

**Calendar No. 383**112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2465****[Report No. 112-164]**

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 26, 2012

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

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**A BILL**

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, 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, 2013, and for other pur-  
7 poses, namely:

1 TITLE I  
2 CORPS OF ENGINEERS—CIVIL  
3 DEPARTMENT OF THE ARMY  
4 CORPS OF ENGINEERS—CIVIL

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

11 GENERAL INVESTIGATIONS

12 For expenses necessary where authorized by law for  
13 the collection and study of basic information pertaining  
14 to river and harbor, flood and storm damage reduction,  
15 shore protection, aquatic ecosystem restoration, and re-  
16 lated needs; for surveys and detailed studies, and plans  
17 and specifications of proposed river and harbor, flood and  
18 storm damage reduction, shore protection, and aquatic  
19 ecosystem restoration, projects and related efforts prior to  
20 construction; for restudy of authorized projects; and for  
21 miscellaneous investigations, and, when authorized by law,  
22 surveys and detailed studies, and plans and specifications  
23 of projects prior to construction, \$125,000,000, to remain  
24 available until expended.

## 1 CONSTRUCTION, GENERAL

2 For expenses necessary for the construction of river  
3 and harbor, flood and storm damage reduction, shore pro-  
4 tection, aquatic ecosystem restoration, and related  
5 projects authorized by law; for conducting detailed studies,  
6 and plans and specifications, of such projects (including  
7 those involving participation by States, local governments,  
8 or private groups) authorized or made eligible for selection  
9 by law (but such detailed studies, and plans and specifica-  
10 tions, shall not constitute a commitment of the Govern-  
11 ment to construction); \$1,700,000,000, to remain avail-  
12 able until expended; of which such sums as are necessary  
13 to cover the Federal share of construction costs for facili-  
14 ties under the Dredged Material Disposal Facilities pro-  
15 gram shall be derived from the Harbor Maintenance Trust  
16 Fund as authorized by Public Law 104–303; and of which  
17 such sums as are necessary to cover one-half of the costs  
18 of construction, replacement, rehabilitation, and expansion  
19 of inland waterways projects shall be derived from the In-  
20 land Waterways Trust Fund: *Provided*, That during the  
21 fiscal year period covered by this Act, no more than 25  
22 percent of the funding proposed for Olmsted Lock and  
23 Dam, Ohio River, Illinois and Kentucky, shall be derived  
24 from the Inland Waterways Trust Fund.

## 1                   MISSISSIPPI RIVER AND TRIBUTARIES

2           For expenses necessary for flood damage reduction  
3 projects and related efforts in the Mississippi River allu-  
4 vial valley below Cape Girardeau, Missouri, as authorized  
5 by law, \$253,000,000, to remain available until expended,  
6 of which such sums as are necessary to cover the Federal  
7 share of eligible operation and maintenance costs for in-  
8 land harbors shall be derived from the Harbor Mainte-  
9 nance Trust Fund.

## 10                   OPERATION AND MAINTENANCE

11          For expenses necessary for the operation, mainte-  
12 nance, and care of existing river and harbor, flood and  
13 storm damage reduction, aquatic ecosystem restoration,  
14 and related projects authorized by law; providing security  
15 for infrastructure owned or operated by the Corps, includ-  
16 ing administrative buildings and laboratories; maintaining  
17 harbor channels provided by a State, municipality, or  
18 other public agency that serve essential navigation needs  
19 of general commerce, where authorized by law; surveying  
20 and charting northern and northwestern lakes and con-  
21 necting waters; clearing and straightening channels; and  
22 removing obstructions to navigation, \$2,404,000,000, to  
23 remain available until expended, of which such sums as  
24 are necessary to cover the Federal share of eligible oper-  
25 ation and maintenance costs for coastal harbors and chan-

1 nels, and for inland harbors shall be derived from the Har-  
2 bor Maintenance Trust Fund; of which such sums as be-  
3 come available from the special account for the Corps of  
4 Engineers established by the Land and Water Conserva-  
5 tion Fund Act of 1965 (16 U.S.C. 460l–6a(i)), as amend-  
6 ed, shall be derived from that account for resource protec-  
7 tion, research, interpretation, and maintenance activities  
8 related to resource protection in the areas at which out-  
9 door recreation is available; and of which such sums as  
10 become available from fees collected under section 217 of  
11 Public Law 104–303 shall be used to cover the cost of  
12 operation and maintenance of the dredged material dis-  
13 posal facilities for which such fees have been collected:  
14 *Provided*, That 1 percent of the total amount of funds pro-  
15 vided for each of the programs, projects or activities fund-  
16 ed under this heading shall not be allocated to a field oper-  
17 ating activity prior to the beginning of the fourth quarter  
18 of the fiscal year and shall be available for use by the Chief  
19 of Engineers to fund such emergency activities as the  
20 Chief of Engineers determines to be necessary and appro-  
21 priate, and that the Chief of Engineers shall allocate dur-  
22 ing the fourth quarter any remaining funds which have  
23 not been used for emergency activities proportionally in  
24 accordance with the amounts provided for the programs,  
25 projects or activities.

## 1 REGULATORY PROGRAM

2 For expenses necessary for administration of laws  
3 pertaining to regulation of navigable waters and wetlands,  
4 \$199,000,000, to remain available until September 30,  
5 2014.

## 6 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

7 For expenses necessary to clean up contamination  
8 from sites in the United States resulting from work per-  
9 formed as part of the Nation's early atomic energy pro-  
10 gram, \$109,000,000, to remain available until expended.

## 11 FLOOD CONTROL AND COASTAL EMERGENCIES

12 For expenses necessary to prepare for flood, hurri-  
13 cane, and other natural disasters and support emergency  
14 operations, repairs, and other activities in response to  
15 such disasters as authorized by law, \$30,000,000, to re-  
16 main available until expended.

## 17 GENERAL EXPENSES

18 For expenses necessary for the supervision and gen-  
19 eral administration of the civil works program in the head-  
20 quarters of the Corps of Engineers and the offices of the  
21 Division Engineers; and for costs of management and op-  
22 eration of the Humphreys Engineer Center Support Activ-  
23 ity, the Institute for Water Resources, the United States  
24 Army Engineer Research and Development Center, and  
25 the United States Army Corps of Engineers Finance Cen-

1 ter allocable to the civil works program, \$182,000,000, to  
2 remain available until September 30, 2014, of which not  
3 to exceed \$5,000 may be used for official reception and  
4 representation purposes and only during the current fiscal  
5 year: *Provided*, That no part of any other appropriation  
6 provided in title I of this Act shall be available to fund  
7 the civil works activities of the Office of the Chief of Engi-  
8 neers or the civil works executive direction and manage-  
9 ment activities of the division offices: *Provided further*,  
10 That any Flood Control and Coastal Emergencies appro-  
11 priation may be used to fund the supervision and general  
12 administration of emergency operations, repairs, and other  
13 activities in response to any flood, hurricane, or other nat-  
14 ural disaster.

15 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
16 FOR CIVIL WORKS

17 For the Office of the Assistant Secretary of the Army  
18 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),  
19 \$5,000,000, to remain available until September 30, 2014.

20 ADMINISTRATIVE PROVISION

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

1           GENERAL PROVISIONS, CORPS OF  
2                           ENGINEERS—CIVIL  
3                           (INCLUDING TRANSFERS OF FUNDS)

4           SEC. 101. (a) None of the funds provided in title I  
5 of this Act, or provided by previous appropriations Acts  
6 to the agencies or entities funded in title I of this Act  
7 that remain available for obligation or expenditure in fiscal  
8 year 2013, shall be available for obligation or expenditure  
9 through a reprogramming of funds that:

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

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

13                   (3) increases funds or personnel for any pro-  
14                   gram, project, or activity for which funds have been  
15                   denied or restricted by this Act, unless prior ap-  
16                   proval is received from the House and Senate Com-  
17                   mittees on Appropriations;

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

22                   (5) augments or reduces existing programs,  
23                   projects or activities in excess of the amounts con-  
24                   tained in subsections 6 through 10, unless prior ap-

1       proval is received from the House and Senate Com-  
2       mittees on Appropriations;

3           (6) GENERAL INVESTIGATIONS.—For a base  
4       level over \$100,000, reprogramming of 25 percent of  
5       the base amount up to a limit of \$150,000 per  
6       project, study or activity is allowed: *Provided*, That  
7       for a base level less than \$100,000, the reprogram-  
8       ming limit is \$25,000: *Provided further*, That up to  
9       \$25,000 may be reprogrammed into any continuing  
10      study or activity that did not receive an appropria-  
11      tion for existing obligations and concomitant admin-  
12      istrative expenses;

13          (7) CONSTRUCTION, GENERAL.—For a base  
14      level over \$2,000,000, reprogramming of 15 percent  
15      of the base amount up to a limit of \$3,000,000 per  
16      project, study or activity is allowed: *Provided*, That  
17      for a base level less than \$2,000,000, the re-  
18      programming limit is \$300,000: *Provided further*,  
19      That up to \$3,000,000 may be reprogrammed for  
20      settled contractor claims, changed conditions, or real  
21      estate deficiency judgments: *Provided further*, That  
22      up to \$300,000 may be reprogrammed into any con-  
23      tinuing study or activity that did not receive an ap-  
24      propriation for existing obligations and concomitant  
25      administrative expenses;

