

Union Calendar No. 323

112TH CONGRESS
2^D SESSION

H. R. 5325

[Report No. 112-462]

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

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2012

Mr. FRELINGHUYSEN, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for en-
5 ergy and water development and related agencies for the
6 fiscal year ending September 30, 2013, and for other pur-
7 poses, namely:

8 TITLE I—CORPS OF ENGINEERS—CIVIL

9 DEPARTMENT OF THE ARMY

10 CORPS OF ENGINEERS—CIVIL

11 The following appropriations shall be expended under
12 the direction of the Secretary of the Army and the super-
13 vision of the Chief of Engineers for authorized civil func-
14 tions of the Department of the Army pertaining to river
15 and harbor, flood and storm damage reduction, shore pro-
16 tection, aquatic ecosystem restoration, and related efforts.

17 INVESTIGATIONS

18 For expenses necessary where authorized by law for
19 the collection and study of basic information pertaining
20 to river and harbor, flood and storm damage reduction,
21 shore protection, aquatic ecosystem restoration, and re-
22 lated needs; for surveys and detailed studies, and plans
23 and specifications of proposed river and harbor, flood and
24 storm damage reduction, shore protection, and aquatic
25 ecosystem restoration, projects and related efforts prior to

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

3 TITLE III—DEPARTMENT OF ENERGY

4 ENERGY PROGRAMS

5 ENERGY EFFICIENCY AND RENEWABLE ENERGY

6 (INCLUDING RESCISSION OF FUNDS)

7 For Department of Energy expenses including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment, and other expenses necessary for energy
10 efficiency and renewable energy activities in carrying out
11 the purposes of the Department of Energy Organization
12 Act (42 U.S.C. 7101 et seq.), including the acquisition or
13 condemnation of any real property or any facility or for
14 plant or facility acquisition, construction, or expansion,
15 \$1,450,960,000 to remain available until expended: *Pro-*
16 *vided*, That of such amount, \$115,000,000 shall be avail-
17 able until September 30, 2014, for program direction: *Pro-*
18 *vided further*, That for the purposes of allocating weather-
19 ization assistance funds to States and tribes during fiscal
20 year 2013, the Secretary of Energy may waive the alloca-
21 tion formula established pursuant to section 414(a) of the
22 Energy Conservation and Production Act (42 U.S.C.
23 6864(a)): *Provided further*, That of the unobligated bal-
24 ances from prior year appropriations available under this
25 heading, \$69,667,000 is hereby permanently rescinded:

1 *Provided further*, That no amounts may be rescinded from
2 amounts that were designated by the Congress as an
3 emergency requirement pursuant to the Concurrent Reso-
4 lution on the Budget or the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985.

6 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

7 For Department of Energy expenses including the
8 purchase, construction, and acquisition of plant and cap-
9 ital equipment, and other expenses necessary for elec-
10 tricity delivery and energy reliability activities in carrying
11 out the purposes of the Department of Energy Organiza-
12 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
13 tion or condemnation of any real property or any facility
14 or for plant or facility acquisition, construction, or expan-
15 sion, \$123,000,000, to remain available until expended:
16 *Provided*, That of such amount, \$27,600,000 shall be
17 available until September 30, 2014, for program direction.

18 NUCLEAR ENERGY

19 For Department of Energy expenses including the
20 purchase, construction, and acquisition of plant and cap-
21 ital equipment, and other expenses necessary for nuclear
22 energy activities in carrying out the purposes of the De-
23 partment of Energy Organization Act (42 U.S.C. 7101 et
24 seq.), including the acquisition or condemnation of any
25 real property or any facility or for plant or facility acquisi-

1 tion, construction, or expansion, and the purchase of not
2 more than 10 buses and 2 ambulances, all for replacement
3 only, \$765,391,000, to remain available until expended,
4 of which \$10,000,000 shall be derived from the Nuclear
5 Waste Fund established in section 302 (c) of the Nuclear
6 Waste Policy Act of 1982 (42 U.S.C. 10222(c)), to be
7 made available only to support the high-level waste geo-
8 logic repository at Yucca Mountain: *Provided*, That, of the
9 amount made available under this heading, \$90,015,000
10 shall be available until September 30, 2014, for program
11 direction.

12 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

13 For necessary expenses in carrying out fossil energy
14 research and development activities, under the authority
15 of the Department of Energy Organization Act (Public
16 Law 95-91), including the acquisition of interest, includ-
17 ing defeasible and equitable interests in any real property
18 or any facility or for plant or facility acquisition or expan-
19 sion, and for conducting inquiries, technological investiga-
20 tions and research concerning the extraction, processing,
21 use, and disposal of mineral substances without objection-
22 able social and environmental costs (30 U.S.C. 3, 1602,
23 and 1603), \$554,000,000, to remain available until ex-
24 pended: *Provided*, That of such amount, \$115,753,000
25 shall be available until September 30, 2014, for program

1 direction: *Provided further*, That for all programs funded
2 under Fossil Energy appropriations in this Act or any
3 other Act, the Secretary of Energy may vest fee title or
4 other property interests acquired under projects in any en-
5 tity, including the United States.

