

1 **DIVISION B—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2012**

2
3 **TITLE I**

4 **CORPS OF ENGINEERS—CIVIL**

5 **DEPARTMENT OF THE ARMY**

6 **CORPS OF ENGINEERS—CIVIL**

7 The following appropriations shall be expended under
8 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 river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

13 **INVESTIGATIONS**

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

1 of projects prior to construction, \$125,000,000, to remain
2 available until expended.

3 CONSTRUCTION

4 For expenses necessary for the construction of river
5 and harbor, flood and storm damage reduction, shore pro-
6 tection, aquatic ecosystem restoration, and related
7 projects authorized by law; for conducting detailed studies,
8 and plans and specifications, of such projects (including
9 those involving participation by States, local governments,
10 or private groups) authorized or made eligible for selection
11 by law (but such detailed studies, and plans and specifica-
12 tions, shall not constitute a commitment of the Govern-
13 ment to construction); \$1,694,000,000, to remain avail-
14 able until expended; of which such sums as are necessary
15 to cover the Federal share of construction costs for facili-
16 ties under the Dredged Material Disposal Facilities pro-
17 gram shall be derived from the Harbor Maintenance Trust
18 Fund as authorized by Public Law 104-303; and of which
19 such sums as are necessary to cover one-half of the costs
20 of construction, replacement, rehabilitation, and expansion
21 of inland waterways projects (including only Olmsted Lock
22 and Dam, Ohio River, Illinois and Kentucky; Emsworth
23 Locks and Dam, Ohio River, Pennsylvania; Lock and
24 Dams 2, 3, and 4, Monongahela River, Pennsylvania; and

1 Lock and Dam 27, Mississippi River, Illinois) shall be de-
2 rived from the Inland Waterways Trust Fund.

3 MISSISSIPPI RIVER AND TRIBUTARIES

4 For expenses necessary for flood damage reduction
5 projects and related efforts in the Mississippi River allu-
6 vial valley below Cape Girardeau, Missouri, as authorized
7 by law, \$252,000,000, to remain available until expended,
8 of which such sums as are necessary to cover the Federal
9 share of eligible operation and maintenance costs for in-
10 land harbors shall be derived from the Harbor Mainte-
11 nance Trust Fund.

12 OPERATION AND MAINTENANCE

13 For expenses necessary for the operation, mainte-
14 nance, and care of existing river and harbor, flood and
15 storm damage reduction, aquatic ecosystem restoration,
16 and related projects authorized by law; providing security
17 for infrastructure owned or operated by the Corps, includ-
18 ing administrative buildings and laboratories; maintaining
19 harbor channels provided by a State, municipality, or
20 other public agency that serve essential navigation needs
21 of general commerce, where authorized by law; surveying
22 and charting northern and northwestern lakes and con-
23 necting waters; clearing and straightening channels; and
24 removing obstructions to navigation, \$2,412,000,000, to
25 remain available until expended, of which such sums as

1 are necessary to cover the Federal share of eligible oper-
2 ation and maintenance costs for coastal harbors and chan-
3 nels, and for inland harbors shall be derived from the Har-
4 bor Maintenance Trust Fund; of which such sums as be-
5 come available from the special account for the Corps of
6 Engineers established by the Land and Water Conserva-
7 tion Fund Act of 1965 (16 U.S.C. 4601-6a(i)) shall be
8 derived from that account for resource protection, re-
9 search, interpretation, and maintenance activities related
10 to resource protection in the areas at which outdoor recre-
11 ation is available; and of which such sums as become avail-
12 able from fees collected under section 217 of Public Law
13 104-303 shall be used to cover the cost of operation and
14 maintenance of the dredged material disposal facilities for
15 which such fees have been collected: *Provided*, That 1 per-
16 cent of the total amount of funds provided for each of the
17 programs, projects or activities funded under this heading
18 shall not be allocated to a field operating activity prior
19 to the beginning of the fourth quarter of the fiscal year
20 and shall be available for use by the Chief of Engineers
21 to fund such emergency activities as the Chief of Engi-
22 neers determines to be necessary and appropriate, and
23 that the Chief of Engineers shall allocate during the
24 fourth quarter any remaining funds which have not been
25 used for emergency activities proportionally in accordance

1 with the amounts provided for the programs, projects or
2 activities.

3 REGULATORY PROGRAM

4 For expenses necessary for administration of laws
5 pertaining to regulation of navigable waters and wetlands,
6 \$193,000,000, to remain available until September 30,
7 2013.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

13 FLOOD CONTROL AND COASTAL EMERGENCIES

14 For expenses necessary to prepare for flood, hurri-
15 cane, and other natural disasters and support emergency
16 operations, repairs, and other activities in response to
17 such disasters as authorized by law, \$27,000,000, to re-
18 main available until expended.

19 EXPENSES

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

1 Army Engineer Research and Development Center, and
2 the United States Army Corps of Engineers Finance Cen-
3 ter allocable to the civil works program, \$185,000,000; to
4 remain available until September 30, 2013, of which not
5 to exceed \$5,000 may be used for official reception and
6 representation purposes and only during the current fiscal
7 year: *Provided*, That no part of any other appropriation
8 provided in title I of this Act shall be available to fund
9 the civil works activities of the Office of the Chief of Engi-
10 neers or the civil works executive direction and manage-
11 ment activities of the division offices: *Provided further*,
12 That any Flood Control and Coastal Emergencies appro-
13 priation may be used to fund the supervision and general
14 administration of emergency operations, repairs, and other
15 activities in response to any flood, hurricane, or other nat-
16 ural disaster.

17 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
18 FOR CIVIL WORKS

19 For the Office of the Assistant Secretary of the Army
20 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
21 \$5,000,000, to remain available until September 30, 2013.

22 ADMINISTRATIVE PROVISION

23 The Revolving Fund, Corps of Engineers, shall be
24 available during the current fiscal year for purchase (not

1 to exceed 100 for replacement only) and hire of passenger
2 motor vehicles for the civil works program.

3 GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL
4 (INCLUDING TRANSFERS OF FUNDS)

5 SEC. 101. (a) None of the funds provided in title I
6 of this Act, or provided by previous appropriations Acts
7 to the agencies or entities funded in title I of this Act
8 that remain available for obligation or expenditure in fiscal
9 year 2012, shall be available for obligation or expenditure
10 through a reprogramming of funds that:

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

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

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

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

23 (5) augments or reduces existing programs,
24 projects or activities in excess of the amounts con-
25 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) INVESTIGATIONS.—For a base level over
4 \$100,000, reprogramming of 25 percent of the base
5 amount up to a limit of \$150,000 per project, study
6 or activity is allowed: *Provided*, That for a base level
7 less than \$100,000, the reprogramming limit is
8 \$25,000: *Provided further*, That up to \$25,000 may
9 be reprogrammed into any continuing study or activ-
10 ity that did not receive an appropriation for existing
11 obligations and concomitant administrative expenses;

12 (7) CONSTRUCTION.—For a base level over
13 \$2,000,000, reprogramming of 15 percent of the
14 base amount up to a limit of \$3,000,000 per project,
15 study or activity is allowed: *Provided*, That for a
16 base level less than \$2,000,000, the reprogramming
17 limit is \$300,000: *Provided further*, That up to
18 \$3,000,000 may be reprogrammed for settled con-
19 tractor claims, changed conditions, or real estate de-
20 ficiency judgments: *Provided further*, That up to
21 \$300,000 may be reprogrammed into any continuing
22 study or activity that did not receive an appropria-
23 tion for existing obligations and concomitant admin-
24 istrative 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 appropriate, and the
16 fiscal 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 made available in this
24 title may be used to award or modify any contract that
25 commits funds beyond the amounts appropriated for that

1 program, project, or activity that remain unobligated, ex-
2 cept that such amounts may include any funds that have
3 been made available through reprogramming pursuant to
4 section 101.

5 SEC. 103. None of the funds in this Act, or previous
6 Acts, making funds available for Energy and Water Devel-
7 opment, shall be used to award any continuing contract
8 that commits additional funding from the Inland Water-
9 ways Trust Fund unless or until such time that a long-
10 term mechanism to enhance revenues in this Fund suffi-
11 cient to meet the cost-sharing authorized in the Water Re-
12 sources Development Act of 1986 (Public Law 99-662)
13 is enacted.

14 SEC. 104. Within 120 days of the date of the Chief
15 of Engineers Report on a water resource matter, the As-
16 sistant Secretary of the Army (Civil Works) shall submit
17 the report to the appropriate authorizing and appro-
18 priating committees of the Congress.

19 SEC. 105. During the fiscal year period covered by
20 this Act, the Secretary of the Army is authorized to imple-
21 ment measures recommended in the efficacy study author-
22 ized under section 3061 of the Water Resources Develop-
23 ment Act of 2007 (121 Stat. 1121) or in interim reports,
24 with such modifications or emergency measures as the
25 Secretary of the Army determines to be appropriate, to

1 prevent aquatic nuisance species from dispersing into the
2 Great Lakes by way of any hydrologic connection between
3 the Great Lakes and the Mississippi River Basin.

4 SEC. 106. The Secretary is authorized to transfer to
5 “Corps of Engineers—Civil—Construction” up to
6 \$100,000,000 of the funds provided for reinforcing or re-
7 placing flood walls under the heading “Corps of Engi-
8 neers—Civil—Flood Control and Coastal Emergencies” in
9 Public Law 109-234 and Public Law 110-252 and up to
10 \$75,000,000 of the funds provided for projects and meas-
11 ures for the West Bank and Vicinity and Lake
12 Ponchartrain and Vicinity projects under the heading
13 “Corps of Engineers—Civil—Flood Control and Coastal
14 Emergencies” in Public Law 110-28, to be used with
15 funds provided for the West Bank and Vicinity project
16 under the heading “Corps of Engineers—Civil—Construc-
17 tion” in Public Law 110-252 and Public Law 110-329,
18 consistent with 65 percent Federal and 35 percent non-
19 Federal cost share and the financing of, and payment
20 terms for, the non-Federal cash contribution associated
21 with the West Bank and Vicinity project.

22 SEC. 107. 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 \$3,800,000 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. 108. The Secretary of the Army may authorize
4 a member of the Armed Forces under the Secretary’s ju-
5 risdiction and employees of the Department of the Army
6 to serve without compensation as director, officer, or oth-
7 erwise in the management of the organization established
8 to support and maintain the participation of the United
9 States in the permanent international commission of the
10 congresses of navigation, or any successor entity.