1           (8) OPERATION AND MAINTENANCE.—Unlim-  
2           ited reprogramming authority is granted in order for  
3           the Corps to be able to respond to emergencies: *Pro-*  
4           *vided*, That the Chief of Engineers must notify the  
5           House and Senate Committees on Appropriations of  
6           these emergency actions as soon thereafter as prac-  
7           ticable: *Provided further*, That for a base level over  
8           \$1,000,000, reprogramming of 15 percent of the  
9           base amount a limit of \$5,000,000 per project, study  
10          or activity is allowed: *Provided further*, That for a  
11          base level less than \$1,000,000, the reprogramming  
12          limit is \$150,000: *Provided further*, That \$150,000  
13          may be reprogrammed into any continuing study or  
14          activity that did not receive an appropriation;

15          (9) MISSISSIPPI RIVER AND TRIBUTARIES.—  
16          The same reprogramming guidelines for the Inves-  
17          tigations, Construction, and Operation and Mainte-  
18          nance portions of the Mississippi River and Tribu-  
19          taries Account as listed above; and

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

23          (b) DE MINIMUS REPROGRAMMINGS.—In no case  
24          should a reprogramming for less than \$50,000 be sub-

1 mitted to the House and Senate Committees on Appro-  
2 priations.

3 (c) CONTINUING AUTHORITIES PROGRAM.—Sub-  
4 section (a)(1) shall not apply to any project or activity  
5 funded under the continuing authorities program.

6 (d) Not later than 60 days after the date of enact-  
7 ment of this Act, the Corps of Engineers shall submit a  
8 report to the House and Senate Committees on Appropria-  
9 tions to establish the baseline for application of re-  
10 programming and transfer authorities for the current fis-  
11 cal year: *Provided*, That the report shall include:

12 (1) A table for each appropriation with a sepa-  
13 rate column to display the President's budget re-  
14 quest, adjustments made by Congress, adjustments  
15 due to enacted rescissions, if applicable, and the fis-  
16 cal year enacted level;

17 (2) A delineation in the table for each appro-  
18 priation both by object class and program, project  
19 and activity as detailed in the budget appendix for  
20 the respective appropriations; and.

21 (3) An identification of items of special congres-  
22 sional interest.

23 SEC. 102. None of the funds in this Act, or previous  
24 Acts, making funds available for Energy and Water Devel-  
25 opment, shall be used to award any continuing contract

1 that commits additional funding from the Inland Water-  
2 ways Trust Fund unless or until such time that a long-  
3 term mechanism to enhance revenues in this Fund suffi-  
4 cient to meet the cost-sharing authorized in the Water Re-  
5 sources Development Act of 1986 (Public Law 99–662)  
6 is enacted.

7       SEC. 103. Within 120 days of the date of the Chief  
8 of Engineers Report on a water resource matter, the As-  
9 sistant Secretary of the Army (Civil Works) shall submit  
10 the report to the appropriate authorizing and appro-  
11 priating committees of the Congress.

12       SEC. 104. During the fiscal year period covered by  
13 this Act, the Secretary of the Army is authorized to imple-  
14 ment measures recommended in the efficacy study author-  
15 ized under section 3061 of the Water Resources Develop-  
16 ment Act of 2007 (121 Stat. 1121) or in interim reports,  
17 with such modifications or emergency measures as the  
18 Secretary of the Army determines to be appropriate, to  
19 prevent aquatic nuisance species from dispersing into the  
20 Great Lakes by way of any hydrologic connection between  
21 the Great Lakes and the Mississippi River Basin.

22       SEC. 105. The Secretary of the Army may transfer  
23 to the Fish and Wildlife Service, and the Fish and Wildlife  
24 Service may accept and expend, up to \$4,300,000 of funds  
25 provided in this title under the heading “Operation and

1 Maintenance” to mitigate for fisheries lost due to Corps  
2 of Engineers projects.

3 SEC. 106. Section 3(a)(6) of Public Law 100–676 is  
4 amended by striking both occurrences of “\$775,000,000”  
5 and inserting in lieu thereof, “\$2,918,000,000”.

6 SEC. 107. That portion of the project for navigation,  
7 Ipswich River, Massachusetts adopted by the Rivers and  
8 Harbor Act of August 5, 1886 consisting of a 4-foot chan-  
9 nel located at the entrance to the harbor at Ipswich Har-  
10 bor, lying northwesterly of a line commencing at:  
11 N3074938.09, E837154.87, thence running easterly  
12 about 60 feet to a point with coordinates N3074972.62,  
13 E837203.93, is no longer authorized as a Federal project  
14 after the date of enactment of this Act.

15 SEC. 108. That portion of the project of navigation,  
16 Chicago Harbor, Illinois, authorized by the River and Har-  
17 bor Acts of March 3, 1899 and March 2, 1919, and that  
18 begins at the southwest corner of the Metropolitan Sani-  
19 tary District of Greater Chicago sluice gate that abuts the  
20 north wall of the Chicago River Lock and that continues  
21 north for approximately 290 feet, thence east approxi-  
22 mately 1,000 feet, then south approximately 290 feet,  
23 thence west approximately 1,000 feet to the point of begin-  
24 ning shall no longer be authorized as a Federal project  
25 after the date of enactment of this Act.

1        SEC. 109. That portion of the project for navigation,  
2 Warwick Cove, Rhode Island, carried out pursuant to the  
3 authority provided by section 107 of the River and Harbor  
4 Act of 1960 (Public Law 86–645; 33 U.S.C. 577) that  
5 is located within the 5-acre anchorage area east of the  
6 channel and lying east of the line beginning at a point  
7 with coordinates N357,664.900, E220,349.798 thence  
8 running northwesterly about 170.38 feet to a point with  
9 coordinates N357,637.740, E220,517.990 thence running  
10 northwesterly about 165.98 feet to a point with coordi-  
11 nates N357,587.160, E220,676.080 thence running  
12 northeasterly 138.96 feet to a point with coordinates  
13 N357,589.020, E220,815.030 thence running northeast-  
14 erly 101.57 feet to a point with coordinates  
15 N357,604.220, E220,915.460 thence running 168.20 feet  
16 to a point with coordinates N357,657.054, E221,075.143  
17 thence running northeasterly 106.40 feet to a point with  
18 coordinates N357,717.627, E221,162.616 shall no longer  
19 be authorized after the date of enactment of this Act.

20        SEC. 110. The project for flood control, Little Cal-  
21 umet River, Indiana, authorized by section 401(a) of the  
22 Water Resources Development Act of 1986 (Public Law  
23 99–662; 100 Stat. 4115), is modified to authorize the Sec-  
24 retary to carry out the project at a total cost of  
25 \$269,988,000 with an estimated Federal cost of

1 \$202,800,000 and an estimated non-Federal cost of  
2 \$67,188,000.

3 SEC. 111. (a) The Secretary is authorized to carry  
4 over credits in excess of the Non-Federal Sponsor's share  
5 of total project cost between the C-111 South Dade  
6 project, authorized by section 203 of the Flood Control  
7 Act of 1948 (62 Stat. 1176) and modified by section 203  
8 of the Flood Control Act of 1968 (82 Stat. 740-741) and  
9 section 316 of the Water Resources Development Act of  
10 1996 (110 Stat. 3715), and the Kissimmee River project,  
11 authorized in section 101(8) of the Water Resources De-  
12 velopment Act of 1992 (106 Stat. 4802). Nothing in this  
13 subsection affects the authorized cost sharing of these  
14 projects.

15 (b) Section 101(8) of the Water Resources Develop-  
16 ment Act of 1992 (106 Stat. 4802) is amended to combine  
17 the two current authorized total project costs for the eco-  
18 system restoration and headwaters revitalization projects  
19 into a single authorized total project cost—

20 (1) By striking “at a total cost of  
21 \$426,885,000, with an estimated Federal cost of  
22 \$139,943,000 and an estimated non-Federal cost of  
23 \$286,942,000. The Secretary is further authorized  
24 to construct” and inserting “and”; and

1           (2) By striking “, at a total cost of  
2           \$92,210,000, with an estimated Federal cost of  
3           \$46,105,000 and an estimated non-Federal cost of  
4           \$46,105,000.” and inserting “. The total cost of the  
5           ecosystem restoration and headwaters revitalization  
6           projects is \$519,095,000, with an estimated Federal  
7           cost of \$186,048,000 and an estimated non-Federal  
8           cost of \$333,047,000.”.

9           (c) The amendment made by subsection (b) is effec-  
10          tive October 31, 1992.

11          SEC. 112. (a) EXPEDITED STUDY AND REPORT.—  
12          The Secretary shall—

13               (1) expedite completion of the report for the  
14               study authorized by section 3061(d) of the Water  
15               Resources Development Act of 2007 (Public Law  
16               110–114; 121 Stat. 1121).