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 ELK HILLS SCHOOL LANDS FUND

14 For necessary expenses in fulfilling the final payment
15 under the Settlement Agreement entered into by the
16 United States and the State of California on October 11,
17 1996, as authorized by section 3415 of Public Law 104-
18 106, \$15,579,815, for payment to the State of California
19 for the State Teachers' Retirement Fund, of which
20 \$15,579,815 shall be derived from the Elk Hills School
21 Lands Fund.

22 STRATEGIC PETROLEUM RESERVE

23 For necessary expenses for Strategic Petroleum Re-
24 serve facility development and operations and program
25 management activities pursuant to the Energy Policy and

1 Conservation Act of 1975, as amended (42 U.S.C. 6201
2 et seq.), \$195,609,000, to remain available until expended.

3 NORTHEAST HOME HEATING OIL RESERVE

4 (INCLUDING RESCISSION OF FUNDS)

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

17 ENERGY INFORMATION ADMINISTRATION

18 For necessary expenses in carrying out the activities
19 of the Energy Information Administration, \$100,000,000
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 \$198,506,000, 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, \$425,493,000 to be de-
13 rived from the Uranium Enrichment Decontamination and
14 Decommissioning Fund, to remain available until ex-
15 pended.

16 SCIENCE
17 (INCLUDING RESCISSION OF FUNDS)

18 For Department of Energy expenses including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment, and other expenses necessary for science
21 activities in carrying out the purposes of the Department
22 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
23 cluding the acquisition or condemnation of any real prop-
24 erty or facility or for plant or facility acquisition, construc-
25 tion, or expansion, and purchase of not more than 25 pas-

1 senger motor vehicles for replacement only, including one
2 ambulance and one bus, \$4,824,931,000, to remain avail-
3 able until expended: *Provided*, That of such amount,
4 \$185,000,000 shall be available until September 30, 2014,
5 for program direction: *Provided further*, That of the unob-
6 ligated balances from appropriations available under this
7 heading, \$23,500,000 is hereby permanently rescinded:
8 *Provided further*, That no amounts may be rescinded from
9 amounts that were designated by the Congress as an
10 emergency requirement pursuant to the Concurrent Reso-
11 lution on the Budget or the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

14 For necessary expenses in carrying out the activities
15 authorized by section 5012 of the America COMPETES
16 Act (Public Law 110–69), as amended, \$200,000,000, to
17 remain available until expended: *Provided*, That of such
18 amount, \$20,000,000 shall be available until September
19 30, 2014, for program direction.

20 NUCLEAR WASTE DISPOSAL

21 For nuclear waste disposal activities to carry out the
22 purposes of the Nuclear Waste Policy Act of 1982, Public
23 Law 97-425, as amended (the “NWPA”), \$25,000,000,
24 to remain available until expended, and to be derived from
25 the Nuclear Waste Fund established in section 302(c) of

1 such Act (42 U.S.C. 10222(e)), to be made available only
2 to support the Yucca Mountain license application: *Pro-*
3 *vided*, That not less than \$5,000,000 of funds made avail-
4 able under this heading shall be made available only for
5 assistance to affected units of local government which have
6 given formal consent to the Secretary of Energy to host
7 a high-level waste repository as authorized by the NWPA.

8 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
9 PROGRAM

10 Such sums as are derived from amounts received
11 from borrowers pursuant to section 1702(b)(2) of the En-
12 ergy Policy Act of 2005 under this heading in prior Acts,
13 shall be collected in accordance with section 502(7) of the
14 Congressional Budget Act of 1974: *Provided*, That, for
15 necessary administrative expenses to carry out this Loan
16 Guarantee program, \$38,000,000 is appropriated, to re-
17 main available until September 30, 2014: *Provided further*,
18 That \$38,000,000 of the fees collected pursuant to section
19 1702(h) of the Energy Policy Act of 2005 shall be credited
20 as offsetting collections to this account to cover adminis-
21 trative expenses and shall remain available until expended,
22 so as to result in a final fiscal year 2013 appropriation
23 from the general fund estimated at not more than \$0: *Pro-*
24 *vided further*, That fees collected under section 1702(h)

1 in excess of the amount appropriated for administrative
2 expenses shall not be available until appropriated.

3 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
4 LOAN PROGRAM

5 For administrative expenses in carrying out the Ad-
6 vanced Technology Vehicles Manufacturing Loan Pro-
7 gram, \$6,000,000, to remain available until September 30,
8 2014.