11 SEC. 109. (a) ACQUISITION.—The Secretary is au-
12 thorized to acquire any real property and associated real
13 property interests in the vicinity of Hanover, New Hamp-
14 shire as may be needed for the Engineer Research and
15 Development Center laboratory facilities at the Cold Re-
16 gions Research and Engineering Laboratory. This real
17 property to be acquired consists of 18.5 acres more or less,
18 identified as Tracts 101–1 and 101–2, together with all
19 necessary easements located entirely within the Town of
20 Hanover, New Hampshire. The real property is generally
21 bounded to the east by state route 10-Lyme Road, to the
22 north by the vacant property of the Trustees of the Dart-
23 mouth College, to the south by Fletcher Circle graduate
24 student housing owned by the Trustees of Dartmouth Col-
25 lege, and to the west by approximately 9 acres of real

1 property acquired in fee through condemnation in 1981
2 by the Secretary of the Army.

3 (b) REVOLVING FUND.—The Secretary is authorized
4 to use the Revolving Fund (33 U.S.C. 576) through the
5 Plant Replacement and Improvement Program to acquire
6 the real property and associated real property interests in
7 subsection (a). The Secretary shall ensure that the Revolv-
8 ing Fund is appropriately reimbursed from the benefitting
9 appropriations.

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

13 (1) a right of first refusal to acquire such prop-
14 erty, or any portion thereof, in the event the prop-
15 erty, or any portion thereof, is no longer needed by
16 the Department of the Army.

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

22 (3) the purchase of any property by the Seller
23 exercising either right of first refusal authorized in
24 this section shall be for consideration acceptable to
25 the Secretary and shall be for not less than fair

1 market value at the time the property becomes avail-
2 able for purchase. The right of first refusal author-
3 ized in this section shall not inure to the benefit of
4 the Sellers successors or assigns.

5 (d) DISPOSAL.—The Secretary of the Army is au-
6 thorized to dispose of any property or associated real prop-
7 erty interests that are subject to the exercise of the right
8 of first refusal as set forth herein.

9 SEC. 110. None of the funds made available in this
10 Act may be used by the Corps of Engineers to relocate,
11 or study the relocation of, any regional division head-
12 quarters of the Corps located at a military installation or
13 any permanent employees of such headquarters.

14 SEC. 111. (a) Section 5 of the Act entitled “An Act
15 authorizing the construction of certain public works on
16 rivers and harbors for flood control, and for other pur-
17 poses,” approved June 22, 1936, (33 U.S.C. 701h), is
18 amended by—

19 (1) inserting “for work, which includes planning
20 and design,” before “to be expended”;

21 (2) striking “flood control or environmental res-
22 toration work” and inserting “water resources devel-
23 opment study or project”; and

24 (3) inserting “: *Provided further*, That the term
25 ‘States’ means the several States, the District of Co-

1 lumbia, the commonwealths, territories, and posses-
2 sions of the United States, and Federally recognized
3 Indian tribes” before the period.

4 (b) The Secretary shall notify the appropriate com-
5 mittees of Congress prior to initiation of negotiations for
6 accepting contributed funds under 33 U.S.C. 701h.

7 SEC. 112. With respect to the property covered by
8 the deed described in Auditor’s instrument No. 2006–
9 014428 of Benton County, Washington, approximately 1.5
10 acres, the following deed restrictions are hereby extin-
11 guished and of no further force and effect:

12 (1) The reversionary interest and use restric-
13 tions related to port and industrial purposes;

14 (2) The right for the District Engineer to re-
15 view all pre-construction plans and/or specifications
16 pertaining to construction and/or maintenance of
17 any structure intended for human habitation, if the
18 elevation of the property is above the standard
19 project flood elevation; and

20 (3) The right of the District Engineer to object
21 to, and thereby prevent, in his/her discretion, such
22 activity.

23 SEC. 113. That portion of the project for navigation,
24 Block Island Harbor of Refuge, Rhode Island adopted by
25 the Rivers and Harbors Act of July 11, 1870, consisting

1 of the cut-stone breakwater lining the west side of the
2 Inner Basin; beginning at a point with coordinates
3 N32579.55, E312625.53, thence running northerly about
4 76.59 feet to a point with coordinates N32655.92,
5 E312631.32, thence running northerly about 206.81 feet
6 to a point with coordinates N32858.33, E312673.74,
7 thence running easterly about 109.00 feet to a point with
8 coordinates N32832.15, E312779.54, shall no longer be
9 authorized after the date of enactment.

10 SEC. 114. The Secretary of the Army, acting through
11 the Chief of Engineers, is authorized, using amounts avail-
12 able in the Revolving Fund established by section 101 of
13 the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to
14 construct a Consolidated Infrastructure Research Equip-
15 ment Facility, an Environmental Processes and Risk Lab,
16 a Hydraulic Research Facility, an Engineer Research and
17 Development Center headquarters building, a Modular
18 Hydraulic Flume building, and to purchase real estate,
19 perform construction, and make facility, utility, street,
20 road, and infrastructure improvements to the Engineer
21 Research and Development Center's installations and fa-
22 cilities. The Secretary shall ensure that the Revolving
23 Fund is appropriately reimbursed from the benefitting ap-
24 propriations.

1 SEC. 115. Section 1148 of the Water Resources De-
2 velopment Act of 1986 (100 Stat. 4254; 110 Stat. 3718;
3 114 Stat. 2609) is amended by striking subsection (b) and
4 inserting the following:

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

10 SEC. 116. The New London Disposal Site and the
11 Cornfield Shoals Disposal Site in Long Island Sound se-
12 lected by the Department of the Army as alternative
13 dredged material disposal sites under section 103(b) of the
14 Marine Protection, Research, and Sanctuaries Act of
15 1972, as amended, shall remain open for 5 years after en-
16 actment of this Act to allow for completion of a Supple-
17 mental Environmental Impact Statement to support final
18 designation of an Ocean Dredged Material Disposal Site
19 in eastern Long Island Sound under section 102(c) of the
20 Marine Protection, Research, and Sanctuaries Act of
21 1972.

22 SEC. 117. (a) That portion of the project for naviga-
23 tion, Newport Harbor, Rhode Island adopted by the Rivers
24 and Harbors Acts of March 2, 1907 (34 Stat. 1075); June
25 25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845);

1 and, modified by the Consolidated Appropriations Act,
2 2000, Public Law 106-113, appendix E, title II, section
3 221 (113 Stat. 1501A-298); consisting of a 13-foot an-
4 chorage, an 18-foot anchorage, a 21-foot channel, and 18-
5 foot channels described by the following shall no longer
6 be authorized after the date of enactment of this Act: the
7 21-Foot Entrance Channel, beginning at a point (1) with
8 coordinates 374986.03, 150611.01; thence running south
9 46 degrees 54 minutes 30.7 seconds east 900.01 feet to
10 a point (2) with coordinates 375643.27, 149996.16;
11 thence running south 8 degrees 4 minutes 58.3 east
12 2,376.87 feet to a point (3) with coordinates 375977.47,
13 147643.00; thence running south 4 degrees 28 minutes
14 20.4 seconds west 738.56 feet to a point (4) with coordi-
15 nates 375919.88, 146906.60; thence running south 6 de-
16 grees 2 minutes 42.4 seconds east 1,144.00 feet to a point
17 (5) with coordinates 376040.35, 145768.96; thence run-
18 ning south 34 degrees 5 minutes 51.7 seconds west 707.11
19 feet to a point (6) with coordinates 375643.94,
20 145183.41; thence running south 73 degrees 11 minutes
21 42.9 seconds west 1,300.00 feet to the end point (7) with
22 coordinates 374399.46, 144807.57; Returning at a point
23 with coordinates (8) with coordinates 374500.64,
24 144472.51; thence running north 73 degrees 11 minutes
25 42.9 seconds east 1,582.85 feet to a point (9) with coordi-

1 nates 376015.90, 144930.13; thence running north 34 de-
2 grees 5 minutes 51.7 seconds east 615.54 feet to a point
3 (10) with coordinates 376360.97, 145439.85; thence run-
4 ning north 2 degrees 10 minutes 43.3 seconds west
5 2,236.21 feet to a point (11) with coordinates 376275.96,
6 147674.45; thence running north 8 degrees 4 minutes
7 55.6 seconds west 2,652.83 feet to a point (12) with co-
8 ordinates 375902.99, 150300.93; thence running north 46
9 degrees 54 minutes 30.7 seconds west 881.47 feet to an
10 end point (13) with coordinates 375259.29, 150903.12;
11 and the 18-Foot South Goat Island Channel beginning at
12 a point (14) with coordinates 375509.09, 149444.83;
13 thence running south 25 degrees 44 minutes 0.5 second
14 east 430.71 feet to a point (15) with coordinates
15 375696.10, 149056.84; thence running south 10 degrees
16 13 minutes 27.4 seconds east 1,540.89 feet to a point (16)
17 with coordinates 375969.61, 147540.41; thence running
18 south 4 degrees 29 minutes 11.3 seconds west 1,662.92
19 feet to a point (17) with coordinates 375839.53,
20 145882.59; thence running south 34 degrees 5 minutes
21 51.7 seconds west 547.37 feet to a point (18) with coordi-
22 nates 375532.67, 145429.32; thence running south 86 de-
23 grees 47 minutes 37.7 seconds west 600.01 feet to an end
24 point (19) with coordinates 374933.60, 145395.76; and
25 the 18-Foot Entrance Channel beginning at a point (20)

