made available for "Nuclear Regulatory Commission—Salaries and Expenses" shall be expended as authorized by law for the projects and activities specified in the text and table under that heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

TITLE V—EMERGENCY SUPPLEMENTAL FUNDING FOR DISASTER RELIEF (INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

Sec. 501. (a) Effective on the date of enactment of this Act, the unobligated balance of funds in excess of $1,028,684,400 made available for "Department of Transportation—Federal Railroad Administration—Capitol Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service" by title XII of Public Law 111–5 is hereby rescinded, and the remaining amount is hereby transferred to and merged with the following accounts of the Corps of Engineers—Civil in the following amounts for fiscal year 2011, to remain available until expended, for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011:

(1) "Construction", $376,000.

(2) "Mississippi River and Tributaries", $589,505,000.
(3) "Operation and Maintenance";
$204,927,000.

(4) "Flood Control and Coastal Emergencies";
$233,876,400.

(b) With respect to each amount transferred in subsection (a), the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of such amount, beginning not later than one week after the date of the enactment of this Act.

(c) Each amount transferred in subsection (a) is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

TITLE VI—GENERAL PROVISIONS

Sec. 601. 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. 602. None of the funds made available in 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 pro-
vided, in this Act or any other appropriation Act.

Sec. 603. None of the funds appropriated or other-
wise made available by this Act may be obligated by any
covered executive agency in contravention of the certifi-
cation requirement of section 6(b) of the Iran Sanctions
Act of 1996, as included in the revisions to the Federal
Acquisition Regulation pursuant to such section.

Sec. 604. None of the funds made available in this
Act may be used to conduct closure of adjudicatory func-
tions, technical review, or support activities associated
with the Yucca Mountain geologic repository license appli-
cation until the Nuclear Regulatory Commission reverses
ASLB decision LBP–10–11, or for actions that irrev-
ocably remove the possibility that Yucca Mountain may
be a repository option in the future.

Sec. 605. None of the funds made available under
this Act may be expended for any new hire by any Federal
agency funded in this Act that is not verified through the
E-Verify Program established under section 403(a) of the
Illegal Immigration Reform and Immigrant Responsibility

Sec. 606. None of the funds made available by this
Act may be used to enter into a contract, memorandum
of understanding, or cooperative agreement with, make a
grant to, or provide a loan or loan guarantee to, any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months.

SEC. 607. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

SPENDING REDUCTION ACCOUNT

SEC. 608. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0 (increased by $4,900,000) (increased by $6,000,000) (increased by $200,000) (increased by $2,500,000).
SEC. 609. None of the funds made available by this Act may be used to implement or enforce section 327.13(a) of title 36, Code of Federal Regulations.

SEC. 610. None of the funds made available by this Act for "Department of Energy—Energy Programs—Science" may be used in contravention of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.).

SEC. 611. None of the funds made available in this Act may be used to implement or enforce the recommendations or guidance proposed by the Army Corps of Engineers in the final draft of the McNary Shoreline Management Plan, Lake Wallula, Washington.

SEC. 612. None of the funds made available by this Act may be used by the Department of Energy to move the Office of Environmental Management under the authority of the Under Secretary for Nuclear Security of the Department of Energy.

SEC. 613. None of the funds made available by this Act may be used by the Department of Energy or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency’s fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

SEC. 614. None of the funds made available to the Corps of Engineers by this Act may be used for the re-
moval or associated mitigation of Federal Energy Regulatory Commission Project number 2342.

Sec. 615. None of the funds made available by this Act may be used to implement section 10011(b) of Public Law 111–11.

Sec. 616. None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

Sec. 617. None of the funds made available by this Act may be used to pay the salaries of Department of Energy employees to carry out section 407 of division A of the American Recovery and Reinvestment Act of 2009.

Sec. 618. None of the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111–8).

Sec. 619. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

Sec. 620. None of the funds made available in this Act may be used to develop or submit a proposal to expand the authorized uses of the Harbor Maintenance Trust.
Fund described in section 9505(e) of the Internal Revenue Code (26 U.S.C. 9505(e)).

Sec. 621. None of the funds made available by this Act may be used to fund any portion of the International activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy in China.

Sec. 622. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 14, 1994 (‘‘Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations’’).

Sec. 623. None of the funds made available in this Act may be used—

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

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

Sec. 624. None of the funds made available by this Act may be used to implement any rule, regulation, or Executive order regarding the disclosure of political contribu-
tions that takes effect on or after the date of enactment of this Act.

Sec. 625. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of Energy—Energy Programs—Departmental Administration", and by increasing the amount made available for "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" (except for Program Direction), by $10,000,000.

Sec. 626. For "Corps of Engineers-Civil—Construction" there is hereby appropriated, and the amount otherwise provided by this Act for "Corps of Engineers-Civil—Expenses" is hereby reduced by, $1,000,000.

Sec. 627. None of the funds made available by this Act may be used to pay the salary of individuals appointed to their current position through, or otherwise carry out, paragraphs (1), (2), and (3) of section 5503(a) of title 5, United States Code.

Sec. 628. None of the funds made available by this Act may be used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337).
This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2012.”

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, 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 supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, short protection, aquatic ecosystem restoration, and related efforts.

GENERAL 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 related 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 projects and related 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.

CONSTRUCTION, GENERAL
(INCLUDING TRANSFER OF FUNDS)

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); $1,610,000,000, 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 to cover one-half of the costs of construction,
replacement, rehabilitation, and expansion of inland waterways projects (including only Lock and Dam 27, Mississippi River, Illinois; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund.

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, $250,000,000, 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, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general com-
merce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,360,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in areas managed by the Corps 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.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $193,000,000, to remain available until September 30, 2013.
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, $109,000,000, 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, $27,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the 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, $185,000,000, to remain available until September 30, 2013, 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 other 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, 2013.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL

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 2010, 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 Committees 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 subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) General 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, GENERAL.—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 contractor 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 in order for the Corps to be able to respond to emergencies: Provided, That the Chief of Engineers must 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 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 re-
programmed into any continuing study or activity
that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.——The
same reprogramming guidelines for the Investiga-
tions, Construction, and Operation and Maintenance
portions of the Mississippi River and Tributaries Ac-
count as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL AC-
TION PROGRAM.——Reprogramming of up to 15 percent
of the base of the receiving project is permitted.

(b) DE MINIMUS 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 Corps of Engineers 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: Provided,
That the report shall include:

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

(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. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations.

Sec. 103. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662), as amended, is enacted.

Sec. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the
report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dispersing into the Great Lakes by way of any hydrologic connection between the Great Lakes and the Mississippi River Basin.

SEC. 106. The Secretary is authorized to transfer to the “Construction” account up to $100,000,000 of the funds provided for reinforcing or replacing flood walls under the “Flood Control and Coastal Emergencies” heading in Public Law 109–234 (120 Stat. 455) and Public Law 110–252 (122 Stat. 2350) and up to $75,000,000 of the funds provided for projects and measures for the West Bank and Vicinity and Lake Ponchartrain and Vicinity projects under the “Flood Control and Coastal Emergencies” heading in Public Law 110–28 (121 Stat. 153) to be used with funds provided for the West Bank and Vicinity project under the “Construction” heading in Public Law 110–252 (122 Stat. 2349) and Public Law 110–329 (122 Stat. 3589), consistent
with 65 percent Federal and 35 percent non-Federal cost share and the financing of, and payment terms for, the non-Federal cash contribution associated with the West Bank and Vicinity project.

SEC. 107. The Secretary of the Army may authorize a member of the Armed Forces under the Secretary’s jurisdiction and employees of the Department of the Army to serve without compensation as director, officer, or otherwise in the management of the organization established to support and maintain the participation of the United States in the permanent international commission of the congresses of navigation, or any successor entity.

SEC. 108. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory. This real property to be acquired consists of 18.5 acres more or less, identified as Tracts 101–1 and 101–2, together with all necessary easements located entirely within the Town of Hanover, New Hampshire. The real property is generally bounded to the east by state route 10-Lyme Road, to the north by the vacant property of the Trustees of the Dartmouth College, to the south by Fletcher Circle graduate student housing...
owned by the Trustees of Dartmouth College, and to the west
by approximately 9 acres of real property acquired in fee
through condemnation in 1981 by the Secretary of the
Army.

(b) REVOLVING FUND.—The Secretary is authorized to
use the Revolving Fund (33 U.S.C. 576) through the Plant
Replacement and Improvement Program to acquire the real
property and associated real property interests in sub-
section (a). The Secretary shall ensure that the Revolving
Fund is appropriately reimbursed from the benefiting ap-
propriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may
provide the Seller of any real property and associated prop-
erty interests identified in subsection (a)—

(1) a right of first refusal to acquire such prop-
erty, or any portion thereof, in the event the property,
or any portion thereof, is no longer needed by the De-
partment of the Army.

(2) a right of first refusal to acquire any real
property or associated real property interests ac-
quired by condemnation in Civil Action No. 81–360–
L, in the event the property, or any portion thereof,
is no longer needed by the Department of the Army.

(3) the purchase of any property by the Seller
exercising either right of first refusal authorized in
this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Sellers successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 109. The Secretary of the Army may transfer, and the Fish and Wildlife Service may accept and expend, up to $3,800,000 of funds provided in this title under the heading “Operation and Maintenance”, to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 111. The Secretary of the Army, acting through the Chief of Engineers, is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.
SEC. 112. The Secretary of the Army, acting through the Chief of Engineers is directed to utilize funds from the revolving fund to expeditiously undertake necessary health and safety improvements, including lead and asbestos abatement, to the dredge “McFarland”: Provided, That the Secretary shall ensure that the Revolving Fund is appropriately reimbursed from appropriations of the Corps’ benefiting programs by collection each year of amounts sufficient to repay the capitalized cost of such construction and improvements.

SEC. 113. With respect to the property covered by the deed described in Auditor’s instrument No. 2006–014428 of Benton County, Washington, approximately 1.5 acres, the following deed restrictions are hereby extinguished and of no further force and effect:

(1) The reversionary interest and use restrictions related to port and industrial purposes;

(2) The right for the District Engineer to review all pre-construction plans and/or specifications pertaining to construction and/or maintenance of any structure intended for human habitation, other building structure, parking lots, or roads, if the elevation of the property is above the standard project flood elevation; and
(3) The right of the District Engineer to object to, and thereby prevent, in his/her discretion, such activity.

SEC. 114. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin; beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment.

SEC. 115. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Consolidated Infrastructure Research Equipment Facility, an Environmental Processes and Risk Lab, a Hydraulic Research Facility, an Engineer Research and Development Center headquarters building, a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road,
and infrastructure improvements to the Engineer Research and Development Center's installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 116. Section 1148 of the Water Resources Development Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114 Stat. 2609) is amended by striking subsection (b) and inserting the following:

“(b) DISPOSITION OF ACQUIRED LAND.—The Secretary may transfer land acquired under this section to the non-Federal sponsor by quitclaim deed subject to such terms and conditions as the Secretary determines to be in the public interest.”.

SEC. 117. The New London Disposal Site and the Cornfield Shoals Disposal Site in Long Island Sound selected by the Department of the Army as alternative dredged material disposal sites under section 103(b) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, shall remain open until completion of a Supplemental Environmental Impact Statement to support final designation of an Ocean Dredged Material Disposal Site in eastern Long Island Sound under section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

SEC. 118. (a) That portion of the project for navigation, Newport Harbor, Rhode Island adopted by the Rivers
and Harbors Acts of March 2, 1907 (34 Stat. 1075); June 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845); and, modified by the Consolidated Appropriations Act, 2000, Public Law 106–113, appendix E, title II, section 221 (113 Stat. 1501A–298); consisting of a 13-foot anchorage, an 18-foot anchorage, a 21-foot channel, and 18-foot channels described by the following shall no longer be authorized after the date of enactment of this Act: the 21-Foot Entrance Channel, beginning at a point (1) with coordinates 374986.03, 150611.01; thence running south 46 degrees 54 minutes 30.7 seconds east 900.01 feet to a point (2) with coordinates 375643.27, 149996.16; thence running south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point (3) with coordinates 375977.47, 147643.00; thence running south 4 degrees 28 minutes 20.4 seconds west 738.56 feet to a point (4) with coordinates 375919.88, 146906.60; thence running south 6 degrees 2 minutes 42.4 seconds east 1,144.00 feet to a point (5) with coordinates 376040.35, 145768.96; thence running south 34 degrees 5 minutes 51.7 seconds west 707.11 feet to a point (6) with coordinates 375643.94, 145183.41; thence running south 73 degrees 11 minutes 42.9 seconds west 1,300.00 feet to the end point (7) with coordinates 374399.46, 144807.57; Returning at a point with coordinates (8) with coordinates 374500.64, 144472.51; thence running north 73 degrees 11 minutes
42.9 seconds east 1,582.85 feet to a point (9) with coordinates 376015.90, 144930.13; thence running north 34 degrees 5 minutes 51.7 seconds east 615.54 feet to a point (10) with coordinates 376360.97, 145439.85; thence running north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet to a point (11) with coordinates 376275.96, 147674.45; thence running north 8 degrees 4 minutes 55.6 seconds west 2,652.83 feet to a point (12) with coordinates 375902.99, 150300.93; thence running north 46 degrees 54 minutes 30.7 seconds west 881.47 feet to an end point (13) with coordinates 375259.29, 150903.12; and the 18-Foot South Goat Island Channel beginning at a point (14) with coordinates 375509.09, 149444.83; thence running south 25 degrees 44 minutes 0.5 second east 430.71 feet to a point (15) with coordinates 375696.10, 149056.84; thence running south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet to a point (16) with coordinates 375969.61, 147540.41; thence running south 4 degrees 29 minutes 11.3 seconds west 1,662.92 feet to a point (17) with coordinates 375839.53, 145882.59; thence running south 34 degrees 5 minutes 51.7 seconds west 547.37 feet to a point (18) with coordinates 375532.67, 145429.32; thence running south 86 degrees 47 minutes 37.7 seconds west 600.01 feet to an end point (19) with coordinates 374933.60, 145395.76; and the 18-Foot Entrance Channel beginning at a point (20) with coordinates
coordinates 374567.14, 144252.33; thence running north 73
degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point
(21) with coordinates 376385.26, 144801.42; thence run-
ning north 2 degrees 10 minutes 41.5 seconds west 638.89
feet to an end point (10) with coordinates 376360.97,
145439.85; and the 18-Foot South Anchorage beginning at
a point (22) with coordinates 376286.81, 147389.37; thence
running north 78 degrees 56 minutes 15.6 seconds east
404.86 feet to a point (23) with coordinates 376684.14,
147467.05; thence running north 78 degrees 56 minutes
15.6 seconds east 1,444.33 feet to a point (24) with coordi-
nates 378101.63, 147744.18; thence running south 5 degrees
18 minutes 43.8 seconds west 1,228.20 feet to a point (25)
with coordinates 377987.92, 146521.26; thence running
south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to
a point (26) with coordinates 378026.56, 145944.71; thence
running south 44 degrees 32 minutes 14.7 seconds west
2,314.09 feet to a point (27) with coordinates 376403.52,
144295.24 thence running south 60 degrees 5 minutes 58.2
seconds west 255.02 feet to an end point (28) with coordi-
nates 376182.45, 144168.12; and the 13-Foot Anchorage be-
ginning at a point (29) with coordinates 376363.39,
143666.99; thence running north 63 degrees 34 minutes
19.3 seconds east 1,962.37 feet to a point (30) with coordi-
nates 378120.68, 144540.38; thence running north 3 degrees
50 minutes 3.1 seconds west 1,407.47 feet to an end point (26) with coordinates 378026.56, 145944.71; and the 18-Foot East Channel beginning at a point (23) with coordinates 376684.14, 147467.05; thence running north 2 degrees 10 minutes 43.3 seconds west 262.95 feet to a point (31) with coordinates 376674.14, 147729.81; thence running north 9 degrees 42 minutes 20.3 seconds west 301.35 feet to a point (32) with coordinates 376623.34, 148026.85; thence running south 80 degrees 17 minutes 42.4 seconds west 313.6 feet to a point (33) with coordinates 376314.23, 147973.99; thence running north 7 degrees 47 minutes 21.9 seconds west 776.24 feet to an end point (34) with coordinates 376209.02, 148744.69; and the 18-Foot North Anchorage beginning at a point (35) with coordinates 376123.98, 148744.69; thence running south 88 degrees 54 minutes 16.2 seconds east 377.90 feet to a point (36) with coordinates 376501.82, 148737.47; thence running north 9 degrees 42 minutes 19.0 seconds west 500.01 feet to a point (37) with coordinates 376417.52, 149230.32; thence running north 6 degrees 9 minutes 53.2 seconds west 1,300.01 feet to an end point (38) with coordinates 376277.92, 150522.81.

(b) The area described by the following shall be redesignated as an eighteen-foot channel and turning basin: Beginning at a point (1) with coordinates N144759.41, E374413.16; thence running north 73 degrees 11 minutes
42.9 seconds east 1,252.88 feet to a point (2) with coordinates N145121.63, E375612.53; thence running north 26 degrees 29 minutes 48.1 seconds east 778.89 feet to a point (3) with coordinates N145818.71, E375960.04; thence running north 0 degrees 3 minutes 38.1 seconds west 1,200.24 feet to a point (4) with coordinates N147018.94, E375958.77; thence running north 2 degrees 22 minutes 45.2 seconds east 854.35 feet to a point (5) with coordinates N147872.56, E375994.23; thence running north 7 degrees 47 minutes 21.9 seconds west 753.83 feet to a point (6) with coordinates N148625.48, E376173.85; thence running south 7 degrees 47 minutes 21.9 seconds east 716.4 feet to a point (7) with coordinates N147968.85, E376623.55; thence running south 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point (11) with coordinates N147406.47, E376635.64; thence running north 78 degrees 56 minutes 15.6 seconds east 571.11 feet to a point (12) with coordinates N147516.06, E377196.15; thence running south 88 degrees 57 minutes
2.3 seconds east 755.09 feet to a point (13) with coordinates N147502.23, E377951.11; thence running south 1 degree 2 minutes 57.7 seconds west 100.00 feet to a point (14) with coordinates N147402.25, E377949.28; thence running north 88 degrees 57 minutes 2.3 seconds west 744.48 feet to a point (15) with coordinates N147415.88, E377204.92; thence running south 78 degrees 56 minutes 15.6 seconds west 931.17 feet to a point (16) with coordinates N147237.21, E376291.06; thence running south 39 degrees 26 minutes 18.7 seconds west 208.34 feet to a point (17) with coordinates N147076.31, E376158.71; thence running south 0 degrees 3 minutes 38.1 seconds east 1,528.26 feet to a point (18) with coordinates N145548.05, E376160.32; thence running south 26 degrees 29 minutes 48.1 seconds west 686.83 feet to a point (19) with coordinates N144933.37, E375853.90; thence running south 73 degrees 11 minutes 42.9 seconds west 1,429.51 feet to end at a point (20) with coordinates N144520.08, E374485.44.

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, $28,991,000, to remain available until expended, of which $2,000,000 shall be deposited
into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and of which $1,550,000 for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior. For fiscal year 2012, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

WATER AND RELATED RESOURCES
(INCLUDING TRANSFERS OF FUNDS)

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $885,670,000, to remain available until expended, of which $10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced 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 activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration pay-
ments authorized by section 3407(d) of 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, $39,651,000, to remain available until expended, 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 appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, 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, 2013, $60,000,000, 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.

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 2010, 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 Envi-
ronmental Protection Agency, to minimize any detrimental
effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Pro-
gram 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 Re-
payment 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 relat-
ing to, or providing for, drainage service or drainage stud-
ies for the San Luis Unit shall be fully reimbursable by
San Luis Unit beneficiaries of such service or studies pur-
suant to Federal reclamation law.

Sec. 203. Section 529(b)(3) of Public Law 106–541,
as amended by section 115 of Public Law 109–103, is fur-
ther amended by striking “$20,000,000” and inserting
“$30,000,000” in lieu thereof.
SEC. 204. Section 8 of the Water Desalination Act of 1996 (42 U.S.C. 10301 note; Public Law 104–298) is amended—

(1) in subsection (a), in the first sentence, by striking “2011” and inserting “2016”; and

(2) in subsection (b), by striking “$25,000,000 for fiscal years 1997 through 2011” and inserting “$3,000,000 for each of fiscal years 2012 through 2016”.

SEC. 205. (a) PERMITTED USES.—Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in the matter preceding paragraph (1), by striking “In any case in which there are willing sellers” and inserting “For the benefit of at-risk natural desert terminal lakes and associated riparian and watershed resources, in any case in which there are willing sellers or willing participants”;

(2) in paragraph (2), by striking “in the Walker River” and all that follows through “119 Stat. 2268)”; and

(3) in paragraph (3), by striking “in the Walker River Basin”.

(b) WALKER BASIN RESTORATION PROGRAM.—Section 208(b) of the Energy and Water Development and Related
Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2858) is amended—

(1) in paragraph (1)(B)(iv), by striking “exercise water rights” and inserting “manage land, water appurtenant to the land, and related interests”; and

(2) in paragraph (2)(A), by striking “The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation” and inserting “Any amount made available to the National Fish and Wildlife Foundation under subsection (a) shall be provided”.

SEC. 206. The Federal policy for addressing California’s water supply and environmental issues related to the Bay-Delta shall be consistent with State law, including the co-equal goals of providing a more reliable water supply for the State of California and protecting, restoring, and enhancing the Delta ecosystem. The Secretary of the Interior, the Secretary of Commerce, the Army Corps of Engineers and the Environmental Protection Agency Administrator shall jointly coordinate the efforts of the relevant agencies and work with the State of California and other stakeholders to complete and issue the Bay Delta Conservation Plan Final Environmental Impact Statement no later than February 15, 2013. Nothing herein modifies existing requirements of Federal law.
SEC. 207. The Secretary of the Interior may participate in non-Federal groundwater banking programs to increase the operational flexibility, reliability, and efficient use of water in the State of California, and this participation may include making payment for the storage of Central Valley Project water supplies, the purchase of stored water, the purchase of shares or an interest in ground banking facilities, or the use of Central Valley Project water as a medium of payment for groundwater banking services:

Provided, That the Secretary of the Interior shall participate in groundwater banking programs only to the extent allowed under State law and consistent with water rights applicable to the Central Valley Project:

Provided further, That any water user to which banked water is delivered shall pay for such water in the same manner provided by that water user’s then-current Central Valley Project water service, repayment, or water rights settlement contract at the rate provided by the then-current Central-Valley Project Irrigation or Municipal and Industrial Rate Setting Policies; and:

Provided further, That in implementing this section, the Secretary of the Interior shall comply with applicable environmental laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or limit the Secretary’s existing
authority to use groundwater banking to meet existing fish
and wildlife obligations.

SEC. 208. (a) Subject to compliance with all applicable
Federal and State laws, a transfer of irrigation water
among Central Valley Project contractors from the Friant,
San Felipe, West San Joaquin, and Delta divisions, and
a transfer from a long-term Friant Division water service
or repayment contractor to a temporary or prior temporary
service contractors within the place of use in existence on
the date of the transfer, as identified in the Bureau of Recl-
amation water rights permits for the Friant Division, shall
be considered to meet the conditions described in subpara-
graphs (A) and (I) of section 3405(a)(1) of the Reclamation
Projects Authorization and Adjustment Act of 1992 (Public

(b) The Secretary of the Interior, acting through the
Director of the United States Fish and Wildlife Service and
the Commissioner of the Bureau of Reclamation shall ini-
tiate and complete, on the most expedited basis practicable,
programmatic environmental compliance so as to facilitate
voluntary water transfers within the Central Valley Project,
consistent with all applicable Federal and State law.

(c) Not later than 180 days after the date of enactment
of this Act and each of the 4 years thereafter, the Commiss-
sioner of the Bureau of Reclamation shall submit to the
committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes the status of efforts to help facilitate and improve the water transfers within the Central Valley Project and water transfers between the Central Valley Project and other water projects in the State of California; evaluates potential effects of this Act on Federal programs, Indian tribes, Central Valley Project operations, the environment, groundwater aquifers, refuges, and communities; and provides recommendations on ways to facilitate and improve the process for these transfers.

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, 2014, 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

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, $1,795,641,000, to remain available until expended: Provided, That $165,000,000 shall be available until September 30, 2013 for program direction: Provided further, That of the amount appropriated, the Secretary may use not more than $170,000,000 for activities of the Department of Energy pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.): Provided further, That within 12 months of the date of enactment, the Secretary shall initiate separate rulemakings to establish efficiency standards for televisions and set top television boxes.

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,
$141,010,000, to remain available until expended: Provided, That $27,010,000 shall be available until September 30, 2013 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, and the purchase of not more than 10 buses, all for replacement only, $583,834,000, to remain available until expended: Provided, That $86,279,000 shall be available until September 30, 2013 for program direction: Provided further, That, notwithstanding any other provision of law, the Department shall develop a strategy within 3 months of the publication of the final report of the Blue Ribbon Commission on America’s Nuclear Future to manage spent nuclear fuel and other nuclear waste at consolidated storage facilities and permanent repositories that can be implemented as expeditiously as possible.
For necessary expenses 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), $445,471,000, to remain available until expended: Provided, That $151,729,000 shall be available until September 30, 2013 for program direction: Provided further, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: Provided further, That of prior-year balances, $187,000,000 are hereby rescinded: Provided further, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111–5 or designated by the Congress as an emergency requirement pursuant to a concur-
rent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

**NAVAL PETROLEUM AND OIL SHALE RESERVES**

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $14,909,000, 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 necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $192,704,000, to remain available until expended.

**SPR PETROLEUM ACCOUNT**

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell $500,000,000 in petroleum products from the Reserve not later than March 1, 2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: Provided, That paragraphs (a)(1) and (2) of section 160 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6240(a)(1) and (2)) are hereby repealed: Provided further, That unobligated bal-
ances in this account shall be available to cover the costs
of any sale under this Act.

**Northeast Home Heating Oil Reserve**

*(INCLUDING RESCISSION)*

For necessary expenses for Northeast Home Heating
Oil Reserve storage, operation, and management activities
pursuant to the Energy Policy and Conservation Act,
$10,119,000, to remain available until expended: Provided,
That amounts net of the purchase of 1 million barrels of
petroleum distillates in fiscal year 2011; costs related to
transportation, delivery, and storage; and sales of petro-
leum distillate from the Reserve under section 182 of the
6250a) are hereby rescinded.

**Energy Information Administration**

For necessary expenses in carrying out the activities
of the Energy Information Administration, $105,000,000,
to remain available until expended.

**Non-Defense Environmental Cleanup**

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
ital equipment and other expenses necessary for non-defense
environmental cleanup activities in carrying out the pur-
poses of the Department of Energy Organization Act (42
U.S.C. 7101 et seq.), including the acquisition or con-
demnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $219,121,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses 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, $429,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

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 49 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,842,665,000, to remain available until expended: Provided, That $180,786,000 shall be available until September 30, 2013 for program direction.
ADVANCED RESEARCH PROJECTS AGENCY—Energy

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), as amended, $250,000,000, to remain available until expended.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005, $200,000,000 is appropriated to remain available until expended: Provided, That the amounts in this section are in addition to those provided in any other Act: Provided further, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: Provided further, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated, to remain available until expended: Provided further, That $38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act
of 2005 shall be credited as offsetting collections to this ac-
account to cover administrative expenses and shall remain
available until expended, so as to result in a final fiscal
year 2011 appropriations from the general fund estimated
at not more than $0: Provided further, That fees collected
under section 1702(h) in excess of the amount appropriated
for administrative expenses shall not be available until ap-
propriated: Provided further, That for amounts collected
pursuant to section 1702(b)(2) of the Energy Policy Act of
2005, the source of such payment received from borrowers
is not a loan or other debt obligation that is guaranteed
by the Federal Government: Provided further, That pursu-
ant to section 1702(b)(2) of the Energy Policy Act of 2005,
no appropriations are available to pay the subsidy cost of
such guarantees for nuclear power or fossil energy facilities:
Provided further, That none of the loan guarantee authority
made available in this Act shall be available for commit-
ments to guarantee loans for any projects where funds, per-
sonnel, or property (tangible or intangible) of any Federal
agency, instrumentality, personnel or affiliated entity are
expected to be used (directly or indirectly) through acquisi-
tions, contracts, demonstrations, exchanges, grants, incen-
tives, leases, procurements, sales, other transaction author-
ity, or other arrangements, to support the project or to ob-
tain goods or services from the project: Provided further,
That the previous provision shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitment to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: Provided further, That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.
For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $6,000,000, to remain available until expended.

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $237,623,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding 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, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, 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

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appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years’ miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $125,740,000.

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, the purchase of not to exceed one ambulance and one aircraft; $7,190,000,000, to remain available until expended.
DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION)

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, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,404,300,000, to remain available until expended: Provided, That of the unobligated balances available under this heading, $21,000,000 are hereby rescinded.

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, $1,100,000,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, in-
excluding official reception and representation expenses not
to exceed $12,000, $404,000,000, to remain available until
September 30, 2013.

ENVIRONMENTAL AND OTHER DEFENSE
ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
tital equipment and other expenses necessary for atomic en-
ergy 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 ambulances and one
fire truck for replacement only, $5,002,308,000, to remain
available until expended: Provided, That $321,628,000 shall
be available until September 30, 2013 for program direc-
tion.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the
purchase, construction, and acquisition of plant and cap-
tital equipment and other expenses, necessary for atomic en-
ergy defense, other defense activities, and classified activi-
ties, in carrying out the purposes of the Department of En-
ergy Organization Act (42 U.S.C. 7101 et seq.), including
t he acquisition or condemnation of any real property or
t any facility or for plant or facility acquisition, construc-
tion, or expansion, and the purchase of not to exceed 10
passenger motor vehicles for replacement only,
$819,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATION

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administra-
tion Fund, established pursuant to Public Law 93–454, are
approved for the Kootenai River Native Fish Conservation
Aquaculture Program, Lolo Creek Permanent Weir Facili-
ty, and Improving Anadromous Fish production on the
Warm Springs Reservation, and, in addition, for official
reception and representation expenses in an amount not to
exceed $7,000. During fiscal year 2012, no new direct loan
obligations may be made.

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, $8,428,000, to remain available until expended:
Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $8,428,000 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: 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 2012 appropriation estimated at not more than $0: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $100,162,000 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).
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, $45,010,000, 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 $33,118,000 collected by the Southwestern 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 Southwestern 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 2012 appropriation estimated at not more than $11,892,000: Provided further, That, notwithstanding 31 U.S.C. 3302, up to $40,000,000 collected by the Southwestern Power Ad-
administration pursuant to the Flood Control Act of 1944 to
recover purchase power and wheeling expenses shall be cred-
ited to this account as offsetting collections, to remain avail-
able 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).

CONSTRUCTION, REHABILITATION, OPERATION AND
MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III,
7152), and other related activities including conservation
and renewable resources programs as authorized, including
official reception and representation expenses in an amount
not to exceed $1,500; $285,900,000, to remain available
until expended, of which $278,856,000 shall be derived from
the Department of the Interior Reclamation Fund: Pro-
vided, 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 $189,932,000 collected by the Western
Area Power Administration from the sale of power and re-
lated services shall be credited to this account as discre-
tionary 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 2012 appropriation estimated at not more than $95,968,000, of which $88,924,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, not more than $3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwithstanding 31 U.S.C. 3302, up to $306,541,000 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).
For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,169,000, 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) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,949,000 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 2012 appropriation estimated at not more than $220,000: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.
For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department 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, and official reception and representation expenses not to exceed $3,000, $304,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2012 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $0: Provided further, That not later than 180 days after the date of enactment of this Act, the Commission shall issue such regulations as are necessary to clarify that a State may establish rates for the wholesale sale of electric energy in interstate commerce pursuant to the Public Utility Regulatory Policies Act of 1978 such that those rates shall not unduly discriminate against the qualifying cogen-
eration facility or qualifying small power production facility selling the electric energy or exceed the costs to produce and deliver the electric energy, as determined for the specific technology at issue.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

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. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in select-
ing such a partner. For purposes of this section, the term “user facility” includes, but is not limited to:

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/ User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 303. 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 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.

SEC. 304. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is sub-
mitted and at least the four succeeding fiscal years. A fu-
ture-years energy program shall be included in the fiscal
year 2014 budget submission to Congress and every fiscal
year thereafter.

(b) ELEMENTS.—Each future-years energy program
shall contain the following:

(1) The estimated expenditures and proposed ap-
propriations necessary to support programs, projects,
and activities of the Secretary of Energy during the
5-fiscal year period covered by the program, expressed
in a level of detail comparable to that contained in
the budget submitted by the President to Congress
under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed ap-
propriations shaped by high-level, prioritized pro-
gram and budgetary guidance that is consistent with
the administration’s policies and out year budget pro-
jections and reviewed by DOE’s senior leadership to
ensure that the future-years energy program is con-
sistent and congruent with previously established pro-
gram and budgetary guidance.

(3) A description of the anticipated workload re-
quirements for each DOE national laboratory during
the 5-fiscal year period.

(c) CONSISTENCY IN BUDGETING.—
(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

Sec. 305. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—
(1) by striking subsection (b) and inserting the following:

“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

“(1) IN GENERAL.—No guarantee shall be made unless—

“(A) an appropriation for the cost of the guarantee has been made;

“(B) the Secretary has received from the borrower a payment in full for the cost of the guarantee and deposited the payment into the Treasury; or

“(C) a combination of one or more appropriations under subparagraph (A) and one or more payments from the borrower under subparagraph (B) has been made that is sufficient to cover the cost of the guarantee.”.

SEC. 306. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than $10,000,000 are considered for purposes of section 4703 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107–314 as a construction project with a current estimated cost of less than a minor construction threshold.
SEC. 307. In section 839b(h)(10)(B) of title 16, United States Code, strike “$1,000,000” and insert “$5,000,000.”

(RESCISSION)

SEC. 308. None of the funds in this Act or any other Act shall be used to deposit funds in excess of $25,000,000 from any Federal royalties, rents, and bonuses derived from Federal onshore and off-shore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

(RESCISSION)

SEC. 309. Of the amounts appropriated in this title, $73,700,000 are hereby rescinded, to reflect savings from the contractor pay freeze instituted by the Department. The Department shall allocate the rescission among the appropriations made in this title.

SEC. 310. Recipients of grants awarded by the Department in excess of $1,000,000 shall certify that they will, by the end of the fiscal year, upgrade the efficiency of their facilities by replacing any lighting that does not meet or exceed the energy efficiency standard for incandescent light bulbs set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).
SEC. 311. (a) 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, that the sale or transfer of uranium will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry shall be valid for not more than 2 calendar years subsequent to such determination.

(b) Not less than 30 days prior to the transfer, sale, barter, distribution, or other provision of uranium in any form for the purpose of accelerating cleanup at a Federal site, the Secretary shall notify the House and Senate Committees on Appropriations of the following:

(1) the amount of uranium to be transferred, sold, bartered, distributed, or otherwise provided;

(2) an estimate by the Secretary of the gross market value of the uranium on the expected date of the transfer, sale, barter, distribution, or other provision of the uranium;

(3) the expected date of transfer, sale, barter, distribution, or other provision of the uranium;

(4) the recipient of the uranium; and

(5) the value of the services the Secretary expects to receive in exchange for the uranium, including any
reductions to the gross value of the uranium by the recipient.

(c) Not later than June 30, 2012, the Secretary shall submit to the House and Senate Committees on Appropriations a revised excess uranium inventory management plan for fiscal years 2013 through 2018.

(d) Not later than December 31, 2011 the Secretary shall submit to the House and Senate Committees on Appropriations a report evaluating the economic feasibility of re-enriching depleted uranium located at Federal sites.

Sec. 312. (a) The Secretary of Energy may allow a third party, on a fee-for-service basis, to operate and maintain a metering station of the Strategic Petroleum Reserve that is underutilized (as defined in section 102–75.50 of title 41, Code of Federal Regulations (or successor regulations)) and related equipment.

(b) Funds collected under subsection (a) shall be deposited in the general fund of the Treasury.