9 DEPARTMENTAL ADMINISTRATION

10 For salaries and expenses of the Department of En-
11 ergy necessary for departmental administration in car-
12 rying out the purposes of the Department of Energy Orga-
13 nization Act (42 U.S.C. 7101 et seq.), including the hire
14 of passenger motor vehicles and official reception and rep-
15 resentation expenses not to exceed \$30,000,
16 \$230,783,000, to remain available until September 30,
17 2014, plus such additional amounts as necessary to cover
18 increases in the estimated amount of cost of work for oth-
19 ers notwithstanding the provisions of the Anti-Deficiency
20 Act (31 U.S.C. 1511 et seq.): *Provided*, That such in-
21 creases in cost of work are offset by revenue increases of
22 the same or greater amount, to remain available until ex-
23 pended: *Provided further*, That moneys received by the De-
24 partment for miscellaneous revenues estimated to total
25 \$108,188,000 in fiscal year 2013 may be retained and

1 used for operating expenses within this account, and may
2 remain available until expended, as authorized by section
3 201 of Public Law 95–238, notwithstanding the provisions
4 of 31 U.S.C. 3302: *Provided further*, That the sum herein
5 appropriated shall be reduced by the amount of miscella-
6 neous revenues received during 2013, and any related ap-
7 propriated receipt account balances remaining from prior
8 years’ miscellaneous revenues, so as to result in a final
9 fiscal year 2013 appropriation from the general fund esti-
10 mated at not more than \$122,595,000.

11 OFFICE OF THE INSPECTOR GENERAL

12 For necessary expenses of the Office of the Inspector
13 General in carrying out the provisions of the Inspector
14 General Act of 1978, as amended, \$43,468,000, to remain
15 available until September 30, 2014.

16 ATOMIC ENERGY DEFENSE ACTIVITIES

17 NATIONAL NUCLEAR SECURITY

18 ADMINISTRATION

19 WEAPONS ACTIVITIES

20 (INCLUDING RESCISSION OF FUNDS)

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

1 Act (42 U.S.C. 7101 et seq.), including the acquisition or
2 condemnation of any real property or any facility or for
3 plant or facility acquisition, construction, or expansion,
4 and the purchase of not to exceed one ambulance,
5 \$7,577,341,000, to remain available until expended: *Pro-*
6 *vided*, That of the unobligated balances from prior year
7 appropriations available under this heading, \$65,000,000
8 is hereby permanently rescinded: *Provided further*, That
9 no amounts may be rescinded from amounts that were
10 designated by the Congress as an emergency requirement
11 pursuant to the Concurrent Resolution on the Budget or
12 the Balanced Budget and Emergency Deficit Control Act
13 of 1985.

14 DEFENSE NUCLEAR NONPROLIFERATION

15 (INCLUDING RESCISSION OF FUNDS)

16 For Department of Energy expenses, including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment and other incidental expenses necessary for
19 defense nuclear nonproliferation activities, in carrying out
20 the purposes of the Department of Energy Organization
21 Act (42 U.S.C. 7101 et seq.), including the acquisition or
22 condemnation of any real property or any facility or for
23 plant or facility acquisition, construction, or expansion,
24 and the purchase of not to exceed one passenger motor
25 vehicle for replacement only, \$2,283,024,000, to remain

1 available until expended: *Provided*, That of the unobli-
2 gated balances from prior year appropriations available
3 under this heading, \$7,000,000 is hereby permanently re-
4 scinded: *Provided further*, That no amounts may be re-
5 scinded from amounts that were designated by the Con-
6 gress as an emergency requirement pursuant to the Con-
7 current Resolution on the Budget or the Balanced Budget
8 and Emergency Deficit Control Act of 1985.

9
10 NAVAL REACTORS

10 For Department of Energy expenses necessary for
11 naval reactors activities to carry out the Department of
12 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
13 ing the acquisition (by purchase, condemnation, construc-
14 tion, or otherwise) of real property, plant, and capital
15 equipment, facilities, and facility expansion,
16 \$1,086,635,000, to remain available until expended: *Pro-*
17 *vided*, That of such amount, \$43,212,000 shall be avail-
18 able until September 30, 2014, for program direction.

19 OFFICE OF THE ADMINISTRATOR

20 For necessary expenses of the Office of the Adminis-
21 trator in the National Nuclear Security Administration,
22 including official reception and representation expenses
23 not to exceed \$12,000, \$400,000,000, to remain available
24 until September 30, 2014.