1 with coordinates 374567.14, 144252.33; thence running
2 north 73 degrees 11 minutes 42.9 seconds east 1,899.22
3 feet to a point (21) with coordinates 376385.26,
4 144801.42; thence running north 2 degrees 10 minutes
5 41.5 seconds west 638.89 feet to an end point (10) with
6 coordinates 376360.97, 145439.85; and the 18-Foot
7 South Anchorage beginning at a point (22) with coordi-
8 nates 376286.81, 147389.37; thence running north 78 de-
9 grees 56 minutes 15.6 seconds east 404.86 feet to a point
10 (23) with coordinates 376684.14, 147467.05; thence run-
11 ning north 78 degrees 56 minutes 15.6 seconds east
12 1,444.33 feet to a point (24) with coordinates 378101.63,
13 147744.18; thence running south 5 degrees 18 minutes
14 43.8 seconds west 1,228.20 feet to a point (25) with co-
15 ordinates 377987.92, 146521.26; thence running south 3
16 degrees 50 minutes 3.4 seconds east 577.84 feet to a point
17 (26) with coordinates 378026.56, 145944.71; thence run-
18 ning south 44 degrees 32 minutes 14.7 seconds west
19 2,314.09 feet to a point (27) with coordinates 376403.52,
20 144295.24 thence running south 60 degrees 5 minutes
21 58.2 seconds west 255.02 feet to an end point (28) with
22 coordinates 376182.45, 144168.12; and the 13-Foot An-
23 chorage beginning at a point (29) with coordinates
24 376363.39, 143666.99; thence running north 63 degrees
25 34 minutes 19.3 seconds east 1,962.37 feet to a point (30)

1 with coordinates 378120.68, 144540.38; thence running
2 north 3 degrees 50 minutes 3.1 seconds west 1,407.47 feet
3 to an end point (26) with coordinates 378026.56,
4 145944.71; and the 18-Foot East Channel beginning at
5 a point (23) with coordinates 376684.14, 147467.05;
6 thence running north 2 degrees 10 minutes 43.3 seconds
7 west 262.95 feet to a point (31) with coordinates
8 376674.14, 147729.81; thence running north 9 degrees 42
9 minutes 20.3 seconds west 301.35 feet to a point (32) with
10 coordinates 376623.34, 148026.85; thence running south
11 80 degrees 17 minutes 42.4 seconds west 313.6 feet to
12 a point (33) with coordinates 376314.23, 147973.99;
13 thence running north 7 degrees 47 minutes 21.9 seconds
14 west 776.24 feet to an end point (34) with coordinates
15 376209.02, 148743.06; and the 18-Foot North Anchorage
16 beginning at a point (35) with coordinates 376123.98,
17 148744.69; thence running south 88 degrees 54 minutes
18 16.2 seconds east 377.90 feet to a point (36) with coordi-
19 nates 376501.82, 148737.47; thence running north 9 de-
20 grees 42 minutes 19.0 seconds west 500.01 feet to a point
21 (37) with coordinates 376417.52, 149230.32; thence run-
22 ning north 6 degrees 9 minutes 53.2 seconds west
23 1,300.01 feet to an end point (38) with coordinates
24 376277.92, 150522.81.

1 (b) The area described by the following shall be reded-
2 icated as an eighteen-foot channel and turning basin: Be-
3 ginning at a point (1) with coordinates N144759.41,
4 E374413.16; thence running north 73 degrees 11 minutes
5 42.9 seconds east 1,252.88 feet to a point (2) with coordi-
6 nates N145121.63, E375612.53; thence running north 26
7 degrees 29 minutes 48.1 seconds east 778.89 feet to a
8 point (3) with coordinates N145818.71, E375960.04;
9 thence running north 0 degrees 3 minutes 38.1 seconds
10 west 1,200.24 feet to a point (4) with coordinates
11 N147018.94, E375958.77; thence running north 2 de-
12 grees 22 minutes 45.2 seconds east 854.35 feet to a point
13 (5) with coordinates N147872.56, E375994.23; thence
14 running north 7 degrees 47 minutes 21.9 seconds west
15 753.83 feet to a point (6) with coordinates N148619.44,
16 E375892.06; thence running north 88 degrees 46 minutes
17 16.7 seconds east 281.85 feet to a point (7) with coordi-
18 nates N148625.48, E376173.85; thence running south 7
19 degrees 47 minutes 21.9 seconds east 716.4 feet to a point
20 (8) with coordinates N147915.69, E376270.94; thence
21 running north 80 degrees 17 minutes 42.3 seconds east
22 315.3 feet to a point (9) with coordinates N147968.85,
23 E.76581.73; thence running south 9 degrees 42 minutes
24 20.3 seconds east 248.07 feet to a point (10) with coordi-
25 nates N147724.33, E376623.55; thence running south 2

1 degrees 10 minutes 43.3 seconds east 318.09 feet to a
2 point (11) with coordinates N147406.47, E376635.64;
3 thence running north 78 degrees 56 minutes 15.6 seconds
4 east 571.11 feet to a point (12) with coordinates
5 N147516.06, E377196.15; thence running south 88 de-
6 grees 57 minutes 2.3 seconds east 755.09 feet to a point
7 (13) with coordinates N147502.23, E377951.11; thence
8 running south 1 degree 2 minutes 57.7 seconds west
9 100.00 feet to a point (14) with coordinates N147402.25,
10 E377949.28; thence running north 88 degrees 57 minutes
11 2.3 seconds west 744.48 feet to a point (15) with coordi-
12 nates N147415.88, E377204.92; thence running south 78
13 degrees 56 minutes 15.6 seconds west 931.17 feet to a
14 point (16) with coordinates N147237.21, E376291.06;
15 thence running south 39 degrees 26 minutes 18.7 seconds
16 west 208.34 feet to a point (17) with coordinates
17 N147076.31, E376158.71; thence running south 0 de-
18 grees 3 minutes 38.1 seconds east 1,528.26 feet to a point
19 (18) with coordinates N145548.05, E376160.32; thence
20 running south 26 degrees 29 minutes 48.1 seconds west
21 686.83 feet to a point (19) with coordinates N144933.37,
22 E375853.90; thence running south 73 degrees 11 minutes
23 42.9 seconds west 1,429.51 feet to end at a point (20)
24 with coordinates N144520.08, E374485.44.

1 SEC. 118. None of the funds made available to the
2 Corps of Engineers by this Act may be used for the re-
3 moval or associated mitigation of Federal Energy Regu-
4 latory Commission Project number 2342.

5 SEC. 119. None of the funds made available by this
6 Act may be used for the study of the Missouri River
7 Projects authorized in section 108 of the Energy and
8 Water Development and Related Agencies Appropriations
9 Act, 2009 (division C of Public Law 111–8).

10 SEC. 120. None of the funds made available in this
11 Act may be used to continue the study conducted by the
12 Army Corps of Engineers pursuant to section 5018(a)(1)
13 of the Water Resources Development Act of 2007.

1

TITLE II

2

DEPARTMENT OF THE INTERIOR

3

CENTRAL UTAH PROJECT

4

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

5

For carrying out activities authorized by the Central

6 Utah Project Completion Act, \$27,154,000, to remain

7 available until expended, of which \$2,000,000 shall be de-

8 posited into the Utah Reclamation Mitigation and Con-

9 servation Account for use by the Utah Reclamation Miti-

10 gation and Conservation Commission. In addition, for nec-

11 essary expenses incurred in carrying out related respon-

12 sibilities of the Secretary of the Interior, \$1,550,000. For

13 fiscal year 2012, the Commission may use an amount not

14 to exceed \$1,500,000 for administrative expenses.

15

BUREAU OF RECLAMATION

16

The following appropriations shall be expended to

17 execute authorized functions of the Bureau of Reclama-

18 tion:

19

WATER AND RELATED RESOURCES

20

(INCLUDING TRANSFERS OF FUNDS)

21

For management, development, and restoration of

22 water and related natural resources and for related activi-

23 ties, including the operation, maintenance, and rehabilita-

24 tion of reclamation and other facilities, participation in

25 fulfilling related Federal responsibilities to Native Ameri-

1 cans, and related grants to, and cooperative and other
2 agreements with, State and local governments, federally
3 recognized Indian tribes, and others, \$895,000,000, to re-
4 main available until expended, of which \$10,698,000 shall
5 be available for transfer to the Upper Colorado River
6 Basin Fund and \$6,136,000 shall be available for transfer
7 to the Lower Colorado River Basin Development Fund;
8 of which such amounts as may be necessary may be ad-
9 vanced to the Colorado River Dam Fund: *Provided*, That
10 such transfers may be increased or decreased within the
11 overall appropriation under this heading: *Provided further*,
12 That of the total appropriated, the amount for program
13 activities that can be financed by the Reclamation Fund
14 or the Bureau of Reclamation special fee account estab-
15 lished by 16 U.S.C. 4601-6a(i) shall be derived from that
16 Fund or account: *Provided further*, That funds contributed
17 under 43 U.S.C. 395 are available until expended for the
18 purposes for which contributed: *Provided further*, That
19 funds advanced under 43 U.S.C. 397a shall be credited
20 to this account and are available until expended for the
21 same purposes as the sums appropriated under this head-
22 ing: *Provided further*, That of the amounts provided here-
23 in, funds may be used for high priority projects which
24 shall be carried out by the Youth Conservation Corps, as
25 authorized by 16 U.S.C. 1706.

1 CENTRAL VALLEY PROJECT RESTORATION FUND

2 For carrying out the programs, projects, plans, habi-
3 tat restoration, improvement, and acquisition provisions of
4 the Central Valley Project Improvement Act, \$53,068,000,
5 to be derived from such sums as may be collected in the
6 Central Valley Project Restoration Fund pursuant to sec-
7 tions 3407(d), 3404(e)(3), and 3405(f) of Public Law
8 102-575, to remain available until expended: *Provided*,
9 That the Bureau of Reclamation is directed to assess and
10 collect the full amount of the additional mitigation and
11 restoration payments authorized by section 3407(d) of
12 Public Law 102-575: *Provided further*, That none of the
13 funds made available under this heading may be used for
14 the acquisition or leasing of water for in-stream purposes
15 if the water is already committed to in-stream purposes
16 by a court adopted decree or order.

17 CALIFORNIA BAY-DELTA RESTORATION

18 (INCLUDING TRANSFERS OF FUNDS)

19 For carrying out activities authorized by the Water
20 Supply, Reliability, and Environmental Improvement Act,
21 consistent with plans to be approved by the Secretary of
22 the Interior, \$39,651,000, to remain available until ex-
23 pended, of which such amounts as may be necessary to
24 carry out such activities may be transferred to appropriate
25 accounts of other participating Federal agencies to carry

1 out authorized purposes: *Provided*, That funds appro-
2 priated herein may be used for the Federal share of the
3 costs of CALFED Program management: *Provided fur-*
4 *ther*, That the use of any funds provided to the California
5 Bay-Delta Authority for program-wide management and
6 oversight activities shall be subject to the approval of the
7 Secretary of the Interior: *Provided further*, That CALFED
8 implementation shall be carried out in a balanced manner
9 with clear performance measures demonstrating concu-
10 rent progress in achieving the goals and objectives of the
11 Program.