17               (b) FOCUS.—In expediting the completion of the  
18               study and report under subsection (a), the Secretary shall  
19               focus on—

20                       (1) the prevention of the spread of aquatic nui-  
21                       sance species between the Great Lakes and Mis-  
22                       sissippi River Basins, such as through the perma-  
23                       nent hydrological separation of the Great Lakes and  
24                       Mississippi River Basins; and

1           (2) the watersheds of the following rivers and  
2           tributaries associated with the Chicago Area Water-  
3           way System:

4                   (A) The Illinois River, at and in the vicin-  
5                   ity of Chicago, Illinois.

6                   (B) The Chicago River, Calumet River,  
7                   North Shore Channel, Chicago Sanitary and  
8                   Ship Canal, and Cal-Sag Channel in the State  
9                   of Illinois.

10                   (C) The Grand Calumet River and Little  
11                   Calumet River in the States of Illinois and Indi-  
12                   ana.

13           (c) DEADLINE.—The Secretary shall complete the re-  
14           port under subsection (a) by not later than July 1, 2014.

## 15   TITLE II

### 16   DEPARTMENT OF THE INTERIOR

#### 17   CENTRAL UTAH PROJECT

##### 18   CENTRAL UTAH PROJECT COMPLETION ACCOUNT

19           For carrying out activities authorized by the Central  
20           Utah Project Completion Act, \$21,000,000, to remain  
21           available until expended, of which \$1,200,000 shall be de-  
22           posited into the Utah Reclamation Mitigation and Con-  
23           servation Account for use by the Utah Reclamation Miti-  
24           gation and Conservation Commission. In addition, for nec-  
25           essary expenses incurred in carrying out related respon-

1 sibilities of the Secretary of the Interior, \$1,300,000 to  
2 remain available until September 30, 2014.

3 For fiscal year 2013, the Commission may use an  
4 amount not to exceed \$1,500,000 for administrative ex-  
5 penses.

6 BUREAU OF RECLAMATION

7 The following appropriations shall be expended to  
8 execute authorized functions of the Bureau of Reclama-  
9 tion:

10 WATER AND RELATED RESOURCES

11 (INCLUDING TRANSFERS OF FUNDS)

12 For management, development, and restoration of  
13 water and related natural resources and for related activi-  
14 ties, including the operation, maintenance, and rehabilita-  
15 tion of reclamation and other facilities, participation in  
16 fulfilling related Federal responsibilities to Native Ameri-  
17 cans, and related grants to, and cooperative and other  
18 agreements with, State and local governments, federally  
19 recognized Indian tribes, and others, \$892,135,000, to re-  
20 main available until expended, of which \$29,000 shall be  
21 available for transfer to the Upper Colorado River Basin  
22 Fund and \$6,985,000 shall be available for transfer to the  
23 Lower Colorado River Basin Development Fund; of which  
24 such amounts as may be necessary may be advanced to  
25 the Colorado River Dam Fund: *Provided*, That such trans-

1 fers may be increased or decreased within the overall ap-  
2 propriation under this heading: *Provided further*, That of  
3 the total appropriated, the amount for program activities  
4 that can be financed by the Reclamation Fund or the Bu-  
5 reau of Reclamation special fee account established by 16  
6 U.S.C. 6806 shall be derived from that Fund or account:  
7 *Provided further*, That funds contributed under 43 U.S.C.  
8 395 are available until expended for the purposes for  
9 which contributed: *Provided further*, That funds advanced  
10 under 43 U.S.C. 397a shall be credited to this account  
11 and are available until expended for the same purposes  
12 as the sums appropriated under this heading: *Provided*  
13 *further*, That of the amounts provided herein, funds may  
14 be used for high-priority projects which shall be carried  
15 out by the Youth Conservation Corps, as authorized by  
16 16 U.S.C. 1706.

17 CENTRAL VALLEY PROJECT RESTORATION FUND

18 For carrying out the programs, projects, plans, habi-  
19 tat restoration, improvement, and acquisition provisions of  
20 the Central Valley Project Improvement Act, \$39,883,000,  
21 to be derived from such sums as may be collected in the  
22 Central Valley Project Restoration Fund pursuant to sec-  
23 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law  
24 102-575, to remain available until expended: *Provided*,  
25 That the Bureau of Reclamation is directed to assess and

1 collect the full amount of the additional mitigation and  
2 restoration payments authorized by section 3407(d) of  
3 Public Law 102–575: *Provided further*, That none of the  
4 funds made available under this heading may be used for  
5 the acquisition or leasing of water for in-stream purposes  
6 if the water is already committed to in-stream purposes  
7 by a court adopted decree or order.

8 CALIFORNIA BAY-DELTA RESTORATION  
9 (INCLUDING TRANSFERS OF FUNDS)

10 For carrying out activities authorized by the Water  
11 Supply, Reliability, and Environmental Improvement Act  
12 (Public Law 108–361), consistent with plans to be ap-  
13 proved by the Secretary of the Interior, \$36,000,000, to  
14 remain available until expended, of which such amounts  
15 as may be necessary to carry out such activities may be  
16 transferred to appropriate accounts of other participating  
17 Federal agencies to carry out authorized purposes: *Pro-*  
18 *vided*, That funds appropriated herein may be used for  
19 the Federal share of the costs of CALFED Program man-  
20 agement: *Provided further*, That the use of any funds pro-  
21 vided to the California Bay-Delta Authority for program-  
22 wide management and oversight activities shall be subject  
23 to the approval of the Secretary of the Interior: *Provided*  
24 *further*, That CALFED implementation shall be carried  
25 out in a balanced manner with clear performance meas-

1 ures demonstrating concurrent progress in achieving the  
2 goals and objectives of the program.

3 POLICY AND ADMINISTRATION

4 For necessary expenses of policy, administration, and  
5 related functions in the Office of the Commissioner, the  
6 Denver office, and offices in the five regions of the Bureau  
7 of Reclamation, to remain available until September 30,  
8 2014, \$60,000,000, to be derived from the Reclamation  
9 Fund and be nonreimbursable as provided in 43 U.S.C.  
10 377: *Provided*, That no part of any other appropriation  
11 in this Act shall be available for activities or functions  
12 budgeted as policy and administration expenses.

13 ADMINISTRATIVE PROVISION

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

17 GENERAL PROVISIONS—DEPARTMENT OF THE  
18 INTERIOR

19 SEC. 201. (a) None of the funds provided in title II  
20 of this Act for Water and Related Resources, or provided  
21 by previous appropriations Acts to the agencies or entities  
22 funded in title II of this Act for Water and Related Re-  
23 sources that remain available for obligation or expenditure  
24 in fiscal year 2013, shall be available for obligation or ex-  
25 penditure through a reprogramming of funds that—

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

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

4           (3) increases funds for any program, project, or  
5 activity for which funds have been denied or re-  
6 stricted by this Act, unless prior approval is received  
7 from the Committees on Appropriations of the  
8 House of Representatives and the Senate;

9           (4) restarts or resumes any program, project or  
10 activity for which funds are not provided in this Act,  
11 unless prior approval is received from the Commit-  
12 tees on Appropriations of the House of Representa-  
13 tives and the Senate;

14           (5) transfers funds in excess of the following  
15 limits, unless prior approval is received from the  
16 Committees on Appropriations of the House of Rep-  
17 resentatives and the Senate:

18                   (A) 15 percent for any program, project or  
19 activity for which \$2,000,000 or more is avail-  
20 able at the beginning of the fiscal year; or

21                   (B) \$300,000 for any program, project or  
22 activity for which less than \$2,000,000 is avail-  
23 able at the beginning of the fiscal year;

24           (6) transfers more than \$500,000 from either  
25 the Facilities Operation, Maintenance, and Rehabili-

1 tation category or the Resources Management and  
2 Development category to any program, project, or  
3 activity in the other category, unless prior approval  
4 is received from the Committees on Appropriations  
5 of the House of Representatives and the Senate; or

6 (7) transfers, where necessary to discharge legal  
7 obligations of the Bureau of Reclamation, more than  
8 \$5,000,000 to provide adequate funds for settled  
9 contractor claims, increased contractor earnings due  
10 to accelerated rates of operations, and real estate de-  
11 ficiency judgments, unless prior approval is received  
12 from the Committees on Appropriations of the  
13 House of Representatives and the Senate.

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

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

20 (d) The Bureau of Reclamation shall submit reports  
21 on a quarterly basis to the Committees on Appropriations  
22 of the House of Representatives and the Senate detailing  
23 all the funds reprogrammed between programs, projects,  
24 activities, or categories of funding. The first quarterly re-

1 port shall be submitted not later than 60 days after the  
2 date of enactment of this Act.

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

12       (b) The costs of the Kesterson Reservoir Cleanup  
13 Program and the costs of the San Joaquin Valley Drain-  
14 age Program shall be classified by the Secretary of the  
15 Interior as reimbursable or nonreimbursable and collected  
16 until fully repaid pursuant to the “Cleanup Program-Al-  
17 ternative Repayment Plan” and the “SJVDP-Alternative  
18 Repayment Plan” described in the report entitled “Repay-  
19 ment Report, Kesterson Reservoir Cleanup Program and  
20 San Joaquin Valley Drainage Program, February 1995”,  
21 prepared by the Department of the Interior, Bureau of  
22 Reclamation. Any future obligations of funds by the  
23 United States relating to, or providing for, drainage serv-  
24 ice or drainage studies for the San Luis Unit shall be fully

1 reimbursable by San Luis Unit beneficiaries of such serv-  
2 ice or studies pursuant to Federal reclamation law.