1 ENVIRONMENTAL AND OTHER DEFENSE
2 ACTIVITIES

3 DEFENSE ENVIRONMENTAL CLEANUP
4 (INCLUDING RESCISSION OF FUNDS)

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 atomic
8 energy defense environmental cleanup activities in car-
9 rying out the purposes of the Department of Energy Orga-
10 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
11 sition or condemnation of any real property or any facility
12 or for plant or facility acquisition, construction, or expan-
13 sion, and the purchase of not to exceed one ambulance
14 and one fire truck for replacement only, \$4,930,078,000,
15 to remain available until expended: *Provided*, That of such
16 amount, \$315,607,000 shall be available until September
17 30, 2014, for program direction: *Provided further*, That
18 of the unobligated balances from prior year appropriations
19 available under this heading, \$10,000,000 is hereby per-
20 manently rescinded: *Provided further*, That no amounts
21 may be rescinded from amounts that were designated by
22 the Congress as an emergency requirement pursuant to
23 the Concurrent Resolution on the Budget or the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 OTHER DEFENSE ACTIVITIES

2 For Department of Energy expenses, including the
3 purchase, construction, and acquisition of plant and cap-
4 ital equipment, and other expenses necessary for atomic
5 energy defense, other defense activities, and classified ac-
6 tivities, in carrying out the purposes of the Department
7 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-
8 cluding the acquisition or condemnation of any real prop-
9 erty or any facility or for plant or facility acquisition, con-
10 struction, or expansion, \$813,364,000, to remain available
11 until expended: *Provided*, That of such amount,
12 \$114,858,000 shall be available until September 30, 2014,
13 for program direction.

14 POWER MARKETING ADMINISTRATION

15 BONNEVILLE POWER ADMINISTRATION FUND

16 Expenditures from the Bonneville Power Administra-
17 tion Fund, established pursuant to Public Law 93-454,
18 are approved for construction of, or participating in the
19 construction of, a high voltage line from Bonneville's high
20 voltage system to the service areas of requirements cus-
21 tomers located within Bonneville's service area in southern
22 Idaho, southern Montana, and western Wyoming; and
23 such line may extend to, and interconnect in, the Pacific
24 Northwest with lines between the Pacific Northwest and
25 the Pacific Southwest, and for John Day Reprogramming

1 and Construction, the Columbia River Basin White Stur-
2 geon Hatchery, and Kelt Reconditioning and Reproductive
3 Success Evaluation Research, and, in addition, for official
4 reception and representation expenses in an amount not
5 to exceed \$7,000: *Provided*, That during fiscal year 2013,
6 no new direct loan obligations may be made.

7 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
8 ADMINISTRATION

9 For necessary expenses of operation and maintenance
10 of power transmission facilities and of marketing electric
11 power and energy, including transmission wheeling and
12 ancillary services, pursuant to section 5 of the Flood Con-
13 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
14 eastern power area, and including official reception and
15 representation expenses in an amount not to exceed
16 \$1,500, \$8,732,000, to remain available until expended:
17 *Provided*, That notwithstanding 31 U.S.C. 3302 and sec-
18 tion 5 of the Flood Control Act of 1944, up to \$8,732,000
19 collected by the Southeastern Power Administration from
20 the sale of power and related services shall be credited to
21 this account as discretionary offsetting collections, to re-
22 main available until expended for the sole purpose of fund-
23 ing the annual expenses of the Southeastern Power Ad-
24 ministration: *Provided further*, That the sum herein appro-
25 priated for annual expenses shall be reduced as collections

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

14 OPERATION AND MAINTENANCE, SOUTHWESTERN
15 POWER ADMINISTRATION

16 For necessary expenses of operation and maintenance
17 of power transmission facilities and of marketing electric
18 power and energy, for construction and acquisition of
19 transmission lines, substations and appurtenant facilities,
20 and for administrative expenses, including official recep-
21 tion and representation expenses in an amount not to ex-
22 ceed \$1,500 in carrying out section 5 of the Flood Control
23 Act of 1944 (16 U.S.C. 825s), as applied to the South-
24 western Power Administration, \$44,200,000, to remain
25 available until expended: *Provided*, That notwithstanding

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

1 CONSTRUCTION, REHABILITATION, OPERATION AND
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-
3 TRATION

4 For carrying out the functions authorized by title III,
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42
6 U.S.C. 7152), and other related activities including con-
7 servation and renewable resources programs as author-
8 ized, including official reception and representation ex-
9 penses in an amount not to exceed \$1,500; \$291,920,000,
10 to remain available until expended, of which \$281,702,000
11 shall be derived from the Department of the Interior Rec-
12 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
13 3302, section 5 of the Flood Control Act of 1944 (16
14 U.S.C. 825s), and section 1 of the Interior Department
15 Appropriation Act, 1939 (43 U.S.C. 392a), up to
16 \$195,790,000 collected by the Western Area Power Ad-
17 ministration from the sale of power and related services
18 shall be credited to this account as discretionary offsetting
19 collections, to remain available until expended, for the sole
20 purpose of funding the annual expenses of the Western
21 Area Power Administration: *Provided further*, That the
22 sum herein appropriated for annual expenses shall be re-
23 duced as collections are received during the fiscal year so
24 as to result in a final fiscal year 2013 appropriation esti-
25 mated at not more than \$96,130,000, of which