12 POLICY AND ADMINISTRATION

13 For necessary expenses of policy, administration, and
14 related functions in the Office of the Commissioner, the
15 Denver office, and offices in the five regions of the Bureau
16 of Reclamation, to remain available until September 30,
17 2013, \$60,000,000, to be derived from the Reclamation
18 Fund and be nonreimbursable as provided in 43 U.S.C.
19 377: *Provided*, That no part of any other appropriation
20 in this Act shall be available for activities or functions
21 budgeted as policy and administration expenses.

22 ADMINISTRATIVE PROVISION

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

1 GENERAL PROVISIONS—DEPARTMENT OF THE
2 INTERIOR

3 SEC. 201. (a) None of the funds provided in title II
4 of this Act for Water and Related Resources, or provided
5 by previous appropriations Acts to the agencies or entities
6 funded in title II of this Act for Water and Related Re-
7 sources that remain available for obligation or expenditure
8 in fiscal year 2012, shall be available for obligation or ex-
9 penditure through a reprogramming of funds that—

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

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

13 (3) increases funds for any program, project, or
14 activity for which funds have been denied or re-
15 stricted by this Act, unless prior approval is received
16 from the Committees on Appropriations of the
17 House of Representatives and the Senate;

18 (4) restarts or resumes any program, project or
19 activity for which funds are not provided in this Act,
20 unless prior approval is received from the Commit-
21 tees on Appropriations of the House of Representa-
22 tives and the Senate;

23 (5) transfers funds in excess of the following
24 limits, unless prior approval is received from the

1 Committees on Appropriations of the House of Rep-
2 resentatives and the Senate:

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

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

9 (6) transfers more than \$500,000 from either
10 the Facilities Operation, Maintenance, and Rehabili-
11 tation category or the Resources Management and
12 Development category to any program, project, or
13 activity in the other category, unless prior approval
14 is received from the Committees on Appropriations
15 of the House of Representatives and the Senate; or

16 (7) transfers, where necessary to discharge legal
17 obligations of the Bureau of Reclamation, more than
18 \$5,000,000 to provide adequate funds for settled
19 contractor claims, increased contractor earnings due
20 to accelerated rates of operations, and real estate de-
21 ficiency judgments, unless prior approval is received
22 from the Committees on Appropriations of the
23 House of Representatives and the Senate.

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

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

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

14 SEC. 202. (a) None of the funds appropriated or oth-
15 erwise made available by this Act may be used to deter-
16 mine the final point of discharge for the interceptor drain
17 for the San Luis Unit until development by the Secretary
18 of the Interior and the State of California of a plan, which
19 shall conform to the water quality standards of the State
20 of California as approved by the Administrator of the En-
21 vironmental Protection Agency, to minimize any detri-
22 mental effect of the San Luis drainage waters.

23 (b) The costs of the Kesterson Reservoir Cleanup
24 Program and the costs of the San Joaquin Valley Drain-
25 age Program shall be classified by the Secretary of the

1 Interior as reimbursable or nonreimbursable and collected
2 until fully repaid pursuant to the “Cleanup Program-Alt-
3 ernative Repayment Plan” and the “SJVDP-Alternative
4 Repayment Plan” described in the report entitled “Repay-
5 ment Report, Kesterson Reservoir Cleanup Program and
6 San Joaquin Valley Drainage Program, February 1995”,
7 prepared by the Department of the Interior, Bureau of
8 Reclamation. Any future obligations of funds by the
9 United States relating to, or providing for, drainage serv-
10 ice or drainage studies for the San Luis Unit shall be fully
11 reimbursable by San Luis Unit beneficiaries of such serv-
12 ice or studies pursuant to Federal reclamation law.

13 SEC. 203. Section 529(b)(3) of Public Law 106-541,
14 as amended by section 115 of Public Law 109-103, is fur-
15 ther amended by striking “\$20,000,000” and inserting
16 “\$30,000,000” in lieu thereof.

17 SEC. 204. Section 8 of the Water Desalination Act
18 of 1996 (42 U.S.C. 10301 note; Public Law 104-298) is
19 amended—

20 (1) in subsection (a), in the first sentence, by
21 striking “2011” and inserting “2013”; and

22 (2) in subsection (b), by striking “\$25,000,000
23 for fiscal years 1997 through 2011” and inserting
24 “\$3,000,000 for each of fiscal years 2012 through
25 2013”.

1 SEC. 205. The Federal policy for addressing Califor-
2 nia's water supply and environmental issues related to the
3 Bay-Delta shall be consistent with State law, including the
4 co-equal goals of providing a more reliable water supply
5 for the State of California and protecting, restoring, and
6 enhancing the Delta ecosystem. The Secretary of the Inte-
7 rior, the Secretary of Commerce, the Army Corps of Engi-
8 neers and the Environmental Protection Agency Adminis-
9 trator shall jointly coordinate the efforts of the relevant
10 agencies and work with the State of California and other
11 stakeholders to complete and issue the Bay Delta Con-
12 servation Plan Final Environmental Impact Statement no
13 later than February 15, 2013. Nothing herein modifies ex-
14 isting requirements of Federal law.

15 SEC. 206. The Secretary of the Interior may partici-
16 pate in non-Federal groundwater banking programs to in-
17 crease the operational flexibility, reliability, and efficient
18 use of water in the State of California, and this participa-
19 tion may include making payment for the storage of Cen-
20 tral Valley Project water supplies, the purchase of stored
21 water, the purchase of shares or an interest in ground
22 banking facilities, or the use of Central Valley Project
23 water as a medium of payment for groundwater banking
24 services: *Provided*, That the Secretary of the Interior shall
25 participate in groundwater banking programs only to the

1 extent allowed under State law and consistent with water
2 rights applicable to the Central Valley Project: *Provided*
3 *further*, That any water user to which banked water is de-
4 livered shall pay for such water in the same manner pro-
5 vided by that water user's then-current Central Valley
6 Project water service, repayment, or water rights settle-
7 ment contract at the rate provided by the then-current
8 Central-Valley Project Irrigation or Municipal and Indus-
9 trial Rate Setting Policies; and: *Provided further*, That in
10 implementing this section, the Secretary of the Interior
11 shall comply with applicable environmental laws, including
12 the National Environmental Policy Act of 1969 (42 U.S.C.
13 4321 et seq.) and the Endangered Species Act of 1973
14 (16 U.S.C. 1531 et seq.) Nothing herein shall alter or
15 limit the Secretary's existing authority to use groundwater
16 banking to meet existing fish and wildlife obligations.

17 SEC. 207. (a) Subject to compliance with all applica-
18 ble Federal and State laws, a transfer of irrigation water
19 among Central Valley Project contractors from the Friant,
20 San Felipe, West San Joaquin, and Delta divisions, and
21 a transfer from a long-term Friant Division water service
22 or repayment contractor to a temporary or prior tem-
23 porary service contractors within the place of use in exist-
24 ence on the date of the transfer, as identified in the Bu-
25 reau of Reclamation water rights permits for the Friant

1 Division, shall be considered to meet the conditions de-
2 scribed in subparagraphs (A) and (I) of section 3405(a)(1)
3 of the Reclamation Projects Authorization and Adjust-
4 ment Act of 1992 (Public Law 102-575; 106 Stat. 4709).

5 (b) The Secretary of the Interior, acting through the
6 Director of the United States Fish and Wildlife Service
7 and the Commissioner of the Bureau of Reclamation shall
8 initiate and complete, on the most expedited basis prac-
9 ticable, programmatic environmental compliance so as to
10 facilitate voluntary water transfers within the Central Val-
11 ley Project, consistent with all applicable Federal and
12 State law.

13 (c) Not later than 180 days after the date of enact-
14 ment of this Act and each of the 4 years thereafter, the
15 Commissioner of the Bureau of Reclamation shall submit
16 to the committee on Appropriations of the House of Rep-
17 resentatives and the Committee on Appropriations of the
18 Senate a report that describes the status of efforts to help
19 facilitate and improve the water transfers within the Cen-
20 tral Valley Project and water transfers between the Cen-
21 tral Valley Project and other water projects in the State
22 of California; evaluates potential effects of this Act on
23 Federal programs, Indian tribes, Central Valley Project
24 operations, the environment, groundwater aquifers, ref-
25 uges, and communities; and provides recommendations on

- 1 ways to facilitate and improve the process for these trans-
- 2 fers.

1 SEC. 208. (a) PERMITTED USES.—Section 2507(b)
2 of the Farm Security and Rural Investment Act of 2002
3 (48 U.S.C. 2211 note; Public Law 107–171) is amend-
4 ed—

5 (1) in the matter preceding paragraph (1), by
6 striking “In any case in which there are willing sell-
7 ers” and inserting “For the benefit of at-risk nat-
8 ural desert terminal lakes and associated riparian
9 and watershed resources, in any case in which there
10 are willing sellers or willing participants”;

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

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

16 (b) WALKER BASIN RESTORATION PROGRAM.—Sec-
17 tion 208(b) of the Energy and Water Development and
18 Related Agencies Appropriations Act, 2010 (Public Law
19 111–85; 123 Stat. 2858) is amended—

20 (1) in paragraph (1)(B)(iv), by striking “exer-
21 cise water rights” and inserting “manage land,
22 water appurtenant to the land, and related inter-
23 ests”;

24 (2) in paragraph (2)(A), by striking “The
25 amount made available under subsection (a)(1) shall

1 be provided to the National Fish and Wildlife Foun-
2 dation” and inserting “Any amount made available
3 to the National Fish and Wildlife Foundation under
4 subsection (a) shall be provided”.

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TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

(INCLUDING RESCISSION OF FUNDS)

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, \$1,825,000,000, to remain available until expended: *Provided*, That \$165,000,000 shall be available until September 30, 2013 for program direction: *Provided further*, That for the purposes of allocating weatherization assistance funds appropriated by this Act to States and tribes, the Secretary of Energy may waive the allocation formula established pursuant to section 414(a) of the Energy Conservation and Production Act (42 U.S.C. 6864(a)): *Provided further*, That of the unobligated balances available under this heading, \$9,909,000 are hereby rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an

1 emergency requirement pursuant to the Concurrent Reso-
2 lution on the Budget or the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

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, \$139,500,000, to remain available until expended:
14 *Provided*, That \$27,010,000 shall be available until Sep-
15 tember 30, 2013 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, all for replacement only,

1 \$768,663,000, to remain available until expended: *Pro-*
2 *vided*, That \$91,000,000 shall be available until Sep-
3 tember 30, 2013 for program direction.

4 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

5 (INCLUDING RESCISSION OF FUNDS)

6 For necessary expenses in carrying out fossil energy
7 research and development activities, under the authority
8 of the Department of Energy Organization Act (Public
9 Law 95-91), including the acquisition of interest, includ-
10 ing defeasible and equitable interests in any real property
11 or any facility or for plant or facility acquisition or expan-
12 sion, and for conducting inquiries, technological investiga-
13 tions and research concerning the extraction, processing,
14 use, and disposal of mineral substances without objection-
15 able social and environmental costs (30 U.S.C. 3, 1602,
16 and 1603), \$534,000,000, to remain available until ex-
17 pended: *Provided*, That \$120,000,000 shall be available
18 until September 30, 2013 for program direction: *Provided*
19 *further*, That for all programs funded under Fossil Energy
20 appropriations in this Act or any other Act, the Secretary
21 may vest fee title or other property interests acquired
22 under projects in any entity, including the United States:
23 *Provided further*, That of prior-year balances,
24 \$187,000,000 are hereby rescinded: *Provided further*,
25 That no rescission made by the previous proviso shall

1 apply to any amount previously appropriated in Public
2 Law 111-5 or designated by the Congress as an emer-
3 gency requirement pursuant to a concurrent resolution on
4 the budget or the Balanced Budget and Emergency Def-
5 icit Control Act of 1985.

6 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

13 STRATEGIC PETROLEUM RESERVE

14 For necessary expenses for Strategic Petroleum Re-
15 serve facility development and operations and program
16 management activities pursuant to the Energy Policy and
17 Conservation Act of 1975, as amended (42 U.S.C. 6201
18 et seq.), \$192,704,000, to remain available until expended.

19 SPR PETROLEUM ACCOUNT

20 (INCLUDING RESCISSION OF FUNDS)

21 Of the amounts deposited in the SPR Petroleum Ac-
22 count established under section 167 of the Energy Policy
23 and Conservation Act (42 U.S.C. 6247) in fiscal year
24 2011 which remain available for obligation under that sec-
25 tion, \$500,000,000 are hereby permanently rescinded.

C+Sc

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 amounts net of the purchase of 1 million bar-
8 rels of petroleum distillates in fiscal year 2011; costs re-
9 lated to transportation, delivery, and storage; and sales
10 of petroleum distillate from the Reserve under section 182
11 of the Energy Policy and Conservation Act (42 U.S.C.
12 6250a) are hereby permanently rescinded: *Provided fur-*
13 *ther*, That notwithstanding section 181 of the Energy Pol-
14 icy and Conservation Act (42 U.S.C. 6250), for fiscal year
15 2012 and hereafter, the Reserve shall contain no more
16 than 1 million barrels of petroleum distillate.

17 ENERGY INFORMATION ADMINISTRATION

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

21 NON-DEFENSE ENVIRONMENTAL CLEANUP

22 For Department of Energy expenses, including the
23 purchase, construction, and acquisition of plant and cap-
24 ital equipment and other expenses necessary for non-de-
25 fense environmental cleanup activities in carrying out the

1 purposes of the Department of Energy Organization Act
2 (42 U.S.C. 7101 et seq.), including the acquisition or con-
3 demnation of any real property or any facility or for plant
4 or facility acquisition, construction, or expansion,
5 \$235,721,000, to remain available until expended.

6 URANIUM ENRICHMENT DECONTAMINATION AND
7 DECOMMISSIONING FUND

8 For necessary expenses in carrying out uranium en-
9 richment facility decontamination and decommissioning,
10 remedial actions, and other activities of title II of the
11 Atomic Energy Act of 1954, and title X, subtitle A, of
12 the Energy Policy Act of 1992, \$472,930,000, to be de-
13 rived from the Uranium Enrichment Decontamination and
14 Decommissioning Fund, to remain available until ex-
15 pended.

16 SCIENCE

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 science
20 activities in carrying out the purposes of the Department
21 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
22 cluding the acquisition or condemnation of any real prop-
23 erty or facility or for plant or facility acquisition, construc-
24 tion, or expansion; and purchase of not more than 49 pas-
25 senger motor vehicles for replacement only, including one

1 ambulance and one bus, \$4,889,000,000, to remain avail-
2 able until expended: *Provided*, That \$185,000,000 shall be
3 available until September 30, 2013 for program direction.

9 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

10 For necessary expenses in carrying out the activities
11 authorized by section 5012 of the America COMPETES
12 Act (Public Law 110–69), as amended, \$275,000,000:
13 *Provided*, That \$20,000,000 shall be available until Sep-
14 tember 30, 2013 for program direction.

15 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
16 PROGRAM

17 Such sums as are derived from amounts received
18 from borrowers pursuant to section 1702(b)(2) of the En-
19 ergy Policy Act of 2005 under this heading in prior Acts,
20 shall be collected in accordance with section 502(7) of the
21 Congressional Budget Act of 1974: *Provided*, That for
22 necessary administrative expenses to carry out this Loan
23 Guarantee program, \$38,000,000 to remain available
24 until expended: *Provided further*, That \$38,000,000 of the
25 fees collected pursuant to section 1702(h) of the Energy

(is appropriated

1 Policy Act of 2005 shall be credited as offsetting collec-
2 tions to this account to cover administrative expenses and
3 shall remain available until expended, so as to result in
4 a final fiscal year 2012 appropriations from the general
5 fund estimated at not more than \$0: *Provided further,*
6 That fees collected under section 1702(h) in excess of the
7 amount appropriated for administrative expenses shall not
8 be available until appropriated.

9 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
10 LOAN PROGRAM

11 For administrative expenses in carrying out the Ad-
12 vanced Technology Vehicles Manufacturing Loan Pro-
13 gram, \$6,000,000, to remain available until expended.

14 DEPARTMENTAL ADMINISTRATION

15 For salaries and expenses of the Department of En-
16 ergy necessary for departmental administration in car-
17 rying out the purposes of the Department of Energy Orga-
18 nization Act (42 U.S.C. 7101 et seq.), including the hire
19 of passenger motor vehicles and official reception and rep-
20 resentation expenses not to exceed \$30,000,
21 \$237,623,000, to remain available until September 30,
22 2013, plus such additional amounts as necessary to cover
23 increases in the estimated amount of cost of work for oth-
24 ers notwithstanding the provisions of the Anti-Deficiency
25 Act (31 U.S.C. 1511 et seq.): *Provided,* That such in-

1 creases in cost of work are offset by revenue increases of
2 the same or greater amount, to remain available until ex-
3 pended: *Provided further*, That moneys received by the De-
4 partment for miscellaneous revenues estimated to total
5 \$111,623,000 in fiscal year 2012 may be retained and
6 used for operating expenses within this account, and may
7 remain available until expended, as authorized by section
8 201 of Public Law 95-238, notwithstanding the provisions
9 of 31 U.S.C. 3302: *Provided further*, That the sum herein
10 appropriated shall be reduced by the amount of miscella-
11 neous revenues received during 2012, and any related ap-
12 propriated receipt account balances remaining from prior
13 years' miscellaneous revenues, so as to result in a final
14 fiscal year 2012 appropriation from the general fund esti-
15 mated at not more than \$126,000,000.

16 OFFICE OF THE INSPECTOR GENERAL

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

1 ATOMIC ENERGY DEFENSE ACTIVITIES

2 NATIONAL NUCLEAR SECURITY

3 ADMINISTRATION

4 WEAPONS ACTIVITIES

5 For Department of Energy expenses, including the
6 purchase, construction, and acquisition of plant and cap-
7 ital equipment and other incidental expenses necessary for
8 atomic energy defense weapons activities in carrying out
9 the purposes of the Department of Energy Organization
10 Act (42 U.S.C. 7101 et seq.), including the acquisition or
11 condemnation of any real property or any facility or for
12 plant or facility acquisition, construction, or expansion,
13 the purchase of not to exceed one ambulance and one air-
14 craft; \$7,233,997,000, to remain available until expended:
15 *Provided*, That of such amount not more than
16 \$89,425,000 may be made available for the B-61 Life Ex-
17 tension Program until the Administrator of the National
18 Nuclear Security Administration submits to the Commit-
19 tees on Appropriations of the House of Representatives
20 and the Senate a final report on the Phase 6.2a design
21 definition and cost study.

22 DEFENSE NUCLEAR NONPROLIFERATION

23 (INCLUDING RESCISSION OF FUNDS)

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other incidental expenses necessary for
2 defense nuclear nonproliferation activities, in carrying out
3 the purposes of the Department of Energy Organization
4 Act (42 U.S.C. 7101 et seq.), including the acquisition or
5 condemnation of any real property or any facility or for
6 plant or facility acquisition, construction, or expansion,
7 and the purchase of not to exceed one passenger motor
8 vehicle for replacement only, \$2,324,303,000, to remain
9 available until expended: *Provided*, That of the unobli-
10 gated balances available under this heading, \$21,000,000
11 are hereby rescinded: *Provided further*, That no amounts
12 may be rescinded from amounts that were designated by
13 the Congress as an emergency requirement pursuant to
14 the Concurrent Resolution on the Budget or the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 NAVAL REACTORS

17 For Department of Energy expenses necessary for
18 naval reactors activities to carry out the Department of
19 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
20 ing the acquisition (by purchase, condemnation, construc-
21 tion, or otherwise) of real property, plant, and capital
22 equipment, facilities, and facility expansion,
23 \$1,080,000,000, to remain available until expended: *Pro-*
24 *vided*, That \$40,000,000 shall be available until Sep-
25 tember 30, 2013 for program direction.

1 OFFICE OF THE ADMINISTRATOR

2 For necessary expenses of the Office of the Adminis-
3 trator in the National Nuclear Security Administration,
4 including official reception and representation expenses
5 not to exceed \$12,000, \$410,000,000, to remain available
6 until September 30, 2013.