3       SEC. 203. The Secretary of the Interior may here-  
4 after participate in non-Federal groundwater banking pro-  
5 grams to increase the operational flexibility, reliability,  
6 and efficient use of water in the State of California, and  
7 this participation may include making payment for the  
8 storage of Central Valley Project water supplies, the pur-  
9 chase of stored water, the purchase of shares or an inter-  
10 est in ground banking facilities, or the use of Central Val-  
11 ley Project water as a medium of payment for ground-  
12 water banking services: *Provided*, That the Secretary of  
13 the Interior shall participate in groundwater banking pro-  
14 grams only to the extent allowed under State law and con-  
15 sistent with water rights applicable to the Central Valley  
16 Project: *Provided further*, That any water user to which  
17 banked water is delivered shall pay for such water in the  
18 same manner provided by that water user's then-current  
19 Central Valley Project water service, repayment, or water  
20 rights settlement contract at the rate provided by the  
21 then-current Central-Valley Project Irrigation or Munic-  
22 ipal and Industrial Rate Setting Policies; and: *Provided*  
23 *further*, That in implementing this section, the Secretary  
24 of the Interior shall comply with applicable environmental  
25 laws, including the National Environmental Policy Act of

1 1969 (42 U.S.C. 4321 et seq.) and the Endangered Spe-  
2 cies Act of 1973 (16 U.S.C. 1531 et seq.) Nothing herein  
3 shall alter or limit the Secretary’s existing authority to  
4 use groundwater banking to meet existing fish and wildlife  
5 obligations.

6       SEC. 204. Subject to compliance with all applicable  
7 Federal and State laws, a transfer of irrigation water  
8 among Central Valley Project contractors from the Friant,  
9 San Felipe, West San Joaquin, and Delta divisions, and  
10 a transfer from a long-term Friant Division water service  
11 or repayment contractor to a temporary or prior tem-  
12 porary service contractors within the place of use in exist-  
13 ence on the date of the transfer, as identified in the Bu-  
14 reau of Reclamation water rights permits for the Friant  
15 Division, shall hereafter be considered to meet the condi-  
16 tions described in subparagraphs (A) and (I) of section  
17 3405(a)(1) of the Reclamation Projects Authorization and  
18 Adjustment Act of 1992 (Public Law 102–575; 106 Stat.  
19 4709).

20       SEC. 205. (a) TERMINATION OF AUTHORITY.—Sec-  
21 tion 104(c) of the Reclamation States Emergency Drought  
22 Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by  
23 striking “2012” and inserting “2017”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 301 of the Reclamation States Emergency Drought Relief  
3 Act of 1991 (43 U.S.C. 2241) is amended—

4 (1) by striking “90,000,000” and inserting  
5 “\$110,000,000”; and

6 (2) by striking “2012” and inserting “2017”.

7 SEC. 206. The Bureau of Reclamation shall hereafter  
8 provide planning assistance in preparation for dry, criti-  
9 cally dry, and below normal water year types to Central  
10 Valley Project contractors, including those who possess  
11 contracts for refuge water supplies, upon their request.

12 SEC. 207. The Secretary, acting through the Com-  
13 missioner of the Bureau of Reclamation, may hereafter  
14 partner, provide a grant to, or enter into an agreement  
15 with local joint powers authorities formed pursuant to  
16 State law by irrigation districts and other local water dis-  
17 tricts and local governments, to advance planning and fea-  
18 sibility studies authorized by Congress for water storage  
19 projects: *Provided*, That the Secretary, acting through the  
20 Commissioner of the Bureau of Reclamation, shall ensure  
21 that applicable environmental reviews under the National  
22 Environmental Policy Act are completed on an expeditious  
23 basis and that the shortest existing applicable process  
24 under the National Environmental Policy Act shall be uti-  
25 lized, including in the completion of feasibility studies,

1 Draft Environmental Impact Statements (DEIS) and  
2 Final Environmental Impact Statements (FEIS): *Pro-*  
3 *vided further*, That the Bureau of Reclamation need not  
4 complete the DEIS or FEIS if the Commissioner deter-  
5 mines, and the Secretary concurs, that the project fails  
6 to meet applicable Federal cost-benefit requirements or  
7 standards.

8       SEC. 208. Section 10009(c)(2) of the San Joaquin  
9 River Restoration Settlement Act (Public Law 111–11;  
10 123 Stat. 1356) is amended by striking “October 1, 2019,  
11 all funds in the Fund shall be available for expenditure  
12 without further appropriation.” and inserting “October 1,  
13 2014, all funds in the Fund shall be available for expendi-  
14 ture on an annual basis in an amount not to exceed  
15 \$40,000,000 without further appropriation.” in lieu there-  
16 of.

17       SEC. 209. Within 180 days of enactment of this Act,  
18 the Secretary of the Interior shall issue a plan to facilitate  
19 additional water supply deliveries to Central Valley Project  
20 contractors in dry, critically dry, or below normal water  
21 years as determined by the Sacramento Valley 40–30–30  
22 index: *Provided*, That the Secretary shall hereafter update  
23 the plan each subsequent year that is a critically dry, dry,  
24 or below normal water year: *Provided further*, That the  
25 plan shall consider utilizing operational flexibility, inter-

1 agency cooperation, joint point of diversion, water trans-  
2 fers and exchanges, groundwater banking, recovered and  
3 rescheduled water deliveries, water conservation programs  
4 established with willing participants, source shifting, in-  
5 frastructure improvements and any other strategies  
6 deemed appropriate by the Secretary: *Provided further*,  
7 That this plan shall be developed in consultation with the  
8 Secretary of Commerce, the State of California, public  
9 water agencies, water users, and other appropriate agen-  
10 cies and stakeholders and shall take into consideration  
11 fluctuating hydrological conditions, physical constraints in  
12 the delivery system and existing legal requirements: *Pro-*  
13 *vided further*, That actions taken under this section shall  
14 not supersede or modify any applicable Federal or State  
15 law.

16 SEC. 210. Section 110(a)(3)(A)(ii) of division B of  
17 the Miscellaneous Appropriations Act 2001 is amended by  
18 striking “10” and inserting “15” in lieu thereof. Nothing  
19 in this provision shall alter the authorized cost or the au-  
20 thorized cost sharing of the referenced project.

1 TITLE III  
2 DEPARTMENT OF ENERGY  
3 ENERGY PROGRAMS  
4 ENERGY EFFICIENCY AND RENEWABLE ENERGY  
5 (INCLUDING RESCISSION OF FUNDS)  
6 For Department of Energy expenses including the  
7 purchase, construction, and acquisition of plant and cap-  
8 ital equipment, and other expenses necessary for energy  
9 efficiency and renewable energy activities in carrying out  
10 the purposes of the Department of Energy Organization  
11 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
12 condemnation of any real property or any facility or for  
13 plant or facility acquisition, construction, or expansion,  
14 \$1,985,735,000 to remain available until expended: *Pro-*  
15 *vided*, That \$164,700,000 shall be available until Sep-  
16 *tember 30, 2014 for program direction: Provided further,*  
17 *That of the unobligated balances available under this*  
18 *heading, \$69,667,000 are hereby rescinded: Provided fur-*  
19 *ther*, That no amounts may be rescinded from amounts  
20 that were designated by the Congress as an emergency re-  
21 quirement pursuant to the Concurrent Resolution on the  
22 Budget or the Balanced Budget and Emergency Deficit  
23 Control Act of 1985: *Provided further*, That of the amount  
24 provided under this heading, the Secretary may transfer  
25 up to \$100,000,000 to the Defense Production Act Fund

1 for activities of the Department of Energy pursuant to  
2 the Defense Production Act of 1950 (50 U.S.C. App.  
3 2061, et seq.).

4 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

5 For Department of Energy expenses including the  
6 purchase, construction, and acquisition of plant and cap-  
7 ital equipment, and other expenses necessary for elec-  
8 tricity delivery and energy reliability activities in carrying  
9 out the purposes of the Department of Energy Organiza-  
10 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-  
11 tion or condemnation of any real property or any facility  
12 or for plant or facility acquisition, construction, or expan-  
13 sion, \$143,015,000, to remain available until expended:  
14 *Provided*, That \$27,615,000 shall be available until Sep-  
15 tember 30, 2014 for program direction.

16 NUCLEAR ENERGY

17 For Department of Energy expenses including the  
18 purchase, construction, and acquisition of plant and cap-  
19 ital equipment, and other expenses necessary for nuclear  
20 energy activities in carrying out the purposes of the De-  
21 partment of Energy Organization Act (42 U.S.C. 7101 et  
22 seq.), including the acquisition or condemnation of any  
23 real property or any facility or for plant or facility acquisi-  
24 tion, construction, or expansion, and the purchase of not  
25 more than 10 buses and 2 ambulances, all for replacement

1 only, \$785,445,000, to remain available until expended,  
2 of which \$10,000,000 shall be derived from the Nuclear  
3 Waste Fund: *Provided*, That of the amount made available  
4 under this heading, \$92,015,000 shall be available until  
5 September 30, 2014 for program direction.

6       FOSSIL ENERGY RESEARCH AND DEVELOPMENT

7       For necessary expenses in carrying out fossil energy  
8 research and development activities, under the authority  
9 of the Department of Energy Organization Act (Public  
10 Law 95–91), including the acquisition of interest, includ-  
11 ing defeasible and equitable interests in any real property  
12 or any facility or for plant or facility acquisition or expan-  
13 sion, and for conducting inquiries, technological investiga-  
14 tions and research concerning the extraction, processing,  
15 use, and disposal of mineral substances without objection-  
16 able social and environmental costs (30 U.S.C. 3, 1602,  
17 and 1603), \$460,575,000, to remain available until ex-  
18 pended: *Provided*, That \$120,000,000 shall be available  
19 until September 30, 2014 for program direction: *Provided*  
20 *further*, That for all programs funded under Fossil Energy  
21 appropriations in this Act or any other Act, the Secretary  
22 may vest fee title or other property interests acquired  
23 under projects in any entity, including the United States.

## 1        NAVAL PETROLEUM AND OIL SHALE RESERVES

2        For expenses necessary to carry out naval petroleum  
3 and oil shale reserve activities, \$14,909,000, to remain  
4 available until expended: *Provided*, That, notwithstanding  
5 any other provision of law, unobligated funds remaining  
6 from prior years shall be available for all naval petroleum  
7 and oil shale reserve activities.

## 8                    ELK HILLS SCHOOL LANDS FUND

9        For necessary expenses in fulfilling the final payment  
10 under the Settlement Agreement entered into by the  
11 United States and the State of California on October 11,  
12 1996, as authorized by section 3415 of Public Law 104–  
13 106, \$15,579,815, for payment to the State of California  
14 for the State Teachers' Retirement Fund, of which  
15 \$15,579,815 will be derived from the Elk Hills School  
16 Lands Fund.

## 17                    STRATEGIC PETROLEUM RESERVE

18        For necessary expenses for Strategic Petroleum Re-  
19 serve facility development and operations and program  
20 management activities pursuant to the Energy Policy and  
21 Conservation Act of 1975, as amended (42 U.S.C. 6201  
22 et seq.), \$195,609,000, to remain available until expended.

## 1           NORTHEAST HOME HEATING OIL RESERVE

2                   (INCLUDING RESCISSION OF FUNDS)

3           For necessary expenses for Northeast Home Heating  
4 Oil Reserve storage, operation, and management activities  
5 pursuant to the Energy Policy and Conservation Act,  
6 \$10,119,000, to remain available until expended: *Pro-*  
7 *vided*, That of the unobligated balances from prior year  
8 appropriations available under this heading, \$6,000,000  
9 are hereby permanently rescinded: *Provided further*, That  
10 no amounts may be rescinded from amounts that were  
11 designated by the Congress as an emergency requirement  
12 pursuant to the Concurrent Resolution on the Budget or  
13 the Balanced Budget and Emergency Deficit Control Act  
14 of 1985, as amended.

## 15           ENERGY INFORMATION ADMINISTRATION

16           For necessary expenses in carrying out the activities  
17 of the Energy Information Administration, \$116,365,000,  
18 to remain available until expended.

## 19           NON-DEFENSE ENVIRONMENTAL CLEANUP

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

1 demnation of any real property or any facility or for plant  
2 or facility acquisition, construction, or expansion,  
3 \$228,506,000, to remain available until expended.

4 URANIUM ENRICHMENT DECONTAMINATION AND  
5 DECOMMISSIONING FUND

6 For necessary expenses in carrying out uranium en-  
7 richment facility decontamination and decommissioning,  
8 remedial actions, and other activities of title II of the  
9 Atomic Energy Act of 1954, and title X, subtitle A, of  
10 the Energy Policy Act of 1992, \$442,493,000, to be de-  
11 rived from the Uranium Enrichment Decontamination and  
12 Decommissioning Fund, to remain available until ex-  
13 pended.

14 SCIENCE

15 For Department of Energy expenses including the  
16 purchase, construction, and acquisition of plant and cap-  
17 ital equipment, and other expenses necessary for science  
18 activities in carrying out the purposes of the Department  
19 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
20 cluding the acquisition or condemnation of any real prop-  
21 erty or facility or for plant or facility acquisition, construc-  
22 tion, or expansion, and purchase of not more than 25 pas-  
23 senger motor vehicles for replacement only, including one  
24 ambulance and one bus, \$4,909,000,000, to remain avail-





1 \$108,188,000 in fiscal year 2013 may be retained and  
2 used for operating expenses within this account, and may  
3 remain available until expended, as authorized by section  
4 201 of Public Law 95–238, notwithstanding the provisions  
5 of 31 U.S.C. 3302: *Provided further*, That the sum herein  
6 appropriated shall be reduced by the amount of miscella-  
7 neous revenues received during 2013, and any related ap-  
8 propriated receipt account balances remaining from prior  
9 years' miscellaneous revenues, so as to result in a final  
10 fiscal year 2013 appropriation from the general fund esti-  
11 mated at not more than \$112,595,000.

12 OFFICE OF THE INSPECTOR GENERAL

13 For necessary expenses of the Office of the Inspector  
14 General in carrying out the provisions of the Inspector  
15 General Act of 1978, as amended, \$43,468,000, to remain  
16 available until expended.

17 ATOMIC ENERGY DEFENSE ACTIVITIES

18 NATIONAL NUCLEAR SECURITY

19 ADMINISTRATION

20 WEAPONS ACTIVITIES

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

1 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
2 condemnation of any real property or any facility or for  
3 plant or facility acquisition, construction, or expansion,  
4 and the purchase of not to exceed one ambulance,  
5 \$7,577,341,000, to remain available until expended: *Pro-*  
6 *vided*, That no funding may be made available for the B-  
7 61 Life Extension Program until the Administrator of the  
8 National Nuclear Security Administration submits to the  
9 Committees on Appropriations of the House of Represent-  
10 atives and the Senate a baseline cost, schedule, and scope  
11 estimate for the B-61 Life Extension program.

12 DEFENSE NUCLEAR NONPROLIFERATION

13 For Department of Energy expenses, including the  
14 purchase, construction, and acquisition of plant and cap-  
15 ital equipment and other incidental expenses necessary for  
16 defense nuclear nonproliferation activities, in carrying out  
17 the purposes of the Department of Energy Organization  
18 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
19 condemnation of any real property or any facility or for  
20 plant or facility acquisition, construction, or expansion,  
21 and the purchase of not to exceed one passenger motor  
22 vehicle for replacement only, \$2,458,631,000, to remain  
23 available until expended.



1 sition or condemnation of any real property or any facility  
2 or for plant or facility acquisition, construction, or expan-  
3 sion, and the purchase of not to exceed one ambulance  
4 and one fire truck for replacement only, \$5,063,987,000,  
5 to remain available until expended: *Provided*, That  
6 \$323,504,000 shall be available until September 30, 2014  
7 for program direction.

8                                   OTHER DEFENSE ACTIVITIES

9           For Department of Energy expenses, including the  
10 purchase, construction, and acquisition of plant and cap-  
11 ital equipment and other expenses, necessary for atomic  
12 energy defense, other defense activities, and classified ac-  
13 tivities, in carrying out the purposes of the Department  
14 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
15 cluding the acquisition or condemnation of any real prop-  
16 erty or any facility or for plant or facility acquisition, con-  
17 struction, or expansion, \$735,702,000, to remain available  
18 until expended: *Provided*, That \$124,445,000 shall be  
19 available until September 30, 2014 for program direction.

20                                   POWER MARKETING ADMINISTRATION

21                                   BONNEVILLE POWER ADMINISTRATION FUND

22           Expenditures from the Bonneville Power Administra-  
23 tion Fund, established pursuant to Public Law 93-454,  
24 are approved for construction of, or participating in the  
25 construction of, a high voltage line from Bonneville's high

1 voltage system to the service areas of requirements cus-  
2 tomers located within Bonneville's service area in southern  
3 Idaho, southern Montana, and western Wyoming; and  
4 such line may extend to, and interconnect in, the Pacific  
5 Northwest with lines between the Pacific Northwest and  
6 the Pacific Southwest, and for John Day Reprogramming  
7 and Construction, the Columbia River Basin White Stur-  
8 geon Hatchery, and Kelt Reconditioning and Reproductive  
9 Success Evaluation Research, and, in addition, for official  
10 reception and representation expenses in an amount not  
11 to exceed \$5,000: *Provided*, That during fiscal year 2013,  
12 no new direct loan obligations may be made.

13 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
14 ADMINISTRATION

15 For necessary expenses of operation and maintenance  
16 of power transmission facilities and of marketing electric  
17 power and energy, including transmission wheeling and  
18 ancillary services, pursuant to section 5 of the Flood Con-  
19 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-  
20 eastern power area, and including official reception and  
21 representation expenses (in an amount not to exceed  
22 \$1,500), \$8,732,000, to remain available until expended:  
23 *Provided*, That notwithstanding 31 U.S.C. 3302 and sec-  
24 tion 5 of the Flood Control Act of 1944, up to \$8,732,000  
25 collected by the Southeastern Power Administration from

1 the sale of power and related services shall be credited to  
 2 this account as discretionary offsetting collections, to re-  
 3 main available until expended for the sole purpose of fund-  
 4 ing the annual expenses of the Southeastern Power Ad-  
 5 ministration: *Provided further*, That the sum herein appro-  
 6 priated for annual expenses shall be reduced as collections  
 7 are received during the fiscal year so as to result in a final  
 8 fiscal year 2013 appropriation estimated at not more than  
 9 \$0: *Provided further*, That, notwithstanding 31 U.S.C.  
 10 3302, up to \$87,696,000 collected by the Southeastern  
 11 Power Administration pursuant to the Flood Control Act  
 12 of 1944 to recover purchase power and wheeling expenses  
 13 shall be credited to this account as offsetting collections,  
 14 to remain available until expended for the sole purpose  
 15 of making purchase power and wheeling expenditures:  
 16 *Provided further*, That for purposes of this appropriation,  
 17 annual expenses means expenditures that are generally re-  
 18 covered in the same year that they are incurred (excluding  
 19 purchase power and wheeling expenses).

20 OPERATION AND MAINTENANCE, SOUTHWESTERN

21 POWER ADMINISTRATION

22 For necessary expenses of operation and maintenance  
 23 of power transmission facilities and of marketing electric  
 24 power and energy, for construction and acquisition of  
 25 transmission lines, substations and appurtenant facilities,

1 and for administrative expenses, including official recep-  
2 tion and representation expenses in an amount not to ex-  
3 ceed \$1,500 in carrying out section 5 of the Flood Control  
4 Act of 1944 (16 U.S.C. 825s), as applied to the South-  
5 western Power Administration, \$44,200,000, to remain  
6 available until expended: *Provided*, That notwithstanding  
7 31 U.S.C. 3302 and section 5 of the Flood Control Act  
8 of 1944 (16 U.S.C. 825s), up to \$32,308,000 collected  
9 by the Southwestern Power Administration from the sale  
10 of power and related services shall be credited to this ac-  
11 count as discretionary offsetting collections, to remain  
12 available until expended, for the sole purpose of funding  
13 the annual expenses of the Southwestern Power Adminis-  
14 tration: *Provided further*, That the sum herein appro-  
15 priated for annual expenses shall be reduced as collections  
16 are received during the fiscal year so as to result in a final  
17 fiscal year 2013 appropriation estimated at not more than  
18 \$11,892,000: *Provided further*, That, notwithstanding 31  
19 U.S.C. 3302, up to \$41,000,000 collected by the South-  
20 western Power Administration pursuant to the Flood Con-  
21 trol Act of 1944 to recover purchase power and wheeling  
22 expenses shall be credited to this account as offsetting col-  
23 lections, to remain available until expended for the sole  
24 purpose of making purchase power and wheeling expendi-  
25 tures: *Provided further*, That, for purposes of this appro-

1 priation, annual expenses means expenditures that are  
2 generally recovered in the same year that they are in-  
3 curred (excluding purchase power and wheeling expenses).

4 CONSTRUCTION, REHABILITATION, OPERATION AND  
5 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
6 TRATION

7 For carrying out the functions authorized by title III,  
8 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
9 U.S.C. 7152), and other related activities including con-  
10 servation and renewable resources programs as author-  
11 ized, including official reception and representation ex-  
12 penses (in an amount not to exceed \$1,500);  
13 \$291,920,000, to remain available until expended, of  
14 which \$281,702,000 shall be derived from the Department  
15 of the Interior Reclamation Fund: *Provided*, That notwith-  
16 standing 31 U.S.C. 3302, section 5 of the Flood Control  
17 Act of 1944 (16 U.S.C. 825s), and section 1 of the Inte-  
18 rior Department Appropriation Act, 1939 (43 U.S.C.  
19 392a), up to \$195,790,000 collected by the Western Area  
20 Power Administration from the sale of power and related  
21 services shall be credited to this account as discretionary  
22 offsetting collections, to remain available until expended,  
23 for the sole purpose of funding the annual expenses of the  
24 Western Area Power Administration: *Provided further*,  
25 That the sum herein appropriated for annual expenses

1 shall be reduced as collections are received during the fis-  
2 cal year so as to result in a final fiscal year 2013 appro-  
3 priation estimated at not more than \$96,130,000, of which  
4 \$85,912,000 is derived from the Reclamation Fund: *Pro-*  
5 *vided further*, That of the amount herein appropriated, not  
6 more than \$3,375,000 is for deposit into the Utah Rec-  
7 lamation Mitigation and Conservation Account pursuant  
8 to title IV of the Reclamation Projects Authorization and  
9 Adjustment Act of 1992: *Provided further*, That notwith-  
10 standing 31 U.S.C. 3302, up to \$242,858,000 collected  
11 by the Western Area Power Administration pursuant to  
12 the Flood Control Act of 1944 and the Reclamation  
13 Project Act of 1939 to recover purchase power and wheel-  
14 ing expenses shall be credited to this account as offsetting  
15 collections, to remain available until expended for the sole  
16 purpose of making purchase power and wheeling expendi-  
17 tures: *Provided further*, That for purposes of this appro-  
18 priation, annual expenses means expenditures that are  
19 generally recovered in the same year that they are in-  
20 curred (excluding purchase power and wheeling expenses).

21 FALCON AND AMISTAD OPERATING AND MAINTENANCE

22 FUND

23 For operation, maintenance, and emergency costs for  
24 the hydroelectric facilities at the Falcon and Amistad  
25 Dams, \$5,555,000, to remain available until expended,

1 and to be derived from the Falcon and Amistad Operating  
2 and Maintenance Fund of the Western Area Power Ad-  
3 ministration, as provided in section 2 of the Act of June  
4 18, 1954 (68 Stat. 255) as amended: *Provided*, That not-  
5 withstanding the provisions of that Act and of 31 U.S.C.  
6 3302, up to \$5,335,000 collected by the Western Area  
7 Power Administration from the sale of power and related  
8 services from the Falcon and Amistad Dams shall be cred-  
9 ited to this account as discretionary offsetting collections,  
10 to remain available until expended for the sole purpose  
11 of funding the annual expenses of the hydroelectric facili-  
12 ties of these Dams and associated Western Area Power  
13 Administration activities: *Provided further*, That the sum  
14 herein appropriated for annual expenses shall be reduced  
15 as collections are received during the fiscal year so as to  
16 result in a final fiscal year 2013 appropriation estimated  
17 at not more than \$220,000: *Provided further*, That for  
18 purposes of this appropriation, annual expenses means ex-  
19 penditures that are generally recovered in the same year  
20 that they are incurred.

21 FEDERAL ENERGY REGULATORY COMMISSION

22 SALARIES AND EXPENSES

23 For necessary expenses of the Federal Energy Regu-  
24 latory Commission to carry out the provisions of the De-  
25 partment of Energy Organization Act (42 U.S.C. 7101 et

1 seq.), including services as authorized by 5 U.S.C. 3109,  
2 the hire of passenger motor vehicles, and official reception  
3 and representation expenses (not to exceed \$3,000),  
4 \$304,600,000, to remain available until expended: *Pro-*  
5 *vided*, That notwithstanding any other provision of law,  
6 not to exceed \$304,600,000 of revenues from fees and an-  
7 nual charges, and other services and collections in fiscal  
8 year 2013 shall be retained and used for necessary ex-  
9 penses in this account, and shall remain available until  
10 expended: *Provided further*, That the sum herein appro-  
11 priated from the general fund shall be reduced as revenues  
12 are received during fiscal year 2013 so as to result in a  
13 final fiscal year 2013 appropriation from the general fund  
14 estimated at not more than \$0.

15 GENERAL PROVISIONS, DEPARTMENT OF

16 ENERGY

17 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

18 SEC. 301. The unexpended balances of prior appro-  
19 priations provided for activities in this Act may be avail-  
20 able to the same appropriation accounts for such activities  
21 established pursuant to this title. Available balances may  
22 be merged with funds in the applicable established ac-  
23 counts and thereafter may be accounted for as one fund  
24 for the same time period as originally enacted.

1        SEC. 302. Funds appropriated by this or any other  
2 Act, or made available by the transfer of funds in this  
3 Act, for intelligence activities are deemed to be specifically  
4 authorized by the Congress for purposes of section 504  
5 of the National Security Act of 1947 (50 U.S.C. 414) dur-  
6 ing fiscal year 2013 until the enactment of the Intelligence  
7 Authorization Act for fiscal year 2013.

8        SEC. 303. None of the funds made available in this  
9 title shall be used for the construction of facilities classi-  
10 fied as high-hazard nuclear facilities under 10 CFR Part  
11 830 unless independent oversight is conducted by the Of-  
12 fice of Health, Safety, and Security to ensure the project  
13 is in compliance with nuclear safety requirements.

14        SEC. 304. None of the funds made available in this  
15 title may be used to approve critical decision-2 or critical  
16 decision-3 under Department of Energy Order 413.3B, or  
17 any successive departmental guidance, for construction  
18 projects where the total project cost exceeds  
19 \$100,000,000, until a separate independent cost estimate  
20 has been developed for the project for that critical deci-  
21 sion.

22        SEC. 305. (a) Any determination (including a deter-  
23 mination made prior to the date of enactment of this Act)  
24 by the Secretary pursuant to section 3112(d)(2)(B) of the  
25 USEC Privatization Act (110 Stat. 1321–335), as amend-

1 ed, that the sale or transfer of uranium will not have an  
2 adverse material impact on the domestic uranium mining,  
3 conversion, or enrichment industry shall be valid for not  
4 more than 2 calendar years subsequent to such determina-  
5 tion.

6 (b) Not less than 30 days prior to the provision of  
7 uranium in any form the Secretary shall notify the House  
8 and Senate Committees on Appropriations of the fol-  
9 lowing:

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

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

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

16 (4) the recipient of the uranium; and

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

20 (c) Not later than June 30, 2013, the Secretary shall  
21 submit to the House and Senate Committees on Appro-  
22 priations a revised excess uranium inventory management  
23 plan for fiscal years 2014 through 2019.

24 SEC. 306. Section 20320 of the Continuing Appro-  
25 priations Resolution, 2007, Public Law 109–289, division

1 B, as amended by the Revised Continuing Appropriations  
2 Resolution, 2007, Public Law 110–5, is amended by strik-  
3 ing in subsection (c) “an annual review” after “conduct”  
4 and inserting in lieu thereof “a review every three years”.

5 SEC. 307. (a) The Secretary may transfer, not earlier  
6 than 30 days after certification to the Committees on Ap-  
7 propriations of the House of Representatives and the Sen-  
8 ate that such transfer is needed for national security rea-  
9 sons, and after congressional notification and approval of  
10 the Committees on Appropriations of the House of Rep-  
11 resentatives and the Senate, up to \$150,000,000 made  
12 available to any National Nuclear Security Administration  
13 account in this Act to further the development and dem-  
14 onstration of national security-related enrichment tech-  
15 nologies.

16 (b) The Secretary shall provide, directly or indirectly,  
17 Federal funds, resources, or other benefit for the research,  
18 development, or deployment of domestic enrichment tech-  
19 nology under this section—

20 (1) using merit selection procedures; and

21 (2) only if the Secretary shall execute an agree-  
22 ment with the recipient (or any affiliate, successor,  
23 or assignee) of such funds, resources, or other ben-  
24 efit (hereinafter referred to as the “recipient”),  
25 which shall require, at a minimum—

1 (A) the achievement of specific technical  
2 criteria by the recipient by specific dates no  
3 later than June 30, 2014;

4 (B) that the recipient shall—

5 (i) immediately upon execution of the  
6 agreement, grant to the United States for  
7 use by or on behalf of the United States,  
8 through the Secretary, a royalty-free, non-  
9 exclusive license in all enrichment-related  
10 intellectual property and associated tech-  
11 nical data owned, licensed or otherwise  
12 controlled by the recipient as of the date of  
13 enactment of this Act, or thereafter devel-  
14 oped or acquired to meet the requirements  
15 of the agreement;

16 (ii) amend any existing agreement be-  
17 tween the Secretary and the recipient to  
18 permit the Secretary to practice or permit  
19 third parties on behalf of the Secretary to  
20 practice intellectual property and associ-  
21 ated technical data related to the award of  
22 funds, resources, or other benefit royalty-  
23 free for government purposes, including  
24 completing or operating enrichment tech-  
25 nologies and using them for national de-

1                   fense purposes, such as providing nuclear  
2                   material to operate commercial nuclear  
3                   power reactors for tritium production; and  
4                   (iii) as soon as practicable, deliver to  
5                   the Secretary all technical information and  
6                   other documentation in its possession or  
7                   control necessary to permit the Secretary  
8                   to use and practice all intellectual property  
9                   related to domestic enrichment tech-  
10                  nologies; and

11                  (C) any other condition or restriction the  
12                  Secretary determines is necessary to protect the  
13                  interests of the United States.

14                  (c) If the Secretary determines that a recipient has  
15 not achieved the technical criteria under the agreement  
16 pursuant to subsection (b), either by the dates specified  
17 in the original agreement or by June 30, 2014, whichever  
18 is earlier, the recipient shall, as soon as practicable, sur-  
19 render custody, possession and control, or return, as ap-  
20 propriate, any real or personal property owned or leased  
21 by the recipient, to the Secretary in connection with the  
22 deployment of enrichment technology, along with all cap-  
23 ital improvements, equipment, fixtures, appurtenances,  
24 and other improvements thereto, and any further obliga-  
25 tion by the Secretary under any such lease shall terminate.

1 (d)(1) The limitations in this section shall apply to  
2 funds made available in this Act, prior Appropriations  
3 Acts, and any future Appropriations Acts.

4 (2) This section shall not apply with regard to the  
5 issuance of any loan guarantee pursuant to section 1703  
6 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

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

13 (b) LIMITATIONS.—

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

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

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

23 (4) PAY.—

24 (A) IN GENERAL.—The Secretary shall  
25 have the authority to fix the basic pay of an in-

1 individual appointed under subsection (a) at a  
2 rate to be determined by the Secretary up to  
3 level I of the Executive Schedule without regard  
4 to the civil service laws.

5 (B) TOTAL ANNUAL COMPENSATION.—The  
6 total annual compensation for any individual  
7 appointed under subsection (a) may not exceed  
8 the highest total annual compensation payable  
9 at the rate determined under section 104 of  
10 title 3, United States Code.

11 (5) ADVERSE ACTIONS.—An individual ap-  
12 pointed under subsection (a) may not be considered  
13 to be an employee for purposes of subchapter II of  
14 chapter 75 of title 5, United States Code.

15 (c) REQUIREMENTS.—

16 (1) IN GENERAL.—The Secretary shall ensure  
17 that—

18 (A) the exercise of the authority granted  
19 under subsection (a) is consistent with the  
20 merit principles of section 2301 of title 5,  
21 United States Code; and

22 (B) the Department notifies diverse profes-  
23 sional associations and institutions of higher  
24 education, including those serving the interests  
25 of women and racial or ethnic minorities that

1           are underrepresented in scientific, engineering,  
2           and mathematical fields, of position openings as  
3           appropriate.

4           (2) REPORT.—Not later than 2 years after the  
5           date of enactment of this Act, the Secretary and the  
6           Director of the Office of Personnel Management  
7           shall submit to Congress a report on the use of the  
8           authority provided under this section that includes,  
9           at a minimum, a description or analysis of—

10                   (A) the ability to attract exceptionally well  
11                   qualified scientists, engineers, and technical  
12                   personnel;

13                   (B) the amount of total compensation paid  
14                   each employee hired under the authority each  
15                   calendar year; and

16                   (C) whether additional safeguards or meas-  
17                   ures are necessary to carry out the authority  
18                   and, if so, what action, if any, has been taken  
19                   to implement the safeguards or measures.

20           (d) TERMINATION OF EFFECTIVENESS.—The au-  
21           thority provided by this section terminates effective on the  
22           date that is 4 years after the date of enactment of this  
23           Act.

24           SEC. 309. (a) IN GENERAL.—The Secretary may  
25           waive the application of section 8344 or 8468 of title 5,

1 United States Code, on a case-by-case basis, for the em-  
2 ployment of an annuitant in a position if the employment  
3 of the individual is necessary to carry out a critical func-  
4 tion of the Department for which the Department has en-  
5 countered exceptional difficulty in recruiting or retaining  
6 suitably qualified candidates.

7 (b) LIMITATION.—An annuitant employed under the  
8 authority granted by subsection (a) shall not be considered  
9 an employee for purposes of subchapter III of chapter 83  
10 and chapter 84 of title 5, United States Code.

11 (c) LIMITATION ON TERM.—The term of employment  
12 of any individual hired under subsection (a) may not ex-  
13 ceed an initial term of 2 years, with an additional 2-year  
14 appointment under exceptional circumstances.

15 (d) TERMINATION OF EFFECTIVENESS.—The au-  
16 thority provided by this section terminates effective on the  
17 date that is 4 years after the date of enactment of this  
18 Act.

19 SEC. 310. None of the funds in this Act or any other  
20 Act shall be used to deposit funds in excess of  
21 \$36,100,000 from any Federal royalties, rents, and bo-  
22 nuses derived from Federal onshore and off-shore oil and  
23 gas leases issued under the Outer Continental Shelf Lands  
24 Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act  
25 (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Un-

1 conventional Natural Gas and Other Petroleum Research  
2 Fund.

3 SEC. 311. The individuals described in paragraph (4)  
4 of section 815 of the Native American Programs Act of  
5 1974 (42 U.S.C. 2992c) shall be eligible for the programs  
6 under title XXVI of the Energy Policy Act of 1992 (25  
7 U.S.C. 3501 et seq.) in the same manner as an Indian  
8 tribe (as that term is defined in section 2601 of the En-  
9 ergy Policy Act of 1992 (25 U.S.C. 3501).

10 SEC. 312. (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

7           (d) CONSENT-BASED APPROVAL.—Prior to siting a  
8 consolidated storage facility pursuant to this section—

9           (1) the Secretary shall enter into an agreement  
10 to host the facility with—

11                   (A) the Governor of the State;

12                   (B) each unit of local government within  
13 the jurisdiction of which the facility is proposed  
14 to be located; and

15                   (C) each affected Indian tribe; and

16           (2) Congress shall approve the terms of the  
17 agreement and authorize the appropriation of funds  
18 from the Nuclear Waste Fund to implement the  
19 terms of the agreement.

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

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

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

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

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

10 (2) a schedule for—

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

14 (B) constructing the facility;

15 (C) transporting spent fuel to the facility;

16 and

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

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

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

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

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

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

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

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

1       SEC. 313. Section 1605 of Public Law 102–486 (42  
2 U.S.C. 13385) is hereby repealed.

3       SEC. 314. Section 804 of Public Law 110–140 (42  
4 U.S.C. 17283) is hereby repealed.

5       SEC. 315. Section 205 of Public Law 95–91 (42  
6 U.S.C. 7135), as amended, is hereby further amended:

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

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

#### 11                                   TITLE IV

#### 12                                   INDEPENDENT AGENCIES

#### 13                                   APPALACHIAN REGIONAL COMMISSION

14       For expenses necessary to carry out the programs au-  
15 thorized by the Appalachian Regional Development Act of  
16 1965, as amended, notwithstanding 40 U.S.C. 14704, and  
17 for necessary expenses for the Federal Co-Chairman and  
18 the Alternate on the Appalachian Regional Commission,  
19 for payment of the Federal share of the administrative ex-  
20 penses of the Commission, including services as authorized  
21 by 5 U.S.C. 3109, and hire of passenger motor vehicles,  
22 \$64,850,000, to remain available until expended.



1 DELTA REGIONAL AUTHORITY  
2 SALARIES AND EXPENSES

3 For necessary expenses of the Delta Regional Author-  
4 ity and to carry out its activities, as authorized by the  
5 Delta Regional Authority Act of 2000, as amended, not-  
6 withstanding sections 382C(b)(2), 382F(d), 382M, and  
7 382N of said Act, \$11,315,000, to remain available until  
8 expended.

9 DENALI COMMISSION

10 For expenses of the Denali Commission including the  
11 purchase, construction, and acquisition of plant and cap-  
12 ital equipment as necessary and other expenses,  
13 \$10,165,000, to remain available until expended, notwith-  
14 standing the limitations contained in section 306(g) of the  
15 Denali Commission Act of 1998: *Provided*, That funds  
16 shall be available for construction projects in an amount  
17 not to exceed 80 percent of total project cost for distressed  
18 communities, as defined by section 307 of the Denali Com-  
19 mission Act of 1998 (division C, title III, Public Law 105-  
20 277), as amended by section 701 of appendix D, title VII,  
21 Public Law 106-113 (113 Stat. 1501A-280), and an  
22 amount not to exceed 50 percent for non-distressed com-  
23 munities.

## 1           NORTHERN BORDER REGIONAL COMMISSION

2           For necessary expenses of the Northern Border Re-  
3 gional Commission in carrying out activities authorized by  
4 subtitle V of title 40, United States Code, \$1,425,000, to  
5 remain available until expended: *Provided*, That such  
6 amounts shall be available for administrative expenses,  
7 notwithstanding section 15751(b) of title 40, United  
8 States Code.

## 9                   NUCLEAR REGULATORY COMMISSION

## 10                           SALARIES AND EXPENSES

11          For necessary expenses of the Commission in car-  
12 rying out the purposes of the Energy Reorganization Act  
13 of 1974, as amended, and the Atomic Energy Act of 1954,  
14 as amended, including official representation expenses  
15 (not to exceed \$25,000), \$1,042,200,000, to remain avail-  
16 able until expended: *Provided*, That revenues from licens-  
17 ing fees, inspection services, and other services and collec-  
18 tions estimated at \$914,832,000 in fiscal year 2013 shall  
19 be retained and used for necessary salaries and expenses  
20 in this account, notwithstanding 31 U.S.C. 3302, and  
21 shall remain available until expended: *Provided further*,  
22 That the sum herein appropriated shall be reduced by the  
23 amount of revenues received during fiscal year 2013 so  
24 as to result in a final fiscal year 2013 appropriation esti-  
25 mated at not more than \$127,368,000.

## 1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector  
3 General in carrying out the provisions of the Inspector  
4 General Act of 1978, as amended, \$11,870,000, to remain  
5 available until expended: *Provided*, That revenues from li-  
6 censing fees, inspection services, and other services and  
7 collections estimated at \$9,918,000 in fiscal year 2013  
8 shall be retained and be available until expended, for nec-  
9 essary salaries and expenses in this account, notwith-  
10 standing section 3302 of title 31, United States Code: *Pro-*  
11 *vided further*, That the sum herein appropriated shall be  
12 reduced by the amount of revenues received during fiscal  
13 year 2013 so as to result in a final fiscal year 2013 appro-  
14 priation estimated at not more than \$1,952,000: *Provided*  
15 *further*, That for fiscal year 2013 and hereafter an indi-  
16 vidual appointed to the position of Inspector General of  
17 the Nuclear Regulatory Commission (NRC) shall, by vir-  
18 tue of such appointment, also hold the position of Inspec-  
19 tor General of the Defense Nuclear Facilities Safety  
20 Board: *Provided further*, That the Inspector General at the  
21 Defense Nuclear Facilities Safety Board shall have the du-  
22 ties, responsibilities, and authorities specified in the In-  
23 spector General Act of 1978, as amended: *Provided fur-*  
24 *ther*, That the Inspector General of the Defense Nuclear  
25 Facilities Safety Board shall utilize personnel of the Office

1 of Inspector General of NRC in performing the duties of  
2 the Inspector General of the Defense Nuclear Facilities  
3 Safety Board, and shall not appoint any individuals to po-  
4 sitions within the Defense Nuclear Facilities Safety  
5 Board: *Provided further*, That \$850,000 of the sum herein  
6 appropriated is for the necessary expenses of the Nuclear  
7 Regulatory Commission Office of Inspector General in  
8 providing inspector general services at the Defense Nu-  
9 clear Facilities Safety Board.

10           NUCLEAR WASTE TECHNICAL REVIEW BOARD

11                           SALARIES AND EXPENSES

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

16           OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

17                           NATURAL GAS TRANSPORTATION PROJECTS

18           For necessary expenses for the Office of the Federal  
19 Coordinator for Alaska Natural Gas Transportation  
20 Projects pursuant to the Alaska Natural Gas Pipeline Act  
21 of 2004, \$1,000,000 to remain available until September  
22 30, 2014.



1 the gift unless the expenditure has been ap-  
2 proved by an Act of Congress; and

3 “(C) the Commission shall submit an an-  
4 nual report to the House and Senate Commit-  
5 tees on Appropriations that describes the  
6 amount and terms of conditional gifts, the man-  
7 ner in which such conditional gifts were or shall  
8 be used, and any results achieved by such use.”;

9 and

10 (2) by adding at the end the following:

11 **“SEC. 311. TRANSFER OF FUNDS FROM OTHER FEDERAL**  
12 **AGENCIES.**

13 “(a) The Commission may accept transfers of funds  
14 from other Federal agencies for purposes of this Act.

15 “(b) Any Federal agency authorized to carry out an  
16 activity that is within the authority of the Commission  
17 may transfer to the Commission any appropriated funds  
18 available for such activity. Funds transferred to the Com-  
19 mission under this section shall be merged with and be  
20 available for the same time period as the commission’s ap-  
21 propriation.

22 “(c) The Commission shall submit a report to the  
23 House and Senate Committees on Appropriations detail-  
24 ing and summarizing all transfers to and expenditures  
25 from the Denali Commission under this section.”.

## TITLE V

1

## GENERAL PROVISIONS

2

3 SEC. 501. None of the funds appropriated by this Act  
4 may be used in any way, directly or indirectly, to influence  
5 congressional action on any legislation or appropriation  
6 matters pending before Congress, other than to commu-  
7 nicate to Members of Congress as described in 18 U.S.C.  
8 1913.

9 SEC. 502. None of the funds made available in this  
10 Act may be transferred to any department, agency, or in-  
11 strumentality of the United States Government, except  
12 pursuant to a transfer made by, or transfer authority pro-  
13 vided in this Act or any other appropriation Act.

14 This Act may be cited as the “Energy and Water De-  
15 velopment and Related Agencies Appropriations Act,  
16 2013”.

Calendar No. 383

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2465**

[Report No. 112-164]

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## **A BILL**

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

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APRIL 26, 2012

Read twice and placed on the calendar