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

18 FALCON AND AMISTAD OPERATING AND MAINTENANCE

19 FUND

20 For operation, maintenance, and emergency costs for
21 the hydroelectric facilities at the Falcon and Amistad
22 Dams, \$5,555,000, to remain available until expended,
23 and to be derived from the Falcon and Amistad Operating
24 and Maintenance Fund of the Western Area Power Ad-
25 ministration, as provided in section 2 of the Act of June

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

18 FEDERAL ENERGY REGULATORY COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses of the Federal Energy Regu-
21 latory Commission to carry out the provisions of the De-
22 partment of Energy Organization Act (42 U.S.C. 7101 et
23 seq.), including services as authorized by 5 U.S.C. 3109,
24 the hire of passenger motor vehicles, and official reception
25 and representation expenses not to exceed \$3,000,

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

12 GENERAL PROVISIONS, DEPARTMENT OF

13 ENERGY

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 301. (a) No appropriation, funds, or authority
16 made available by this title for the Department of Energy
17 shall be used to initiate or resume any program, project,
18 or activity or to prepare or initiate Requests For Proposals
19 or similar arrangements (including Requests for
20 Quotations, Requests for Information, and Funding Op-
21 portunity Announcements) for a program, project, or ac-
22 tivity if the program, project, or activity has not been
23 funded by Congress.

24 (b) The Department of Energy may not, with respect
25 to any program, project, or activity that uses budget au-

1 thority made available in this title under the heading “De-
2 partment of Energy—Energy Programs”, enter into a
3 multi-year contract, award a multi-year grant, or enter
4 into a multi-year cooperative agreement unless:

5 (1) the contract, grant, or cooperative agree-
6 ment is funded for the full period of performance as
7 anticipated at the time of award; or

8 (2) the contract, grant, or cooperative agree-
9 ment includes a clause conditioning the Federal Gov-
10 ernment’s obligation on the availability of future-
11 year budget authority and the Secretary notifies the
12 Committee on Appropriations of the House of Rep-
13 resentatives and the Senate at least 14 days in ad-
14 vance.

15 (c) Except as provided in subsections (d), (e), and
16 (f), the amounts made available by this title shall be ex-
17 pended as authorized by law for the projects and activities
18 specified in the “Bill” column in the “Department of En-
19 ergy” table or the text included under the heading “Title
20 III—Department of Energy” in the report of the Com-
21 mittee on Appropriations accompanying this Act.

22 (d) The amounts made available by this title may be
23 reprogrammed for any program, project, or activity, and
24 the Department shall notify the Committees on Appropria-
25 tions of the House of Representatives and the Senate at

1 least 30 days prior to the use of any proposed reprogram-
2 ming which would cause any program, project, or activity
3 funding level to increase or decrease by more than
4 \$5,000,000 or 10 percent, whichever is less, during the
5 time period covered by this Act.

6 (e) None of the funds provided in this title shall be
7 available for obligation or expenditure through a re-
8 programming of funds that—

9 (1) creates, initiates, or eliminates a program,
10 project, or activity;

11 (2) increases funds or personnel for any pro-
12 gram, project, or activity for which funds are denied
13 or restricted by this Act; or

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

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

23 (2) The Secretary of Energy shall notify the Commit-
24 tees on Appropriations of any waiver under paragraph (1)
25 as soon as practicable, but not later than 3 days after the

1 date of the activity to which a requirement or restriction
2 would otherwise have applied. Such notice shall include an
3 explanation of the substantial risk under paragraph (1)
4 that permitted such waiver.

5 SEC. 302. The unexpended balances of prior appro-
6 priations provided for activities in this Act may be avail-
7 able to the same appropriation accounts for such activities
8 established pursuant to this title. Available balances may
9 be merged with funds in the applicable established ac-
10 counts and thereafter may be accounted for as one fund
11 for the same time period as originally enacted.

12 SEC. 303. Funds appropriated by this or any other
13 Act, or made available by the transfer of funds in this
14 Act, for intelligence activities are deemed to be specifically
15 authorized by the Congress for purposes of section 504
16 of the National Security Act of 1947 (50 U.S.C. 414) dur-
17 ing fiscal year 2013 until the enactment of the Intelligence
18 Authorization Act for fiscal year 2013.