7 ENVIRONMENTAL AND OTHER DEFENSE
8 ACTIVITIES

9 DEFENSE ENVIRONMENTAL CLEANUP

10 For Department of Energy expenses, including the
11 purchase, construction, and acquisition of plant and cap-
12 ital equipment and other expenses necessary for atomic
13 energy defense environmental cleanup activities in car-
14 rying out the purposes of the Department of Energy Orga-
15 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
16 sition or condemnation of any real property or any facility
17 or for plant or facility acquisition, construction, or expan-
18 sion, and the purchase of not to exceed one ambulance
19 and one fire truck for replacement only, \$5,023,000,000,
20 to remain available until expended: *Provided*, That
21 \$321,628,000 shall be available until September 30, 2013
22 for program direction.

23 OTHER DEFENSE ACTIVITIES

24 For Department of Energy expenses, including the
25 purchase, construction, and acquisition of plant and cap-

1 ital equipment and other expenses, necessary for atomic
2 energy defense, other defense activities, and classified ac-
3 tivities, in carrying out the purposes of the Department
4 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
5 cluding the acquisition or condemnation of any real prop-
6 erty or any facility or for plant or facility acquisition, con-
7 struction, or expansion, and the purchase of not to exceed
8 10 passenger motor vehicles for replacement only,
9 \$823,364,000: *Provided*, That \$114,086,000 shall be
10 available until September 30, 2013 for program direction.

11 POWER MARKETING ADMINISTRATIONS

12 BONNEVILLE POWER ADMINISTRATION FUND

13 Expenditures from the Bonneville Power Administra-
14 tion Fund, established pursuant to Public Law 93-454,
15 are approved for the Kootenai River Native Fish Con-
16 servation Aquaculture Program, Lolo Creek Permanent
17 Weir Facility, and Improving Anadromous Fish produc-
18 tion on the Warm Springs Reservation, and, in addition,
19 for official reception and representation expenses in an
20 amount not to exceed \$7,000. During fiscal year 2012,
21 no new direct loan obligations may be made.

22 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
23 ADMINISTRATION

24 For necessary expenses of operation and maintenance
25 of power transmission facilities and of marketing electric

1 power and energy, including transmission wheeling and
2 ancillary services pursuant to section 5 of the Flood Con-
3 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
4 eastern power area, \$8,428,000, to remain available until
5 expended: *Provided*, That notwithstanding 31 U.S.C. 3302
6 and section 5 of the Flood Control Act of 1944, up to
7 \$8,428,000 collected by the Southeastern Power Adminis-
8 tration from the sale of power and related services shall
9 be credited to this account as discretionary offsetting col-
10 lections, to remain available until expended for the sole
11 purpose of funding the annual expenses of the South-
12 eastern Power Administration: *Provided further*, That the
13 sum herein appropriated for annual expenses shall be re-
14 duced as collections are received during the fiscal year so
15 as to result in a final fiscal year 2012 appropriation esti-
16 mated at not more than \$0: *Provided further*, That, not-
17 withstanding 31 U.S.C. 3302, up to \$100,162,000 col-
18 lected by the Southeastern Power Administration pursu-
19 ant to the Flood Control Act of 1944 to recover purchase
20 power and wheeling expenses shall be credited to this ac-
21 count as offsetting collections, to remain available until
22 expended for the sole purpose of making purchase power
23 and wheeling expenditures: *Provided further*, That for pur-
24 poses of this appropriation, annual expenses means ex-
25 penditures that are generally recovered in the same year

1 that they are incurred (excluding purchase power and
2 wheeling expenses).

3 OPERATION AND MAINTENANCE, SOUTHWESTERN
4 POWER ADMINISTRATION

5 For necessary expenses of operation and maintenance
6 of power transmission facilities and of marketing electric
7 power and energy, for construction and acquisition of
8 transmission lines, substations and appurtenant facilities,
9 and for administrative expenses, including official recep-
10 tion and representation expenses in an amount not to ex-
11 ceed \$1,500 in carrying out section 5 of the Flood Control
12 Act of 1944 (16 U.S.C. 825s), as applied to the South-
13 western Power Administration, \$45,010,000, to remain
14 available until expended: *Provided*, That notwithstanding
15 31 U.S.C. 3302 and section 5 of the Flood Control Act
16 of 1944 (16 U.S.C. 825s), up to \$33,118,000 collected
17 by the Southwestern Power Administration from the sale
18 of power and related services shall be credited to this ac-
19 count as discretionary offsetting collections, to remain
20 available until expended, for the sole purpose of funding
21 the annual expenses of the Southwestern Power Adminis-
22 tration: *Provided further*, That the sum herein appro-
23 priated for annual expenses shall be reduced as collections
24 are received during the fiscal year so as to result in a final
25 fiscal year 2012 appropriation estimated at not more than

1 \$11,892,000: *Provided further*, That, notwithstanding 31
2 U.S.C. 3302, up to \$40,000,000 collected by the South-
3 western Power Administration pursuant to the Flood Con-
4 trol Act of 1944 to recover purchase power and wheeling
5 expenses shall be credited to this account as offsetting col-
6 lections, to remain available until expended for the sole
7 purpose of making purchase power and wheeling expendi-
8 tures: *Provided further*, That for purposes of this appro-
9 priation, annual expenses means expenditures that are
10 generally recovered in the same year that they are in-
11 curred (excluding purchase power and wheeling expenses).

12 CONSTRUCTION, REHABILITATION, OPERATION AND
13 MAINTENANCE, WESTERN AREA POWER ADMINIS-
14 TRATION

15 For carrying out the functions authorized by title III,
16 section 302(a)(1)(E) of the Act of August 4, 1977 (42
17 U.S.C. 7152), and other related activities including con-
18 servation and renewable resources programs as author-
19 ized, including official reception and representation ex-
20 penses in an amount not to exceed \$1,500; \$285,900,000,
21 to remain available until expended, of which \$278,856,000
22 shall be derived from the Department of the Interior Rec-
23 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
24 3302, section 5 of the Flood Control Act of 1944 (16
25 U.S.C. 825s), and section 1 of the Interior Department

1 Appropriation Act, 1939 (43 U.S.C. 392a), up to
2 \$189,932,000 collected by the Western Area Power Ad-
3 ministration from the sale of power and related services
4 shall be credited to this account as discretionary offsetting
5 collections, to remain available until expended, for the sole
6 purpose of funding the annual expenses of the Western
7 Area Power Administration: *Provided further*, That the
8 sum herein appropriated for annual expenses shall be re-
9 duced as collections are received during the fiscal year so
10 as to result in a final fiscal year 2012 appropriation esti-
11 mated at not more than \$95,968,000, of which
12 \$88,924,000 is derived from the Reclamation Fund: *Pro-*
13 *vided further*, That of the amount herein appropriated, not
14 more than \$3,375,000 is for deposit into the Utah Rec-
15 lamation Mitigation and Conservation Account pursuant
16 to title IV of the Reclamation Projects Authorization and
17 Adjustment Act of 1992: *Provided further*, That notwith-
18 standing 31 U.S.C. 3302, up to \$306,541,000 collected
19 by the Western Area Power Administration pursuant to
20 the Flood Control Act of 1944 and the Reclamation
21 Project Act of 1939 to recover purchase power and wheel-
22 ing expenses shall be credited to this account as offsetting
23 collections, 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 FALCON AND AMISTAD OPERATING AND MAINTENANCE
5 FUND

6 For operation, maintenance, and emergency costs for
7 the hydroelectric facilities at the Falcon and Amistad
8 Dams, \$4,169,000, to remain available until expended,
9 and to be derived from the Falcon and Amistad Operating
10 and Maintenance Fund of the Western Area Power Ad-
11 ministration, as provided in section 2 of the Act of June
12 18, 1954 (68 Stat. 255) as amended: *Provided*, That not-
13 withstanding the provisions of that Act and of 31 U.S.C.
14 3302, up to \$3,949,000 collected by the Western Area
15 Power Administration from the sale of power and related
16 services from the Falcon and Amistad Dams shall be cred-
17 ited to this account as discretionary offsetting collections,
18 to remain available until expended for the sole purpose
19 of funding the annual expenses of the hydroelectric facili-
20 ties of these Dams and associated Western Area Power
21 Administration activities: *Provided further*, That the sum
22 herein appropriated for annual expenses shall be reduced
23 as collections are received during the fiscal year so as to
24 result in a final fiscal year 2012 appropriation estimated
25 at not more than \$220,000: *Provided further*, That for

1 purposes of this appropriation, annual expenses means ex-
2 penditures that are generally recovered in the same year
3 that they are incurred.

4 FEDERAL ENERGY REGULATORY COMMISSION

5 SALARIES AND EXPENSES

6 For necessary expenses of the Federal Energy Regu-
7 latory Commission to carry out the provisions of the De-
8 partment of Energy Organization Act (42 U.S.C. 7101 et
9 seq.), including services as authorized by 5 U.S.C. 3109,
10 the hire of passenger motor vehicles, and official reception
11 and representation expenses not to exceed \$3,000,
12 \$304,600,000, to remain available until expended: *Pro-*
13 *vided*, That notwithstanding any other provision of law,
14 not to exceed \$304,600,000 of revenues from fees and an-
15 nual charges, and other services and collections in fiscal
16 year 2012 shall be retained and used for necessary ex-
17 penses in this account, and shall remain available until
18 expended: *Provided further*, That the sum herein appro-
19 priated from the general fund shall be reduced as revenues
20 are received during fiscal year 2012 so as to result in a
21 final fiscal year 2012 appropriation from the general fund
22 estimated at not more than \$0.

1 GENERAL PROVISIONS—DEPARTMENT OF
2 ENERGY

3 (INCLUDING RESCISSION AND TRANSFER OF FUNDS)

4 SEC. 301. (a) No appropriation, funds, or authority
5 made available by this title for the Department of Energy
6 shall be used to initiate or resume any program, project,
7 or activity or to prepare or initiate Requests For Proposals
8 or similar arrangements (including Requests for
9 Quotations, Requests for Information, and Funding Op-
10 portunity Announcements) for a program, project, or ac-
11 tivity if the program, project, or activity has not been
12 funded by Congress.

