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.

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

That the following sums are appropriated, out of any
money in the Treasury not otherwise appropriated, for en-
ergy and water development and related agencies for the
fiscal year ending September 30, 2012, and for other pur-
poses, namely:

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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:

\[ \text{TITLE I} \]

\[ \text{CORPS OF ENGINEERS—CIVIL} \]

\[ \text{DEPARTMENT OF THE ARMY} \]

\[ \text{Corps of Engineers—civil} \]

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.

\[ \text{GENERAL INVESTIGATIONS} \]

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
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 de-feasible 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

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 manage-
ment activities pursuant to the Energy Policy and Con-
servation 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 Gen-
eral Fund of the Treasury: Provided, That paragraphs
(a)(1) and (2) of section 160 of the Energy Policy and Con-
servation 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 petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 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 capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or 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-
count 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
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.
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.

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.

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, in-
including 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-
energy defense environmental cleanup activities in carrying
out the purposes of the Department of Energy Organization
Act (42 U.S.C. 7101 et seq.), including the acquisition or
condemnation of any real property or any facility or for
plant or facility acquisition, construction, or expansion,
and the purchase of not to exceed one 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-
energy 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
the acquisition or condemnation of any real property or
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 Facil-
ity, 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-
ministration 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).

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

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, 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: 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 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.
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: 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 facil-
ity 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 appro-
priations provided for activities in this Act may be avail-
able 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 De-
partment 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 au-
thorized by the Congress for purposes of section 504 of the
year 2012 until the enactment of the Intelligence Authoriza-
tion Act for fiscal year 2012.

Sec. 304. (a) Submission to Congress.—The Sec-
retary 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 esti-
imated 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 future-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 appropriations 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 appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the administration’s policies and out year budget projections and reviewed by DOE’s senior leadership to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements 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-
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-
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 Relief 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 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.
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 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.

This Act may be cited as the “Energy and Water Development 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