19 SEC. 304. 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.

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

9 SEC. 306. None of the funds made available in this
10 title may be used to make a grant allocation, discretionary
11 grant award, discretionary contract award, or Other
12 Transaction Agreement, or to issue a letter of intent, to-
13 taling in excess of \$1,000,000, or to announce publicly the
14 intention to make such an allocation, award, or Agree-
15 ment, or to issue such a letter, including a contract cov-
16 ered by the Federal Acquisition Regulation, unless the
17 Secretary of Energy notifies the Committees on Appro-
18 priations of the Senate and the House of Representatives
19 at least 3 full business days in advance of making such
20 an allocation, award, or Agreement, or issuing such a let-
21 ter: *Provided*, That if the Secretary of Energy determines
22 that compliance with this section would pose a substantial
23 risk to human life, health, or safety, an allocation, award,
24 or Agreement may be made, or a letter may be issued,
25 without advance notification, and the Secretary shall no-

1 tify the Committees on Appropriations of the Senate and
2 the House of Representatives not later than 5 full business
3 days after the date on which such an allocation, award,
4 or Agreement is made or letter issued: *Provided further*,
5 That the notification shall include the recipient of the
6 award, the amount of the award, the fiscal year for which
7 the funds for the award were appropriated, and the ac-
8 count and program from which the funds are being drawn,
9 the title of the award, and a brief description of the activ-
10 ity for which the award is made.

11 SEC. 307. None of the funds made available by this
12 or any subsequent Act for fiscal year 2013 or any fiscal
13 year hereafter may be used to pay the salaries of Depart-
14 ment of Energy employees to carry out section 407 of divi-
15 sion A of the American Recovery and Reinvestment Act
16 of 2009.

17 SEC. 308. Section 20320(e) of division B of Public
18 Law 109–289, as added by Public Law 110–5, is amended
19 by striking “an annual review” and inserting “a review
20 every 3 years”.

21 SEC. 309. Not later than June 30, 2013, the Sec-
22 retary shall submit to the House and Senate Committees
23 on Appropriations a tritium and enriched uranium man-
24 agement plan that provides:

1 (a) An assessment of the national security demand
2 for tritium through 2060;

3 (b) An assessment of the national security demand
4 for low and highly enriched uranium through 2060;

5 (c) A description of the Department of Energy's plan
6 to provide adequate amounts of tritium for national secu-
7 rity purposes through 2060, including the derivation of
8 adequate supplies of enriched uranium and its use;

9 (d) An analysis of planned and alternative tritium
10 production technologies, including weapons dismantlement;
11

12 (e) An analysis of planned and alternative enriched
13 uranium production technologies, including down-blending,
14 which are available to meet the supply needs for national
15 security programs through 2060.

16 SEC. 310. None of the funds made available in this
17 Act may be used for uranium transactions that do not conform
18 to the excess uranium inventory management plan
19 submitted pursuant to the Consolidated Appropriations
20 Act, 2012.

21 SEC. 311. No funds within this Act shall be expended
22 to promulgate the final rule pursuant to Section 433 of
23 the Energy Independence and Security Act of 2007, Pub.
24 L. No. 110 – 140 (Dec. 19, 2007) (codified at 42 U.S.C.
25 § 6834) and no funds shall be used to implement any final

1 rule implementing Section 433 of the Energy Independ-
2 ence and Security Act of 2007, Pub. L. No. 110 – 140
3 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834).

4 SEC. 312. None of the funds made available in this
5 title or funds available in the Bonneville Power Adminis-
6 tration Fund may be used by the Department of Energy
7 for any new program, project, or activity required by or
8 otherwise proposed in the memorandum from Steven Chu,
9 Secretary of Energy, to the Power Marketing Administra-
10 tors with the subject line “Power Marketing Administra-
11 tions’ Role” and dated March 16, 2012.

12 TITLE IV—INDEPENDENT AGENCIES

13 APPALACHIAN REGIONAL COMMISSION

14 For expenses necessary to carry out the programs au-
15 thorized by the Appalachian Regional Development Act of
16 1965, as amended, notwithstanding 40 U.S.C. 14704, and
17 for necessary expenses for the Federal Co-Chairman and
18 the Alternate on the Appalachian Regional Commission,
19 for payment of the Federal share of the administrative ex-
20 penses of the Commission, including services as authorized
21 by 5 U.S.C. 3109, and hire of passenger motor vehicles,
22 \$75,317,000, to remain available until expended.

1 DEFENSE NUCLEAR FACILITIES SAFETY BOARD
2 SALARIES AND EXPENSES

3 For necessary expenses of the Defense Nuclear Fa-
4 cilities Safety Board in carrying out activities authorized
5 by the Atomic Energy Act of 1954, as amended by Public
6 Law 100–456, section 1441, \$29,415,000, to remain
7 available until September 30, 2014.