The

13 (b) Department of Energy may not, with respect to
14 any program, project, or activity that uses budget author-
15 ity made available in this title under the heading “Depart-
16 ment of Energy—Energy Programs”, enter into a multi-
17 year contract, award a multi-year grant, or enter into a
18 multi-year cooperative agreement unless the contract,

Federal

19 grant, or cooperative agreement includes a clause condi-
20 tioning the Government’s obligation on the availability of
21 future-year budget authority and the Secretary notifies
22 the Committees on Appropriations of the House of Rep-
23 resentatives and the Senate at least 14 days in advance.

24 (c) Except as provided in this section, the amounts
25 made available by this title shall be expended as author-

1 ized by law for the projects and activities specified in the
 2 “Conference” column in the “Department of Energy”
 3 table included under the heading “Title III—Department
 4 of Energy” in the ~~joint~~ explanatory statement ~~accom-~~

5 ~~panying the conference report on this Act.~~

described in section 4 (in the matter preceding division A of this consolidated Act).

6 (d) The amounts made available by this title may be
 7 reprogrammed for any program, project, or activity, and
 8 the Department shall notify the Committees on Appropria-
 9 tions of the House of Representatives and the Senate at
 10 least 30 days prior to the use of any proposed reprogram-
 11 ming which would cause any program, project, or activity
 12 funding level to increase or decrease by more than
 13 \$5,000,000 or 10 percent, whichever is less, during the
 14 time period covered by this Act.

15 (e) Notwithstanding subsection (c), none of the funds
 16 provided in this title shall be available for obligation or
 17 expenditure through a reprogramming of funds that-

18 (1) creates, initiates, or eliminates a program,
 19 project, or activity,

20 (2) increases funds or personnel for any pro-
 21 gram, project, or activity for which funds are denied
 22 or restricted by this Act, or

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

1 (f)(1) The Secretary of Energy may waive any re-
2 quirement or restriction in this section that applies to the
3 use of funds made available for the Department of Energy
4 if compliance with such requirement or restriction would
5 pose a substantial risk to human health, the environment,
6 welfare, or national security.

7 (2) The Secretary of Energy shall notify the Commit-
8 tees on Appropriations of any waiver under paragraph (1)
9 as soon as practicable, but not later than 3 days after the
10 date of the activity to which a requirement or restriction
11 would otherwise have applied. Such notice shall include an
12 explanation of the substantial risk under paragraph (1)
13 that permitted such waiver.

14 SEC. 302. The unexpended balances of prior appro-
15 priations provided for activities in this Act may be avail-
16 able to the same appropriation accounts for such activities
17 established pursuant to this title. Available balances may
18 be merged with funds in the applicable established ac-
19 counts and thereafter may be accounted for as one fund
20 for the same time period as originally enacted.

21 SEC. 303. Funds appropriated by this or any other
22 Act, or made available by the transfer of funds in this
23 Act, for intelligence activities are deemed to be specifically
24 authorized by the Congress for purposes of section 504
25 of the National Security Act of 1947 (50 U.S.C. 414) dur-

1 ing fiscal year 2012 until the enactment of the Intelligence
2 Authorization Act for fiscal year 2012.

3 SEC. 304. (a) SUBMISSION TO CONGRESS.—The Sec-
4 retary of Energy shall submit to Congress each year, at
5 the time that the President's budget is submitted to Con-
6 gress that year under section 1105(a) of title 31, United
7 States Code, a future-years energy program reflecting the
8 estimated expenditures and proposed appropriations in-
9 cluded in that budget. Any such future-years energy pro-
10 gram shall cover the fiscal year with respect to which the
11 budget is submitted and at least the four succeeding fiscal
12 years. A future-years energy program shall be included in
13 the fiscal year 2014 budget submission to Congress and
14 every fiscal year thereafter.

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

17 (1) The estimated expenditures and proposed
18 appropriations necessary to support programs,
19 projects, and activities of the Secretary of Energy
20 during the 5-fiscal year period covered by the pro-
21 gram, expressed in a level of detail comparable to
22 that contained in the budget submitted by the Presi-
23 dent to Congress under section 1105 of title 31,
24 United States Code.

1 (2) The estimated expenditures and proposed
2 appropriations shaped by high-level, prioritized pro-
3 gram and budgetary guidance that is consistent with
4 the administration's policies and out year budget
5 projections and reviewed by the Department of En-
6 ergy's (DOE) senior leadership to ensure that the
7 future-years energy program is consistent and con-
8 gruent with previously established program and
9 budgetary guidance.

10 (3) A description of the anticipated workload
11 requirements for each DOE national laboratory dur-
12 ing the 5-fiscal year period.

13 (c) CONSISTENCY IN BUDGETING.—

14 (1) The Secretary of Energy shall ensure that
15 amounts described in subparagraph (A) of para-
16 graph (2) for any fiscal year are consistent with
17 amounts described in subparagraph (B) of para-
18 graph (2) for that fiscal year.

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

21 (A) The amounts specified in program and
22 budget information submitted to Congress by
23 the Secretary of Energy in support of expendi-
24 ture estimates and proposed appropriations in
25 the budget submitted to Congress by the Presi-

1 dent under section 1105(a) of title 31, United
2 States Code, for any fiscal year, as shown in
3 the future-years energy program submitted pur-
4 suant to subsection (a).

5 (B) The total amounts of estimated ex-
6 penditures and proposed appropriations nec-
7 essary to support the programs, projects, and
8 activities of the administration included pursu-
9 ant to paragraph (5) of section 1105(a) of such
10 title in the budget submitted to Congress under
11 that section for any fiscal year.

12 SEC. 305. Section 1702 of the Energy Policy Act of
13 2005 (42 U.S.C. 16512) is amended—

14 (1) by striking subsection (b) and inserting the
15 following:

16 “(b) SPECIFIC APPROPRIATION OR CONTRIBU-
17 TION.—

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

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

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

1 “(C) a combination of one or more appro-
2 priations under subparagraph (A) and one or
3 more payments from the borrower under sub-
4 paragraph (B) has been made that is sufficient
5 to cover the cost of the guarantee.”.

6 SEC. 306. Plant or construction projects for which
7 amounts are made available under this and subsequent ap-
8 propriation Acts with a current estimated cost of less than
9 \$10,000,000 are considered for purposes of section 4703
10 of Public Law 107-314 as a plant project for which the
11 approved total estimated cost does not exceed the minor
12 construction threshold and for purposes of section 4704
13 of Public Law 107-314 as a construction project with a
14 current estimated cost of less than a minor construction
15 threshold.

16 SEC. 307. In section 839b(h)(10)(B) of title 16,
17 United States Code, strike “\$1,000,000” and insert
18 “\$2,500,000”

19 SEC. 308. None of the funds made available in this
20 title shall be used for the construction of facilities classi-
21 fied as high-hazard nuclear facilities under 10 CFR Part
22 830 unless independent oversight is conducted by the Of-
23 fice of Health, Safety, and Security to ensure the project
24 is in compliance with nuclear safety requirements.

3) 1 SEC. 309. Of the amounts appropriated in this title,
2 \$73,700,000 are hereby rescinded, to reflect savings from
3 the contractor pay freeze instituted by the Department.
4 The Department shall allocate the rescission among the
5 appropriations made in this title.

6 SEC. 310. None of the funds made available in this
7 title may be used to approve critical decision-2 or critical
8 decision-3 under Department of Energy Order 413.3B, or
9 any successive departmental guidance, for construction
10 projects where the total project cost exceeds
11 \$100,000,000, until a separate independent cost estimate
12 has been developed for the project for that critical deci-
13 sion.

14 SEC. 311. None of the funds made available in this
15 title may be used to make a grant allocation, discretionary
16 grant award, discretionary contract award, or Other
17 Transaction Agreement, or to issue a letter of intent, to-
18 taling in excess of \$1,000,000, or to announce publicly the
19 intention to make such an allocation, award, or Agree-
20 ment, or to issue such a letter, including a contract cov-
21 ered by the Federal Acquisition Regulation, unless the
22 Secretary of Energy notifies the Committees on Appro-
23 priations of the Senate and the House of Representatives
24 at least 3 full business days in advance of making such
25 an allocation, award, or Agreement, or issuing such a let-

1 ter: *Provided*, That if the Secretary of Energy determines
2 that compliance with this section would pose a substantial
3 risk to human life, health, or safety, an allocation, award,
4 or Agreement may be made, or a letter may be issued,
5 without advance notification, and the Secretary shall no-
6 tify the Committees on Appropriations of the Senate and
7 the House of Representatives not later than 5 full business
8 days after the date on which such an allocation, award,
9 or Agreement is made or letter issued: *Provided further*,
10 That the notification shall include the recipient of the
11 award, the amount of the award, the fiscal year for which
12 the funds for the award were appropriated, and the ac-
13 count and program from which the funds are being drawn,
14 the title of the award, and a brief description of the activ-
15 ity for which the award is made.

16 SEC. 312. (a) Any determination (including a deter-
17 mination made prior to the date of enactment of this Act)
18 by the Secretary pursuant to section 3112(d)(2)(B) of the
19 USEC Privatization Act (110 Stat. 1321–335), as amend-
20 ed, that the sale or transfer of uranium will not have an
21 adverse material impact on the domestic uranium mining,
22 conversion, or enrichment industry shall be valid for not
23 more than 2 calendar years subsequent to such determina-
24 tion.

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

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

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

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

14 (4) the recipient of the uranium; and

15 (5) the value of the services the Secretary ex-
16 pects to receive in exchange for the uranium, includ-
17 ing any reductions to the gross value of the uranium
18 by the recipient.

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

23 (d) Not later than December 31, 2011 the Secretary
24 shall submit to the House and Senate Committees on Ap-

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1 appropriations a report evaluating the economic feasibility
2 of re-enriching depleted uranium located at Federal sites.
3 SEC. 313. None of the funds made available by this
4 Act may be used to pay the salaries of Department of En-
5 ergy employees to carry out section 407 of division A of
6 the American Recovery and Reinvestment Act of 2009.

^ _____ (INSERT
69A

^ _____ (INSERT
69B

^ _____ (INSERT
69C

4)

1 SEC. 312. (a) The Secretary of Energy may openly
2 compete and issue an award to allow a third party, on
3 a fee-for-service basis, to operate and maintain a metering
4 station of the Strategic Petroleum Reserve that is under-
5 utilized (as defined in section 102-75.50 of title 41, Code
6 of Federal Regulations (or successor regulations)) and re-
7 lated equipment.

8 (b) Not later than 30 days before the issuance of
9 such award, the Secretary of Energy shall certify to the
10 Committees on Appropriations of the House of Represent-
11 atives and the Senate that the award will not reduce the
12 reliability or accessibility of the Strategic Petroleum Re-
13 serve, raise costs of oil in the local market, or negatively
14 impact the supply of oil to current users.

15 (c) Funds collected under subsection (a) shall be de-
16 posited in the general fund of the Treasury.

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315 71

1 SEC. ~~628~~. None of the funds made available in this
2 Act may be used—

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

5 (2) to implement or enforce the standards es-
6 tablished by the tables contained in section
7 325(i)(1)(B) of the Energy Policy and Conservation
8 Act (42 U.S.C. 6295(i)(1)(B)) with respect to
9 BPAR incandescent reflector lamps, BR incandes-
10 cent reflector lamps, and ER incandescent reflector
11 lamps.

69B

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1 SEC. ~~310~~. Recipients of grants awarded by the De-
2 partment in excess of \$1,000,000 shall certify that they
3 will, by the end of the fiscal year, upgrade the efficiency
4 of their facilities by replacing any lighting that does not
5 meet or exceed the energy efficiency standard for incan-
6 descent light bulbs set forth in section 325 of the Energy
7 Policy and Conservation Act (42 U.S.C. 6295).

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1 TITLE IV

2 INDEPENDENT AGENCIES

3 APPALACHIAN REGIONAL COMMISSION

4 For expenses necessary to carry out the programs au-
5 thorized by the Appalachian Regional Development Act of
6 1965, as amended, for necessary expenses for the Federal
7 Co-Chairman and the Alternate on the Appalachian Re-
8 gional Commission, for payment of the Federal share of
9 the administrative expenses of the Commission, including
10 services as authorized by 5 U.S.C. 3109, and hire of pas-
11 senger motor vehicles, \$68,263,000, to remain available
12 until expended.

13 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

14 SALARIES AND EXPENSES

15 For necessary expenses of the Defense Nuclear Fa-
16 cilities Safety Board in carrying out activities authorized
17 by the Atomic Energy Act of 1954, as amended by Public
18 Law 100-456, section 1441, \$29,130,000, to remain
19 available until September 30, 2013: *Provided*, That within
20 90 days of enactment of this Act, the Defense Nuclear
21 Facilities Safety Board shall enter into an agreement for
22 inspector general services with the Office of Inspector
23 General for the Nuclear Regulatory Commission for fiscal
24 years 2012 and 2013: *Provided further*, That at the expi-
25 ration of such agreement, the Defense Nuclear Facilities

1 Safety Board shall procure inspector general services an-
2 nually thereafter.

3 DELTA REGIONAL AUTHORITY

4 SALARIES AND EXPENSES

5 For necessary expenses of the Delta Regional Author-
6 ity and to carry out its activities, as authorized by the
7 Delta Regional Authority Act of 2000, as amended, not-
8 withstanding sections 382C(b)(2), 382F(d), 382M, and
9 382N of said Act, \$11,677,000, to remain available until
10 expended.

11 DENALI COMMISSION

12 For expenses of the Denali Commission including the
13 purchase, construction, and acquisition of plant and cap-
14 ital equipment as necessary and other expenses,
15 \$10,679,000, to remain available until expended, notwith-
16 standing the limitations contained in section 306(g) of the
17 Denali Commission Act of 1998: *Provided*, That funds
18 shall be available for construction projects in an amount
19 not to exceed 80 percent of total project cost for distressed
20 communities, as defined by section 307 of the Denali Com-
21 mission Act of 1998 (division C, title III, Public Law 105-
22 277), as amended by section 701 of appendix D, title VII,
23 Public Law 106-113 (113 Stat. 1501A-280), and an
24 amount not to exceed 50 percent for non-distressed com-
25 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, \$1,497,000, 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 SOUTHEAST CRESCENT REGIONAL COMMISSION

10 For necessary expenses of the Southeast Crescent Re-
11 gional Commission in carrying out activities authorized by
12 subtitle V of title 40, United States Code, \$250,000, to
13 remain available until expended.

14 NUCLEAR REGULATORY COMMISSION

15 SALARIES AND EXPENSES

16 For necessary expenses of the Commission in car-
17 rying out the purposes of the Energy Reorganization Act
18 of 1974, as amended, and the Atomic Energy Act of 1954,
19 as amended, including official representation expenses
20 (not to exceed \$25,000), \$1,027,240,000, to remain avail-
21 able until expended: *Provided*, That of the amount appro-
22 priated herein, not more than \$9,000,000 may be made
23 available for salaries and other support costs for the Office
24 of the Commission: *Provided further*, That revenues from
25 licensing fees, inspection services, and other services and

1 collections estimated at \$899,726,000 in fiscal year 2012
2 shall be retained and used for necessary salaries and ex-
3 penses in this account, notwithstanding 31 U.S.C. 3302,
4 and shall remain available until expended

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8 : *Provided further*, That the sum herein ap-
9 propriated shall be reduced by the amount of revenues re-
10 ceived during fiscal year 2012 so as to result in a final
11 fiscal year 2012 appropriation estimated at not more than
12 \$127,514,000: *Provided further*, That of the amounts ap-
13 propriated under this heading, \$10,000,000 shall be for
14 university research and development in areas relevant to
15 their respective organization's mission, and \$5,000,000
16 shall be for a Nuclear Science and Engineering Grant Pro-
17 gram that will support multiyear projects that do not align
18 with programmatic missions but are critical to maintain-
19 ing the discipline of nuclear science and engineering.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector
22 General in carrying out the provisions of the Inspector
23 General Act of 1978, \$10,860,000, to remain available
24 until September 30, 2013: *Provided*, That revenues from
25 licensing fees, inspection services, and other services and

1 collections estimated at \$9,774,000 in fiscal year 2012
2 shall be retained and be available until expended, for nec-
3 essary salaries and expenses in this account, notwith-
4 standing section 3302 of title 31, United States Code: *Pro-*
5 *vided further*, That the sum herein appropriated shall be
6 reduced by the amount of revenues received during fiscal
7 year 2012 so as to result in a final fiscal year 2012 appro-
8 priation estimated at not more than \$1,086,000.

9 NUCLEAR WASTE TECHNICAL REVIEW BOARD

10 SALARIES AND EXPENSES

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

15 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

16 NATURAL GAS TRANSPORTATION PROJECTS

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

21 GENERAL PROVISIONS—INDEPENDENT

22 AGENCIES

23 SEC. 401. (a) None of the funds provided in this title
24 for "Nuclear Regulatory Commission—Salaries and Ex-

1 penses" shall be available for obligation or expenditure
2 through a reprogramming of funds that—

3 (1) increases funds or personnel for any pro-
4 gram, project, or activity for which funds are denied
5 or restricted by this Act; or

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

9 (b) The Chairman of the Nuclear Regulatory Com-
10 mission may not terminate any program, project, or activ-
11 ity without the approval of a majority vote of the Commis-
12 sioners of the Nuclear Regulatory Commission approving
13 such action.

14 (c) The Nuclear Regulatory Commission may waive
15 the restriction on reprogramming under subsection (a) on
16 a case-by-case basis by certifying to the Committees on
17 Appropriations of the House of Representatives and the
18 Senate that such action is required to address national
19 security or imminent risks to public safety. Each such
20 waiver certification shall include a letter from the Chair-
21 man of the Commission that a majority of Commissioners
22 of the Nuclear Regulatory Commission have voted and ap-
23 proved the reprogramming waiver certification.

24 SEC. 402. The Nuclear Regulatory Commission shall
25 require reactor licensees to re-evaluate the seismic, tsu-

1 nami, flooding, and other external hazards at their sites
2 against current applicable Commission requirements and
3 guidance for such licenses as expeditiously as possible, and
4 thereafter when appropriate, as determined by the Com-
5 mission, and require each licensee to respond to the Com-
6 mission that the design basis for each reactor meets the
7 requirements of its license, current applicable Commission
8 requirements and guidance for such license. Based upon
9 the evaluations conducted pursuant to this section and
10 other information it deems relevant, the Commission shall
11 require licensees to update the design basis of for each
12 reactor, if necessary.

1 TITLE V

2 GENERAL PROVISIONS

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 SEC. 503. None of the funds made available under
15 this Act may be expended for any new hire by any Federal
16 agency funded in this Act that is not verified through the
17 E-Verify Program ~~established under section 403(a) of the~~ *(as described in*
18 *Illegal Immigration Reform and Immigrant Responsibility*
19 *Act of 1996 (8 U.S.C. 1324a note).*

20 SEC. 504. None of the funds made available by this
21 Act may be used to enter into a contract, memorandum
22 of understanding, or cooperative agreement with, make a
23 grant to, or provide a loan or loan guarantee to any cor-
24 poration that was convicted (or had an officer or agent
25 of such corporation acting on behalf of the corporation

1 convicted) of a felony criminal violation under any Federal
2 law within the preceding 24 months, where the awarding
3 agency is aware of the conviction, unless the agency has
4 considered suspension or debarment of the corporation, or
5 such officer or agent, and made a determination that this
6 further action is not necessary to protect the interests of
7 the Government.

8 SEC. 505. None of the funds made available by this
9 Act may be used to enter into a contract, memorandum
10 of understanding, or cooperative agreement with, make a
11 grant to, or provide a loan or loan guarantee to, any cor-
12 poration that has any unpaid Federal tax liability that has
13 been assessed, for which all judicial and administrative
14 remedies have been exhausted or have lapsed, and that
15 is not being paid in a timely manner pursuant to an agree-
16 ment with the authority responsible for collecting the tax
17 liability, where the awarding agency is aware of the unpaid
18 tax liability, unless the agency has considered suspension
19 or debarment of the corporation and made a determination
20 that this further action is not necessary to protect the in-
21 terests of the Government.

22 SEC. 506. None of the funds made available by this
23 Act may be used in contravention of Executive Order No.
24 12898 of February 11, 1994 ("Federal Actions to Address

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- 1 Environmental Justice in Minority Populations and Low-
- 2 Income Populations”).

1 This division may be cited as the “Energy and Water
2 Development and Related Agencies Appropriations Act,
3 2012”.