Title IV

Independent Agencies

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Re-
gional Commission, for payment of the Federal share of the
administrative expenses of the Commission, including serv-
ices as authorized by 5 U.S.C. 3109, and hire of passenger
motor vehicles, $58,024,000, to remain available until ex-
pended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facili-
ties Safety Board in carrying out activities authorized by
the Atomic Energy Act of 1954, as amended by Public Law
100–456, section 1441, $29,130,000, to remain available
until September 30, 2013: Provided, That within 90 days
of enactment of this Act the Defense Nuclear Facilities Safe-
ty Board shall enter into an agreement for fiscal year 2012
and hereafter with the Office of the Inspector General of
either the Nuclear Regulatory Commission or the Depart-
ment of Energy for inspector general services.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority
and to carry out its activities, as authorized by the Delta
Regional Authority Act of 2000, as amended, notwith-
standing sections 382C(b)(2), 382F(d), 382M, and 382N of
said Act, $9,925,000, 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, $9,077,000, 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.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,027,240,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $899,726,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account,
notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $127,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2012 shall be retained and be available until expended, 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 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, sec-
tion 5051, $3,400,000 to be derived from the Nuclear Waste Fund, and to remain available until expended.

Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $1,000,000.

Northern Border Regional Commission

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,275,000, 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.

Southeast Crescent Regional Commission

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $213,000, to remain available until expended.

General Provisions

Sec. 401. (a) Definitions.—In this section:

(1) Chairperson.—The term “Chairperson” means the Chairperson of the Commission.
(2) **COMMISSION.**—The term “Commission” means the Nuclear Regulatory Commission.

(3) **SPENT FUEL POOL.**—The term “spent fuel pool” means an underwater storage and cooling facility for spent (or depleted) fuel assemblies that have been removed from a reactor.

(b) As soon as practicable after the date of enactment of this Act, the Chairperson shall order licensees to, in accordance with the recommendations of the 90-day task force of the Commission, enhance spent fuel pools by:

(1) providing sufficient safety-related instrumentation that is able to withstand design-basis natural phenomena to monitor key spent fuel pool parameters (such as water level, temperature, and area radiation levels) from a control room;

(2) providing safety-related, alternating-current electrical power for the spent fuel pool makeup system;

(3) providing onsite emergency electrical power for spent fuel pools and instrumentation for cases in which there exists irradiated fuel in a spent fuel pool, regardless of the operational mode of the relevant reactor; and

(4) installing a seismically qualified means to spray water into spent fuel pools, including an easily
accessible connection to supply the water (such as using a portable pump or pumper truck) at grade outside a relevant structure.

SEC. 402. Consistent with the findings of its 90 Day Task Force, the Nuclear Regulatory Commission shall order licensees to reevaluate the seismic, tsunami, flooding and other hazards at their sites as expeditiously as possible, and thereafter, at least once every 10 years, and the Commission shall require licensees to demonstrate to the Commission that the design basis of structures, systems, and components for each operating reactor meet current NRC requirements and guidance with regard to these threats. The Commission shall require licensees to update the design basis of structures, systems, and components for each operating reactor, if necessary.

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. None of the funds made available in this Act may be transferred to any department, agency, or in-
strumentality of the United States Government, except pur-

suant to a transfer made by, or transfer authority provided

in this Act or any other appropriation Act.

TITLE VI

ADDITIONAL FUNDING FOR DISASTER RELIEF

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and

Tributaries” for expenses resulting from a major disaster

designation pursuant to the Robert T. Stafford Disaster Re-

lief and Emergency Assistance Act (42 U.S.C. 5122(2)),

$890,177,300, to remain available until expended for repair

of damages to Federal projects: Provided, That the Assistant

Secretary of the Army for Civil Works shall provide a

monthly report to the Committees on Appropriations of the

House of Representatives and the Senate detailing the allo-

cation and obligation of these funds, beginning not later

than 60 days after enactment of this Act: Provided further,

That the amount in this paragraph is designated by Con-

gress as being for disaster relief pursuant to section

251(b)(2)(D) of the Balanced Budget and Emergency Def-

icit Control Act of 1985 (Public Law 99–177), as amended.
For an additional amount for “Operation and Maintenance” for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) to dredge navigation channels and repair damage to Corps projects nationwide, $88,003,700, to remain available until expended: Provided, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act: Provided further, That the amount in this paragraph is designated by Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, for expenses resulting from a major disaster designation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses to prepare for flood, hurricane and other natural disasters and
support emergency operations, repair and other activities
in response to recent natural disasters as authorized by law,
$66,387,000, to remain available until expended: Provided,
That the Assistant Secretary of the Army for Civil Works
shall provide a monthly report to the Committees on Approp-
riations of the House of Representatives and the Senate
detailing the allocation and obligation of these funds, begin-
ning not later than 60 days after enactment of this Act:
Provided further, That the amount in this paragraph is des-
ignated by Congress as being for disaster relief pursuant
to section 251(b)(2)(D) of the Balanced Budget and Emer-
gency Deficit Control Act of 1985 (Public Law 99–177),
as amended.
This Act may be cited as the “Energy and Water De-
velopment and Related Agencies Appropriations Act,
2012”. 

•HR 2354 RS
AN ACT

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

JULY 18, 2011
Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 7, 2011
Reported with an amendment