8 DELTA REGIONAL AUTHORITY
9 SALARIES AND EXPENSES

10 For necessary expenses of the Delta Regional Author-
11 ity and to carry out its activities, as authorized by the
12 Delta Regional Authority Act of 2000, as amended, not-
13 withstanding sections 382C(b)(2), 382F(d), 382M, and
14 382N of said Act, \$11,677,000, to remain available until
15 expended.

16 DENALI COMMISSION

17 For expenses of the Denali Commission including the
18 purchase, construction, and acquisition of plant and cap-
19 ital equipment as necessary and other expenses,
20 \$10,679,000, to remain available until expended, notwith-
21 standing the limitations contained in section 306(g) of the
22 Denali Commission Act of 1998: *Provided*, That funds
23 shall be available for construction projects in an amount
24 not to exceed 80 percent of total project cost for distressed
25 communities, as defined by section 307 of the Denali Com-

1 mission Act of 1998 (division C, title III, Public Law 105–
2 277), as amended by section 701 of appendix D, title VII,
3 Public Law 106–113 (113 Stat. 1501A–280), and an
4 amount not to exceed 50 percent for non-distressed com-
5 munities.

6 NORTHERN BORDER REGIONAL COMMISSION

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

14 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

19 NUCLEAR REGULATORY COMMISSION

20 SALARIES AND EXPENSES

21 For necessary expenses of the Commission in car-
22 rying out the purposes of the Energy Reorganization Act
23 of 1974, as amended, and the Atomic Energy Act of 1954,
24 as amended, including official representation expenses
25 (not to exceed \$25,000), \$1,038,800,000, to remain avail-

1 able until expended: *Provided*, That of the amount appro-
2 priated herein, not more than \$9,500,000 may be made
3 available for salaries, travel, and other support costs for
4 the Office of the Commission, of which, notwithstanding
5 section 201(a)(2)(c) of the Energy Reorganization Act of
6 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure
7 shall only be approved by a majority vote of the Commis-
8 sion: *Provided further*, That revenues from licensing fees,
9 inspection services, and other services and collections esti-
10 mated at \$911,772,000 in fiscal year 2013 shall be re-
11 tained and used for necessary salaries and expenses in this
12 account, notwithstanding 31 U.S.C. 3302, and shall re-
13 main available until expended: *Provided further*, That the
14 sum herein appropriated shall be reduced by the amount
15 of revenues received during fiscal year 2013 so as to result
16 in a final fiscal year 2013 appropriation estimated at not
17 more than \$127,028,000: *Provided further*, That of the
18 amounts appropriated under this heading, \$10,000,000
19 shall be for university research and development in areas
20 relevant to their respective organization's mission, and
21 \$5,000,000 shall be for a Nuclear Science and Engineer-
22 ing Grant Program that will support multiyear projects
23 that do not align with programmatic missions but are crit-
24 ical to maintaining the discipline of nuclear science and
25 engineering.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General in carrying out the provisions of the Inspector
4 General Act of 1978, \$11,020,000, to remain available
5 until September 30, 2014: *Provided*, That revenues from
6 licensing fees, inspection services, and other services and
7 collections estimated at \$9,918,000 in fiscal year 2013
8 shall be retained and be available until September 30,
9 2014, for necessary salaries and expenses in this account,
10 notwithstanding section 3302 of title 31, United States
11 Code: *Provided further*, That the sum herein appropriated
12 shall be reduced by the amount of revenues received dur-
13 ing fiscal year 2013 so as to result in a final fiscal year
14 2013 appropriation estimated at not more than
15 \$1,102,000.

16 NUCLEAR WASTE TECHNICAL REVIEW BOARD

17 SALARIES AND EXPENSES

18 For necessary expenses of the Nuclear Waste Tech-
19 nical Review Board, as authorized by Public Law 100-
20 203, section 5051, \$3,400,000, to be derived from the Nu-
21 clear Waste Fund established in section 302(c) of such
22 Act (42 U.S.C. 10222(c)) and to remain available until
23 expended.

1 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA
2 NATURAL GAS TRANSPORTATION PROJECTS

3 For necessary expenses for the Office of the Federal
4 Coordinator for Alaska Natural Gas Transportation
5 Projects pursuant to the Alaska Natural Gas Pipeline Act
6 of 2004, \$1,000,000: *Provided*, That any fees, charges, or
7 commissions received pursuant to section 802 of Public
8 Law 110–140 in fiscal year 2013 in excess of \$2,000,000
9 shall not be available for obligation until appropriated in
10 a subsequent Act of Congress.

11 GENERAL PROVISIONS, INDEPENDENT
12 AGENCIES

13 SEC. 401. (a) None of the funds provided for “Nu-
14 clear Regulatory Commission—Salaries and Expenses” in
15 this Act or prior Acts shall be available for obligation or
16 expenditure through a reprogramming of funds that—

17 (1) increases funds or personnel for any pro-
18 gram, project, or activity for which funds are denied
19 or restricted by this Act; or

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

23 (b) The Chairman of the Nuclear Regulatory Com-
24 mission may not terminate any program, project, or activ-
25 ity without the approval of a majority vote of the Commis-

1 sioners of the Nuclear Regulatory Commission approving
2 such action.

3 (c) The Nuclear Regulatory Commission may waive
4 the restriction on reprogramming under subsection (a) on
5 a case-by-case basis by certifying to the Committees on
6 Appropriations of the House of Representatives and the
7 Senate that such action is required to address national
8 security or imminent risks to public safety. Each such
9 waiver certification shall include a letter from the Chair-
10 man of the Commission that a majority of Commissioners
11 of the Nuclear Regulatory Commission have voted and ap-
12 proved the reprogramming waiver certification.

13 SEC. 402. The Chairman of the Nuclear Regulatory
14 Commission shall notify the Committees on Appropria-
15 tions of the House of Representatives and the Senate not
16 later than 1 day after the Chairman begins performing
17 functions under the authority of section 3 of Reorganiza-
18 tion Plan No. 1 of 1980, or after a member of the Com-
19 mission who was delegated emergency functions under
20 subsection (b) of that section begins performing those
21 functions. Such notification shall include an explanation
22 of the circumstances warranting the exercise of such au-
23 thority. The Chairman shall report to the Committees, not
24 less frequently than once each week, on the actions taken
25 by the Chairman, or a delegated member of the Commis-

1 sion, under such authority, until the authority is relin-
2 quished. The Chairman shall notify the Committees not
3 later than 1 day after such authority is relinquished. The
4 Chairman shall submit the report required by section 3(d)
5 of the Reorganization Plan No. 1 of 1980 to the Commit-
6 tees not later than 1 day after it was submitted to the
7 Commission.

8 TITLE V—GENERAL PROVISIONS

9 SEC. 501. None of the funds appropriated by this Act
10 may be used in any way, directly or indirectly, to influence
11 congressional action on any legislation or appropriation
12 matters pending before Congress, other than to commu-
13 nicate to Members of Congress as described in 18 U.S.C.
14 1913.

15 SEC. 502. None of the funds made available in this
16 Act may be transferred to any department, agency, or in-
17 strumentality of the United States Government, except
18 pursuant to a transfer made by, or transfer authority pro-
19 vided in this Act or any other appropriation Act.

20 SEC. 503. None of the funds made available under
21 this Act may be expended for any new hire by any Federal
22 agency funded in this Act that is not verified through the
23 E-Verify Program as described in section 403(a) of the
24 Illegal Immigration Reform and Immigrant Responsibility
25 Act of 1996 (8 U.S.C. 1324a note).

1 SEC. 504. None of the funds made available by this
2 Act may be used to enter into a contract, memorandum
3 of understanding, or cooperative agreement with, make a
4 grant to, or provide a loan or loan guarantee to any cor-
5 poration that was convicted (or had an officer or agent
6 of such corporation acting on behalf of the corporation
7 convicted) of a felony criminal violation under any Federal
8 law within the preceding 24 months, where the awarding
9 agency is aware of the conviction, unless the agency has
10 considered suspension or debarment of the corporation, or
11 such officer or agent, and made a determination that this
12 further action is not necessary to protect the interests of
13 the Government.

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

1 that this further action is not necessary to protect the in-
2 terests of the Government.

3 SEC. 506. None of the funds made available by this
4 Act may be used in contravention of Executive Order No.
5 12898 of February 11, 1994 (“Federal Actions to Address
6 Environmental Justice in Minority Populations and Low-
7 Income Populations”).

8 SEC. 507. No funds made available by this Act may
9 be used to pay for mitigation associated with the removal
10 of Federal Energy Regulatory Commission Project num-
11 ber 2342.

12 SEC. 508. None of the funds made available in this
13 Act may be used to conduct closure of adjudicatory func-
14 tions, technical review, or support activities associated
15 with the Yucca Mountain geologic repository license appli-
16 cation, or for actions that irrevocably remove the possi-
17 bility that Yucca Mountain may be a repository option in
18 the future.

19 SPENDING REDUCTION ACCOUNT

20 SEC. 509. The amount by which the applicable alloca-
21 tion of new budget authority made by the Committee on
22 Appropriations of the House of Representatives under sec-
23 tion 302(b) of the Congressional Budget Act of 1974 ex-
24 ceeds the amount of proposed new budget authority is \$0.

1 This Act may be cited as the “Energy and Water De-
2 velopment and Related Agencies Appropriations Act,
3 2013”.

Union Calendar No. 323

112TH CONGRESS
2^D SESSION

H. R. 5325

[Report No. 112-462]

A BILL

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

MAY 2, 2012

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed