

Calendar No. 157

112TH CONGRESS  
1ST SESSION

**H. R. 2354**

[Report No. 112-75]

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IN THE SENATE OF THE UNITED STATES

JULY 18, 2011

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 7, 2011

Reported by Mrs. FEINSTEIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italics]

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**AN ACT**

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

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 ~~That the following sums are appropriated, out of any~~  
4 ~~money in the Treasury not otherwise appropriated, for en-~~  
5 ~~ergy and water development and related agencies for the~~  
6 ~~fiscal year ending September 30, 2012, and for other pur-~~  
7 ~~poses, namely:~~

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

4           The following appropriations shall be expended under  
5 the direction of the Secretary of the Army and the super-  
6 vision of the Chief of Engineers for authorized civil func-  
7 tions of the Department of the Army pertaining to rivers  
8 and harbors; flood and storm damage reduction; shore  
9 protection; aquatic ecosystem restoration; and related ef-  
10 forts.

11                                   INVESTIGATIONS

12           For expenses necessary when authorized by law for  
13 the collection and study of basic information pertaining  
14 to river and harbor; flood and storm damage reduction;  
15 shore protection; aquatic ecosystem restoration; and re-  
16 lated needs; for surveys and detailed studies and plans and  
17 specifications of proposed river and harbor; flood and  
18 storm damage reduction; shore protection; and aquatic  
19 ecosystem restoration projects and related efforts prior to  
20 construction; for restudy of authorized projects; and for  
21 miscellaneous investigations and, when authorized by law,  
22 surveys and detailed studies and plans and specifications  
23 of projects prior to construction, \$104,000,000; to remain  
24 available until expended: *Provided*, That except as pro-  
25 vided in section 101, the amounts made available under

1 this paragraph shall be expended as authorized by law for  
2 the programs, projects and activities specified in the text  
3 and table under this heading in the report of the Com-  
4 mittee on Appropriations of the House of Representatives  
5 to accompany this Act.

6 CONSTRUCTION

7 (INCLUDING RESCISSION OF FUNDS)

8 For expenses necessary for the construction of river  
9 and harbor, flood and storm damage reduction, shore pro-  
10 tection, aquatic ecosystem restoration, and related  
11 projects authorized by law; for conducting detailed studies  
12 and plans and specifications of such projects (including  
13 those involving participation by States, local governments,  
14 or private groups) authorized or made eligible for selection  
15 by law (but such detailed studies and plans and specifica-  
16 tions shall not constitute a commitment of the Govern-  
17 ment to construction); \$1,615,941,000 (reduced by  
18 \$1,750,000), to remain available until expended; of which  
19 such sums as are necessary to cover the Federal share of  
20 construction costs for facilities under the Dredged Mate-  
21 rial Disposal Facilities program shall be derived from the  
22 Harbor Maintenance Trust Fund as authorized by the  
23 Water Resources Development Act of 1996 (Public Law  
24 104-303); and of which such sums as are necessary to  
25 cover one-half of the costs of construction, replacement,

1 rehabilitation, and expansion of inland waterways projects  
2 (including only Olmsted Lock and Dam, Ohio River, Illi-  
3 nois and Kentucky; Emsworth Locks and Dam, Ohio  
4 River, Pennsylvania; Lock and Dams 2, 3, and 4,  
5 Monongahela River, Pennsylvania; and Lock and Dam 27,  
6 Mississippi River, Illinois) shall be derived from the Inland  
7 Waterways Trust Fund: *Provided*, That of the unobligated  
8 balances from prior year appropriations available under  
9 this heading, \$50,000,000 is rescinded: *Provided further*,  
10 That no amounts may be rescinded from amounts that  
11 were designated by the Congress as an emergency require-  
12 ment pursuant to the Concurrent Resolution on the Budget  
13 et or the Balanced Budget and Emergency Deficit Control  
14 Act of 1985, as amended: *Provided further*, That except  
15 as provided in section 101, the amounts made available  
16 under this paragraph shall be expended as authorized by  
17 law for the programs, projects, and activities specified in  
18 the text and table under this heading in the report of the  
19 Committee on Appropriations of the House of Representa-  
20 tives to accompany this Act.

21                   MISSISSIPPI RIVER AND TRIBUTARIES

22           For expenses necessary for flood damage reduction  
23 projects and related efforts in the Mississippi River allu-  
24 vial valley below Cape Girardeau, Missouri, as authorized  
25 by law, \$210,000,000, to remain available until expended,

1 of which such sums as are necessary to cover the Federal  
2 share of eligible operation and maintenance costs for in-  
3 land harbors shall be derived from the Harbor Mainte-  
4 nance Trust Fund: *Provided*, That except as provided in  
5 section 101, the amounts made available under this para-  
6 graph shall be expended as authorized by law for the pro-  
7 grams, projects, and activities specified in the text and  
8 table under this heading in the report of the Committee  
9 on Appropriations of the House of Representatives to ac-  
10 company this Act.

11 OPERATION AND MAINTENANCE

12 For expenses necessary for the operation, mainte-  
13 nance, and care of existing river and harbor, flood and  
14 storm damage reduction, aquatic ecosystem restoration,  
15 and related projects authorized by law; providing security  
16 for infrastructure owned or operated by the Corps of Engi-  
17 neers, including administrative buildings and laboratories;  
18 maintaining harbor channels provided by a State, munici-  
19 pality, or other public agency that serve essential naviga-  
20 tion needs of general commerce, when authorized by law;  
21 surveying and charting northern and northwestern lakes  
22 and connecting waters; clearing and straightening chan-  
23 nels; and removing obstructions to navigation;  
24 \$2,366,465,000 (increased by \$1,000,000) (increased by  
25 \$6,360,000) (reduced by \$4,900,000), to remain available

1 until expended, of which such sums as are necessary to  
2 cover the Federal share of eligible operation and mainte-  
3 nance costs for coastal harbors and channels and for in-  
4 land harbors shall be derived from the Harbor Mainte-  
5 nance Trust Fund; of which such sums as become avail-  
6 able from the special account for the Corps of Engineers  
7 established by the Land and Water Conservation Fund  
8 Act of 1965 (~~16 U.S.C. 4601-6a(i)~~) shall be derived from  
9 that account for resource protection, research, interpreta-  
10 tion, and maintenance activities related to resource protec-  
11 tion in the areas at which outdoor recreation is available;  
12 and of which such sums as become available from fees col-  
13 lected under section 217 of the Water Resources Develop-  
14 ment Act of 1996 (~~Public Law 104-303~~) shall be used  
15 to cover the cost of operation and maintenance of the  
16 dredged material disposal facilities for which such fees  
17 have been collected: *Provided*, That 1 percent of the total  
18 amount of funds provided for each of the programs,  
19 projects or activities funded under this heading shall not  
20 be allocated to a field operating activity prior to the begin-  
21 ning of the fourth quarter of the fiscal year and shall be  
22 available for use by the Chief of Engineers to fund such  
23 emergency activities as the Chief of Engineers determines  
24 to be necessary and appropriate, and that the Chief of En-  
25 gineers shall allocate during the fourth quarter any re-

1 maining funds which have not been used for emergency  
2 activities proportionally in accordance with the amounts  
3 provided for the programs, projects or activities: *Provided*  
4 *further*, That except as provided in section 101, the  
5 amounts made available under this paragraph shall be ex-  
6 pended as authorized by law for the programs, projects,  
7 and activities specified in the text and table under this  
8 heading in the report of the Committee on Appropriations  
9 of the House of Representatives to accompany this Act.

10 REGULATORY PROGRAM

11 For expenses necessary for administration of laws  
12 pertaining to regulation of navigable waters and wetlands,  
13 \$196,000,000, to remain available until expended.

14 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

19 FLOOD CONTROL AND COASTAL EMERGENCIES

20 For expenses necessary to prepare for floods, hurri-  
21 canes, and other natural disasters and support emergency  
22 operations, repairs, and other activities in response to  
23 such disasters as authorized by law, \$27,000,000, to re-  
24 main available until expended.

## EXPENSES

1  
2 For expenses necessary for the supervision and gen-  
3 eral administration of the civil works program in the head-  
4 quarters of the Corps of Engineers and the offices of the  
5 Division Engineers; and for costs of management and op-  
6 eration of the Humphreys Engineer Center Support Activ-  
7 ity, the Institute for Water Resources, the United States  
8 Army Engineer Research and Development Center, and  
9 the United States Army Corps of Engineers Finance Cen-  
10 ter allocable to the civil works program, \$185,000,000 (re-  
11 duced by \$6,360,000), to remain available until expended,  
12 of which not to exceed \$5,000 may be used for official  
13 reception and representation purposes and only during the  
14 current fiscal year: *Provided*, That no part of any other  
15 appropriation in this title shall be available to fund the  
16 civil works activities of the Office of the Chief of Engineers  
17 or the civil works executive direction and management ac-  
18 tivities of the division offices: *Provided further*, That any  
19 Flood Control and Coastal Emergencies appropriation  
20 may be used to fund the supervision and general adminis-  
21 tration of emergency operations, repairs, and other activi-  
22 ties in response to any flood, hurricane, or other natural  
23 disaster.

1 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
2 FOR CIVIL WORKS

3 For the Office of the Assistant Secretary of the Army  
4 for Civil Works as authorized by section 3016(b)(3) of  
5 title 10, United States Code, \$5,000,000, to remain avail-  
6 able until expended.

7 ADMINISTRATIVE PROVISION

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

12 GENERAL PROVISIONS, CORPS OF  
13 ENGINEERS—CIVIL

14 (INCLUDING TRANSFERS OF FUNDS)

15 SEC. 101. (a) None of the funds provided in this title  
16 shall be available for obligation or expenditure through a  
17 reprogramming of funds that—

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

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

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

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

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

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

10          (b) Subsection (a)(1) shall not apply to any project  
11          or activity authorized under section 205 of the Flood Con-  
12          trol Act of 1948, section 14 of the Flood Control Act of  
13          1946, section 208 of the Flood Control Act of 1954, sec-  
14          tion 107 of the River and Harbor Act of 1960, section  
15          103 of the River and Harbor Act of 1962, section 111  
16          of the River and Harbor Act of 1968, section 1135 of the  
17          Water Resources Development Act of 1986, section 206  
18          of the Water Resources Development Act of 1996, or sec-  
19          tion 204 of the Water Resources Development Act of  
20          1992.

21          (c) This section shall not apply to additional flood  
22          and coastal storm damage reduction and navigation pro-  
23          gram funds provided under “Remaining Items” in the ta-  
24          bles under the headings “Corps of Engineers-Civil—Con-  
25          struction” and “Corps of Engineers-Civil—Operation and

1 Maintenance” or to additional investigations funding  
2 under “National Programs” under the heading “Corps of  
3 Engineers—Civil—Investigations” in the report of the Com-  
4 mittee on Appropriations of the House of Representatives  
5 to accompany this Act.

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

13 SEC. 102. None of the funds made available in this  
14 title may be used to award or modify any contract that  
15 commits funds beyond the amounts appropriated for that  
16 program, project, or activity that remain unobligated, ex-  
17 cept that such amounts may include any funds that have  
18 been made available through reprogramming pursuant to  
19 section 101.

20 SEC. 103. None of the funds in this Act, or previous  
21 Acts, making funds available for Energy and Water Devel-  
22 opment, shall be used to award any continuing contract  
23 that commits additional funding from the Inland Water-  
24 ways Trust Fund unless or until such time that a long-  
25 term mechanism to enhance revenues in this Fund suffi-

1 eient to meet the cost-sharing authorized in the Water Re-  
2 sources Development Act of 1986 (Public Law 99-662)  
3 is enacted.

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

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

20       SEC. 106. The Secretary is authorized to transfer to  
21 “Corps of Engineers-Civil—Construction” up to  
22 \$100,000,000 of the funds provided for reinforcing or re-  
23 placing flood walls under the heading “Corps of Engi-  
24 neers-Civil—Flood Control and Coastal Emergencies” in  
25 Public Law 109-234 and Public Law 110-252 and up to

1 \$75,000,000 of the funds provided for projects and meas-  
2 ures for the West Bank and Vicinity and Lake  
3 Ponchartrain and Vicinity projects under the heading  
4 “Corps of Engineers-Civil—Flood Control and Coastal  
5 Emergencies” in Public Law 110-28, to be used with  
6 funds provided for the West Bank and Vicinity project  
7 under the heading “Corps of Engineers-Civil—Construc-  
8 tion” in Public Law 110-252 and Public Law 110-329,  
9 consistent with 65 percent Federal and 35 percent non-  
10 Federal cost share and the financing of, and payment  
11 terms for, the non-Federal cash contribution associated  
12 with the West Bank and Vicinity project.

13       SEC. 107. The Secretary of the Army may transfer  
14 to the Fish and Wildlife Service, and the Fish and Wildlife  
15 Service may accept and expend, up to \$3,800,000 of funds  
16 provided in this title under the heading “Operation and  
17 Maintenance” to mitigate for fisheries lost due to Corps  
18 of Engineers projects.

19       SEC. 108. None of the funds made available by this  
20 Act or any subsequent Act making appropriations for En-  
21 ergy and Water Development may be used by the Corps  
22 of Engineers to develop, adopt, implement, administer, or  
23 enforce a change or supplement to the rule dated Novem-  
24 ber 13, 1986, or guidance documents dated January 15,  
25 2003, and December 2, 2008, pertaining to the definition

1 of waters under the jurisdiction of the Federal Water Pol-  
2 lution Control Act (33 U.S.C. 1251 et seq.).

3 SEC. 109. None of the funds made available in this  
4 Act may be used by the Corps of Engineers to relocate,  
5 or study the relocation of, any regional division head-  
6 quarters of the Corps located at a military installation or  
7 any permanent employees of such headquarters.

8 SEC. 110. (a) Section 5 of the Act entitled “An Act  
9 authorizing the construction of certain public works on  
10 rivers and harbors for flood control, and for other pur-  
11 poses,” approved June 22, 1936, (33 U.S.C. 701h), is  
12 amended by—

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

15 (2) striking “flood control or environmental res-  
16 toration work” and inserting “water resources devel-  
17 opment study or project”; and

18 (3) inserting “: *Provided further*, That the term  
19 ‘States’ means the several States, the District of Co-  
20 lumbia, the commonwealths, territories, and posses-  
21 sions of the United States, and Federally recognized  
22 Indian tribes” before the period.

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

## 1 TITLE II—DEPARTMENT OF THE INTERIOR

## 2 CENTRAL UTAH PROJECT

## 3 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

4 For carrying out activities authorized by the Central  
5 Utah Project Completion Act, \$27,154,000, to remain  
6 available until expended, of which \$2,000,000 shall be de-  
7 posited into the Utah Reclamation Mitigation and Con-  
8 servation Account for use by the Utah Reclamation Miti-  
9 gation and Conservation Commission. In addition, for nec-  
10 essary expenses incurred in carrying out related respon-  
11 sibilities of the Secretary of the Interior, \$1,550,000. For  
12 fiscal year 2012, the Commission may use an amount not  
13 to exceed \$1,500,000 for administrative expenses.

## 14 BUREAU OF RECLAMATION

15 The following appropriations shall be expended to  
16 execute authorized functions of the Bureau of Reclama-  
17 tion:

## 18 WATER AND RELATED RESOURCES

## 19 (INCLUDING TRANSFERS OF FUNDS)

20 For management, development, and restoration of  
21 water and related natural resources and for related activi-  
22 ties, including the operation, maintenance, and rehabilita-  
23 tion of reclamation and other facilities, participation in  
24 fulfilling related Federal responsibilities to Native Ameri-  
25 cans, and related grants to, and cooperative and other

1 agreements with, State and local governments, federally  
2 recognized Indian tribes, and others, \$822,300,000, to re-  
3 main available until expended, of which \$10,698,000 shall  
4 be available for transfer to the Upper Colorado River  
5 Basin Fund and \$6,136,000 shall be available for transfer  
6 to the Lower Colorado River Basin Development Fund;  
7 of which such amounts as may be necessary may be ad-  
8 vanced to the Colorado River Dam Fund; of which not  
9 more than \$500,000 is for high priority projects which  
10 shall be carried out by the Youth Conservation Corps, as  
11 authorized by 16 U.S.C. 1706: *Provided*, That such trans-  
12 fers may be increased or decreased within the overall ap-  
13 propriation under this heading: *Provided further*, That of  
14 the total appropriated, the amount for program activities  
15 that can be financed by the Reclamation Fund or the Bu-  
16 reau of Reclamation special fee account established by 16  
17 U.S.C. 4601-6a(i) shall be derived from that Fund or ac-  
18 count: *Provided further*, That funds contributed under 43  
19 U.S.C. 395 are available until expended for the purposes  
20 for which contributed: *Provided further*, That funds ad-  
21 vanced under 43 U.S.C. 397a shall be credited to this ac-  
22 count and are available until expended for the same pur-  
23 poses as the sums appropriated under this heading: *Pro-*  
24 *vided further*, That except as provided in section 201, the  
25 amounts made available under this paragraph shall be ex-

1 pending as authorized by law for the programs, projects,  
2 and activities specified in the text and table under this  
3 heading in the report of the Committee on Appropriations  
4 of the House of Representatives to accompany this Act.

5           CENTRAL VALLEY PROJECT RESTORATION FUND

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

21           CALIFORNIA BAY-DELTA RESTORATION

22           (INCLUDING TRANSFERS OF FUNDS)

23           For carrying out activities authorized by the Water  
24 Supply, Reliability, and Environmental Improvement Act,  
25 consistent with plans to be approved by the Secretary of

1 the Interior, \$35,928,000, to remain available until ex-  
2 pended, of which such amounts as may be necessary to  
3 carry out such activities may be transferred to appropriate  
4 accounts of other participating Federal agencies to carry  
5 out authorized purposes: *Provided*, That funds appro-  
6 priated herein may be used for the Federal share of the  
7 costs of CALFED Program management: *Provided fur-*  
8 *ther*, That the use of any funds provided to the California  
9 Bay-Delta Authority for program-wide management and  
10 oversight activities shall be subject to the approval of the  
11 Secretary of the Interior: *Provided further*, That CALFED  
12 implementation shall be carried out in a balanced manner  
13 with clear performance measures demonstrating concur-  
14 rent progress in achieving the goals and objectives of the  
15 Program.

16 POLICY AND ADMINISTRATION

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

## 1 ADMINISTRATIVE PROVISION

2 Appropriations for the Bureau of Reclamation shall  
3 be available for purchase of not to exceed five passenger  
4 motor vehicles, which are for replacement only.

5 GENERAL PROVISIONS, DEPARTMENT OF THE  
6 INTERIOR

7 (INCLUDING RESCISSION OF FUNDS)

8 SEC. 201. (a) None of the funds provided in this title  
9 shall be available for obligation or expenditure through a  
10 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 for any program, project, or  
15 activity for which funds have been denied or re-  
16 stricted by this Act;

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

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

22 (A) 15 percent for any program, project,  
23 or activity for which \$2,000,000 or more is  
24 available at the beginning of the fiscal year; or

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

4           (6) transfers more than \$500,000 from either  
5           the Facilities Operation, Maintenance, and Rehabili-  
6           tation category or the Resources Management and  
7           Development category to any program, project, or  
8           activity in the other category; or

9           (7) transfers, when necessary to discharge legal  
10          obligations of the Bureau of Reclamation, more than  
11          \$5,000,000 to provide adequate funds for settled  
12          contractor claims, increased contractor earnings due  
13          to accelerated rates of operations, and real estate de-  
14          ficiency judgments.

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

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

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

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

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

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

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

3       SEC. 203. Of the funds deposited in the San Joaquin  
4 River Restoration Fund in accordance with subparagraphs  
5 (A), (B), and (C) of section 10009(e)(1) of Public Law  
6 111–11, all unobligated balances remaining from prior fis-  
7 cal years are hereby permanently rescinded.

8           TITLE III—DEPARTMENT OF ENERGY

9                   ENERGY PROGRAMS

10           ENERGY EFFICIENCY AND RENEWABLE ENERGY

11       For Department of Energy expenses including the  
12 purchase, construction, and acquisition of plant and cap-  
13 ital equipment, and other expenses necessary for energy  
14 efficiency and renewable energy activities in carrying out  
15 the purposes of the Department of Energy Organization  
16 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
17 condemnation of any real property or any facility or for  
18 plant or facility acquisition, construction, or expansion,  
19 \$1,304,636,000 (reduced by \$6,000,000) (reduced by  
20 \$200,000), to remain available until expended: *Provided*,  
21 That for the purposes of allocating weatherization assist-  
22 ance funds appropriated by this Act to States and tribes,  
23 the Secretary of Energy may waive the allocation formula  
24 established pursuant to section 414(a) of the Energy Con-  
25 servation and Production Act (42 U.S.C. 6864(a)).

## 1 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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 elec-  
5 tricity delivery and energy reliability activities in carrying  
6 out the purposes of the Department of Energy Organiza-  
7 tion Act (42 U.S.C. 7101 et seq.); including the acquisi-  
8 tion or condemnation of any real property or any facility  
9 or for plant or facility acquisition, construction, or expan-  
10 sion, \$139,496,000, to remain available until expended.

## 11 NUCLEAR ENERGY

12 For Department of Energy expenses including the  
13 purchase, construction, and acquisition of plant and cap-  
14 ital equipment, and other expenses necessary for nuclear  
15 energy activities in carrying out the purposes of the De-  
16 partment of Energy Organization Act (42 U.S.C. 7101 et  
17 seq.); including the acquisition or condemnation of any  
18 real property or any facility or for plant or facility acquisi-  
19 tion, construction, or expansion, and the purchase of not  
20 more than 10 buses, all for replacement only,  
21 \$733,633,000, to remain available until expended.

## 22 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

23 For necessary expenses in carrying out fossil energy  
24 research and development activities, under the authority  
25 of the Department of Energy Organization Act (Public

1 Law 95–91), including the acquisition of interest, includ-  
2 ing defeasible and equitable interests in any real property  
3 or any facility or for plant or facility acquisition or expan-  
4 sion, and for conducting inquiries, technological investiga-  
5 tions and research concerning the extraction, processing,  
6 use, and disposal of mineral substances without objection-  
7 able social and environmental costs (30 U.S.C. 3, 1602,  
8 and 1603), \$476,993,000 (reduced by \$2,200,000) (in-  
9 creased by \$2,200,000), to remain available until ex-  
10 pended: *Provided*, That for all programs funded under  
11 Fossil Energy appropriations in this Act or any other Act,  
12 the Secretary may vest fee title or other property interests  
13 acquired under projects in any entity, including the United  
14 States.

15       NAVAL PETROLEUM AND OIL SHALE RESERVES

16       For expenses necessary to carry out naval petroleum  
17 and oil shale reserve activities, \$14,909,000, to remain  
18 available until expended: *Provided*, That, notwithstanding  
19 any other provision of law, unobligated funds remaining  
20 from prior years shall be available for all naval petroleum  
21 and oil shale reserve activities.

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.); \$192,704,000, to remain available until expended.

3 SPR PETROLEUM ACCOUNT

4 Notwithstanding sections 161 and 167 of the Energy  
5 Policy and Conservation Act (42 U.S.C. 6241 and 6247),  
6 the Secretary of Energy shall sell \$500,000,000 in petro-  
7 leum products from the Reserve not later than March 1,  
8 2012, and shall deposit any proceeds from such sales in  
9 the General Fund of the Treasury: *Provided*, That during  
10 fiscal year 2012 and hereafter, the quantity of petroleum  
11 products sold from the Reserve under the authority of this  
12 Act may only be replaced using the authority provided in  
13 paragraph (a)(1) or (3) of section 160 of the Energy Pol-  
14 icy and Conservation Act (42 U.S.C. 6240(a)(1) or (3)):  
15 *Provided further*, That unobligated balances in this ac-  
16 count shall be available to cover the costs of any sale under  
17 this Act.

18 NORTHEAST HOME HEATING OIL RESERVE

19 (INCLUDING RESCISSION OF FUNDS)

20 For necessary expenses for Northeast Home Heating  
21 Oil Reserve storage, operation, and management activities  
22 pursuant to the Energy Policy and Conservation Act,  
23 \$10,119,000, to remain available until expended: *Pro-*  
24 *vided*, That amounts net of the purchase of 1 million bar-  
25 rels of petroleum distillates in fiscal year 2011; costs re-

1 lated to transportation, delivery, and storage; and sales  
2 of petroleum distillate from the Reserve under section 182  
3 of the Energy Policy and Conservation Act (42 U.S.C.  
4 6250a) are hereby permanently rescinded: *Provided fur-*  
5 *ther*, That notwithstanding section 181 of the Energy Pol-  
6 icy and Conservation Act (42 U.S.C. 6250), for fiscal year  
7 2012 and hereafter, the Reserve shall contain no more  
8 than 1 million barrels of petroleum distillate.

9 ENERGY INFORMATION ADMINISTRATION

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

13 NON-DEFENSE ENVIRONMENTAL CLEANUP

14 For Department of Energy expenses, including the  
15 purchase, construction, and acquisition of plant and cap-  
16 ital equipment and other expenses necessary for non-de-  
17 fense environmental cleanup activities in carrying out the  
18 purposes of the Department of Energy Organization Act  
19 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
20 demnation of any real property or any facility or for plant  
21 or facility acquisition, construction, or expansion,  
22 \$213,121,000 (increased by \$41,000,000), to remain  
23 available until expended.

1           URANIUM ENRICHMENT DECONTAMINATION AND  
2                                   DECOMMISSIONING FUND

3           For necessary expenses in carrying out uranium en-  
4 richment facility decontamination and decommissioning,  
5 remedial actions, and other activities of title II of the  
6 Atomic Energy Act of 1954, and title X, subtitle A, of  
7 the Energy Policy Act of 1992, \$449,000,000, to be de-  
8 rived from the Uranium Enrichment Decontamination and  
9 Decommissioning Fund, and not more than \$150,000,000,  
10 to be derived from the barter, transfer, or sale of uranium  
11 authorized under section 3112 of the USEC Privatization  
12 Act (42 U.S.C. 2297h-10) or section 314 of the Energy  
13 and Water Development Appropriations Act, 2006 (Public  
14 Law 109-103), to remain available until expended: *Pro-*  
15 *vided*, That proceeds from such barter, transfer, or sale  
16 of uranium in excess of such amount shall not be available  
17 until appropriated.

18                                   SCIENCE

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 science  
22 activities in carrying out the purposes of the Department  
23 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
24 cluding the acquisition or condemnation of any real prop-  
25 erty or facility or for plant or facility acquisition, construc-



1 of loan guarantees are also available for projects for which  
2 an application has been submitted to the Department of  
3 Energy prior to February 24, 2011, in whole or in part,  
4 for a loan guarantee under 1705 of the Energy Policy Act  
5 of 2005: *Provided further*, That an additional amount for  
6 necessary administrative expenses to carry out this Loan  
7 Guarantee program, \$38,000,000 is appropriated, to re-  
8 main available until expended: *Provided further*, That  
9 \$38,000,000 of the fees collected pursuant to section  
10 1702(h) of the Energy Policy Act of 2005 shall be credited  
11 as offsetting collections to this account to cover adminis-  
12 trative expenses and shall remain available until expended,  
13 so as to result in a final fiscal year 2012 appropriations  
14 from the general fund estimated at not more than \$0: *Pro-*  
15 *vided further*, That fees collected under section 1702(h)  
16 in excess of the amount appropriated for administrative  
17 expenses shall not be available until appropriated: *Pro-*  
18 *vided further*, That for amounts collected pursuant to sec-  
19 tion 1702(b)(2) of the Energy Policy Act of 2005, the  
20 source of such payment received from borrowers is not a  
21 loan or other debt obligation that is guaranteed by the  
22 Federal Government: *Provided further*, That none of the  
23 loan guarantee authority made available in this paragraph  
24 shall be available for commitments to guarantee loans for  
25 any projects where funds, personnel, or property (tangible

1 or intangible) of any Federal agency, instrumentality, per-  
2 sonnel or affiliated entity are expected to be used (directly  
3 or indirectly) through acquisitions, contracts, demonstra-  
4 tions, exchanges, grants, incentives, leases, procurements,  
5 sales, other transaction authority, or other arrangements,  
6 to support the project or to obtain goods or services from  
7 the project. *Provided further*, That the previous proviso  
8 shall not be interpreted as precluding the use of the loan  
9 guarantee authority in this paragraph for commitments  
10 to guarantee loans for projects as a result of such projects  
11 benefitting from: (1) otherwise allowable Federal income  
12 tax benefits; (2) being located on Federal land pursuant  
13 to a lease or right-of-way agreement for which all consider-  
14 ation for all uses is: (A) paid exclusively in cash; (B) de-  
15 posited in the Treasury as offsetting receipts; and (C)  
16 equal to the fair market value as determined by the head  
17 of the relevant Federal agency; (3) Federal insurance pro-  
18 grams, including under section 170 of the Atomic Energy  
19 Act of 1954 (42 U.S.C. 2210; commonly known as the  
20 “Price-Anderson Act”); or (4) for electric generation  
21 projects, use of transmission facilities owned or operated  
22 by a Federal Power Marketing Administration or the Ten-  
23 nessee Valley Authority that have been authorized, ap-  
24 proved, and financed independent of the project receiving  
25 the guarantee. *Provided further*, That none of the loan

1 guarantee authority made available in this paragraph shall  
2 be available for any project unless the Director of the Of-  
3 fice of Management and Budget has certified in advance  
4 in writing that the loan guarantee and the project comply  
5 with the provisions under this paragraph.

6     ADVANCED TECHNOLOGY VEHICLES MANUFACTURING  
7                                     LOAN PROGRAM

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

11                             DEPARTMENTAL ADMINISTRATION

12             For salaries and expenses of the Department of En-  
13 ergy necessary for departmental administration in ear-  
14 rying out the purposes of the Department of Energy Orga-  
15 nization Act (42 U.S.C. 7101 et seq.), including the hire  
16 of passenger motor vehicles and official reception and rep-  
17 resentation expenses not to exceed \$30,000,\$221,514,000  
18 (reduced by \$2,500,000) (reduced by \$35,000,000) (re-  
19 duced by \$21,000,000) (reduced by \$79,640,000) (re-  
20 duced by \$10,000,000), to remain available until ex-  
21 pended, plus such additional amounts as necessary to  
22 cover increases in the estimated amount of cost of work  
23 for others notwithstanding the provisions of the Anti-Defi-  
24 ciency Act (31 U.S.C. 1511 et seq.): *Provided*, That such  
25 increases in cost of work are offset by revenue increases

1 of the same or greater amount, to remain available until  
2 expended: *Provided further*, That moneys received by the  
3 Department for miscellaneous revenues estimated to total  
4 \$111,883,000 in fiscal year 2012 may be retained and  
5 used for operating expenses within this account, and may  
6 remain available until expended, as authorized by section  
7 201 of Public Law 95-238, notwithstanding the provisions  
8 of 31 U.S.C. 3302: *Provided further*, That the sum herein  
9 appropriated shall be reduced by the amount of miscella-  
10 neous revenues received during 2012, and any related ap-  
11 propriated receipt account balances remaining from prior  
12 years' miscellaneous revenues, so as to result in a final  
13 fiscal year 2012 appropriation from the general fund esti-  
14 mated at not more than \$109,631,000.

15                   OFFICE OF THE INSPECTOR GENERAL

16           For necessary expenses of the Office of the Inspector  
17 General in carrying out the provisions of the Inspector  
18 General Act of 1978, as amended, \$41,774,000, to remain  
19 available until expended.

1           ATOMIC ENERGY DEFENSE ACTIVITIES  
2                    NATIONAL NUCLEAR SECURITY  
3                            ADMINISTRATION  
4                                    WEAPONS ACTIVITIES  
5   (INCLUDING RESCISSION OF FUNDS)

6           For Department of Energy expenses, including the  
7 purchase, construction, and acquisition of plant and cap-  
8 ital equipment and other incidental expenses necessary for  
9 atomic energy defense weapons activities in carrying out  
10 the purposes of the Department of Energy Organization  
11 Act (42 U.S.C. 7101 et seq.); including the acquisition or  
12 condemnation of any real property or any facility or for  
13 plant or facility acquisition, construction, or expansion,  
14 the purchase of not to exceed one ambulance and one air-  
15 craft; \$7,131,993,000, to remain available until expended:  
16 *Provided*, That of such amount not more than  
17 \$139,281,000 may be made available for the B-61 Life  
18 Extension Program until the Administrator for Nuclear  
19 Security submits to the Committees on Appropriations of  
20 the House of Representatives and the Senate the outcome  
21 of its Phase 6.2a design definition and cost study: *Pro-*  
22 *vided further*, That of the unobligated balances available  
23 under this heading, \$40,332,000 are hereby rescinded:  
24 *Provided further*, That no amounts may be rescinded from  
25 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           DEFENSE NUCLEAR NONPROLIFERATION

5                   (INCLUDING RESCISSION OF FUNDS)

6           For Department of Energy expenses, including the  
7 purchase, construction, and acquisition of plant and cap-  
8 ital equipment and other incidental expenses necessary for  
9 defense nuclear nonproliferation activities, in carrying out  
10 the purposes of the Department of Energy Organization  
11 Act (42 U.S.C. 7101 et seq.); including the acquisition or  
12 condemnation of any real property or any facility or for  
13 plant or facility acquisition, construction, or expansion,  
14 and the purchase of not to exceed one passenger motor  
15 vehicle for replacement only, \$2,086,770,000 (increased  
16 by \$35,000,000), to remain available until expended: *Pro-*  
17 *vided*, That of the unobligated balances available under  
18 this heading, \$30,000,000 are hereby rescinded; *Provided*  
19 *further*, That no amounts may be rescinded from amounts  
20 that were designated by the Congress as an emergency re-  
21 quirement pursuant to the Concurrent Resolution on the  
22 Budget or the Balanced Budget and Emergency Deficit  
23 Control Act of 1985.



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

4                   OTHER DEFENSE ACTIVITIES

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, other defense activities, and classified ac-  
9 tivities, in carrying out the purposes of the Department  
10 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
11 cluding the acquisition or condemnation of any real prop-  
12 erty or any facility or for plant or facility acquisition, con-  
13 struction, or expansion, and the purchase of not to exceed  
14 10 passenger motor vehicles for replacement only,  
15 \$814,000,000, to remain available until expended.

16                   POWER MARKETING ADMINISTRATIONS

17                   BONNEVILLE POWER ADMINISTRATION FUND

18       Expenditures from the Bonneville Power Administra-  
19 tion Fund, established pursuant to Public Law 93-454,  
20 are approved for the Kootenai River Native Fish Con-  
21 servation Aquaculture Program, Lolo Creek Permanent  
22 Weir Facility, and Improving Anadromous Fish produc-  
23 tion on the Warm Springs Reservation, and, in addition,  
24 for official reception and representation expenses in an  
25 amount not to exceed \$3,000. During fiscal year 2012,

1 no new direct loan obligations may be made from such  
2 Fund:

3 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
4 ADMINISTRATION

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

1 power and wheeling expenses shall be credited to this ac-  
2 count as offsetting collections; to remain available until  
3 expended for the sole purpose of making purchase power  
4 and wheeling expenditures: *Provided further*, That for pur-  
5 poses of this appropriation, annual expenses means ex-  
6 penditures that are generally recovered in the same year  
7 that they are incurred (excluding purchase power and  
8 wheeling expenses).

9 OPERATION AND MAINTENANCE, SOUTHWESTERN

10 POWER ADMINISTRATION

11 For necessary expenses of operation and maintenance  
12 of power transmission facilities and of marketing electric  
13 power and energy, for construction and acquisition of  
14 transmission lines, substations and appurtenant facilities,  
15 and for administrative expenses, including official recep-  
16 tion and representation expenses in an amount not to ex-  
17 ceed \$1,500 in carrying out section 5 of the Flood Control  
18 Act of 1944 (16 U.S.C. 825s), as applied to the South-  
19 western Power Administration, \$45,010,000, to remain  
20 available until expended: *Provided*, That notwithstanding  
21 31 U.S.C. 3302 and section 5 of the Flood Control Act  
22 of 1944 (16 U.S.C. 825s), up to \$33,118,000 collected  
23 by the Southwestern Power Administration from the sale  
24 of power and related services shall be credited to this ac-  
25 count as discretionary offsetting collections, to remain

1 available until expended, for the sole purpose of funding  
2 the annual expenses of the Southwestern Power Adminis-  
3 tration: *Provided further*, That the sum herein appro-  
4 priated for annual expenses shall be reduced as collections  
5 are received during the fiscal year so as to result in a final  
6 fiscal year 2012 appropriation estimated at not more than  
7 \$11,892,000: *Provided further*, That, notwithstanding 31  
8 U.S.C. 3302, up to \$40,000,000 collected by the South-  
9 western Power Administration pursuant to the Flood Con-  
10 trol Act of 1944 to recover purchase power and wheeling  
11 expenses shall be credited to this account as offsetting col-  
12 lections, 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 CONSTRUCTION, REHABILITATION, OPERATION AND  
19 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
20 TRATION  
21 For carrying out the functions authorized by title III,  
22 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
23 U.S.C. 7152), and other related activities including con-  
24 servation and renewable resources programs as author-  
25 ized, including official reception and representation ex-

1 penses in an amount not to exceed \$1,500; \$285,900,000,  
2 to remain available until expended, of which \$278,856,000  
3 shall be derived from the Department of the Interior Rec-  
4 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.  
5 3302, section 5 of the Flood Control Act of 1944 (16  
6 U.S.C. 825s), and section 4 of the Interior Department  
7 Appropriation Act, 1939 (43 U.S.C. 392a), up to  
8 \$189,932,000 collected by the Western Area Power Ad-  
9 ministration from the sale of power and related services  
10 shall be credited to this account as discretionary offsetting  
11 collections, to remain available until expended, for the sole  
12 purpose of funding the annual expenses of the Western  
13 Area Power Administration: *Provided further*, That the  
14 sum herein appropriated for annual expenses shall be re-  
15 duced as collections are received during the fiscal year so  
16 as to result in a final fiscal year 2012 appropriation esti-  
17 mated at not more than \$95,968,000, of which  
18 \$88,924,000 is derived from the Reclamation Fund: *Pro-*  
19 *vided further*, That of the amount herein appropriated, not  
20 more than \$3,375,000 is for deposit into the Utah Rec-  
21 lamation Mitigation and Conservation Account pursuant  
22 to title IV of the Reclamation Projects Authorization and  
23 Adjustment Act of 1992: *Provided further*, That notwith-  
24 standing 31 U.S.C. 3302, up to \$306,541,000 collected  
25 by the Western Area Power Administration pursuant to

1 the Flood Control Act of 1944 and the Reclamation  
2 Project Act of 1939 to recover purchase power and wheel-  
3 ing expenses shall be credited to this account as offsetting  
4 collections, to remain available until expended for the sole  
5 purpose of making purchase power and wheeling expendi-  
6 tures: *Provided further*, That for purposes of this appro-  
7 priation, annual expenses means expenditures that are  
8 generally recovered in the same year that they are in-  
9 curred (excluding purchase power and wheeling expenses).

10 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
11 FUND

12 For operation, maintenance, and emergency costs for  
13 the hydroelectric facilities at the Falcon and Amistad  
14 Dams, \$4,169,000, to remain available until expended,  
15 and to be derived from the Falcon and Amistad Operating  
16 and Maintenance Fund of the Western Area Power Ad-  
17 ministration, as provided in section 2 of the Act of June  
18 18, 1954 (68 Stat. 255) as amended: *Provided*, That not-  
19 withstanding the provisions of that Act and of 31 U.S.C.  
20 3302, up to \$3,949,000 collected by the Western Area  
21 Power Administration from the sale of power and related  
22 services from the Falcon and Amistad Dams shall be cred-  
23 ited to this account as discretionary offsetting collections,  
24 to remain available until expended for the sole purpose  
25 of funding the annual expenses of the hydroelectric facili-

1 ties of these Dams and associated Western Area Power  
2 Administration activities: *Provided further*, That the sum  
3 herein appropriated for annual expenses shall be reduced  
4 as collections are received during the fiscal year so as to  
5 result in a final fiscal year 2012 appropriation estimated  
6 at not more than \$220,000: *Provided further*, That for  
7 purposes of this appropriation, annual expenses means ex-  
8 penditures that are generally recovered in the same year  
9 that they are incurred.

10 FEDERAL ENERGY REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Energy Regu-  
13 latory Commission to carry out the provisions of the De-  
14 partment of Energy Organization Act (42 U.S.C. 7101 et  
15 seq.), including services as authorized by 5 U.S.C. 3109,  
16 the hire of passenger motor vehicles, and official reception  
17 and representation expenses not to exceed  
18 \$3,000,\$304,600,000, to remain available until expended:  
19 *Provided*, That notwithstanding any other provision of  
20 law, not to exceed \$304,600,000 of revenues from fees and  
21 annual charges, and other services and collections in fiscal  
22 year 2012 shall be retained and used for necessary ex-  
23 penses in this account, and shall remain available until  
24 expended: *Provided further*, That the sum herein appro-  
25 priated from the general fund shall be reduced as revenues



1 whether the contract, grant, or cooperative agreement in-  
2 cludes a clause conditioning the Government's obligation  
3 on the availability of such budget authority.

4 (2) Paragraph (1) shall not apply with respect to  
5 major capital projects.

6 (e) Except as provided in this section, the amounts  
7 made available by this Act for the Department of Energy  
8 shall be expended as authorized by law for the projects  
9 and activities specified in the text and the "Bill" column  
10 in the "Comparative Statement of New Budget  
11 (Obligational) Authority for 2011 and Budget Requests  
12 and Amounts Recommended in the Bill for 2012" included  
13 under the heading "Title III—Department of Energy" in  
14 the report of the Committee on Appropriations of the  
15 House of Representatives to accompany this Act.

16 (d) None of the funds provided in this title shall be  
17 available for obligation or expenditure through a re-  
18 programming of funds that—

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

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

22 (3) increases funds or personnel for any pro-  
23 gram, project, or activity for which funds are denied  
24 or restricted by this Act;

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

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

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

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

16          SEC. 302. None of the funds made available in this  
17          title may be used—

18                 (1) to augment the funds made available for ob-  
19                 ligation by this Act for severance payments and  
20                 other benefits and community assistance grants  
21                 under section 4604 of the Atomic Energy Defense  
22                 Act (50 U.S.C. 2704) unless the Department of En-  
23                 ergy submits a reprogramming request to the appro-  
24                 priate congressional committees;

1           (2) to provide enhanced severance payments or  
2           other benefits for employees of the Department of  
3           Energy under section 4604; or

4           (3) develop or implement a workforce restruc-  
5           turing plan that covers employees of the Department  
6           of Energy.

7           SEC. 303. The unexpended balances of prior appro-  
8           priations provided for activities in this Act may be avail-  
9           able to the same appropriation accounts for such activities  
10          established pursuant to this title. Available balances may  
11          be merged with funds in the applicable established ac-  
12          counts and thereafter may be accounted for as one fund  
13          for the same time period as originally enacted.

14          SEC. 304. None of the funds in this or any other Act  
15          for the Administrator of the Bonneville Power Administra-  
16          tion may be used to enter into any agreement to perform  
17          energy efficiency services outside the legally defined Bon-  
18          neville service territory, with the exception of services pro-  
19          vided internationally, including services provided on a re-  
20          imbursable basis, unless the Administrator certifies in ad-  
21          vance that such services are not available from private sec-  
22          tor businesses.

23          SEC. 305. When the Department of Energy makes  
24          a user facility available to universities or other potential  
25          users, or seeks input from universities or other potential

1 users regarding significant characteristics or equipment in  
2 a user facility or a proposed user facility; the Department  
3 shall ensure broad public notice of such availability or  
4 such need for input to universities and other potential  
5 users. When the Department of Energy considers the par-  
6 ticipation of a university or other potential user as a for-  
7 mal partner in the establishment or operation of a user  
8 facility; the Department shall employ full and open com-  
9 petition in selecting such a partner. For purposes of this  
10 section, the term “user facility” includes, but is not lim-  
11 ited to: (1) a user facility as described in section  
12 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C.  
13 13503(a)(2)); (2) a National Nuclear Security Adminis-  
14 tration Defense Programs Technology Deployment Cen-  
15 ter/User Facility; and (3) any other Departmental facility  
16 designated by the Department as a user facility.

17 SEC. 306. Funds appropriated by this or any other  
18 Act, or made available by the transfer of funds in this  
19 Act, for intelligence activities are deemed to be specifically  
20 authorized by the Congress for purposes of section 504  
21 of the National Security Act of 1947 (50 U.S.C. 414) dur-  
22 ing fiscal year 2012 until the enactment of the Intelligence  
23 Authorization Act for Fiscal Year 2012.

24 SEC. 307. (a) In any fiscal year in which the Sec-  
25 retary of Energy determines that additional funds are

1 needed to reimburse the costs of defined benefit pension  
2 plans for contractor employees, the Secretary may transfer  
3 not more than 1 percent of an appropriation made avail-  
4 able in this or any subsequent Energy and Water Develop-  
5 ment Appropriations Act to any other appropriation made  
6 available to the Secretary by such Act for such reimburse-  
7 ment.

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

16 (c) In carrying out a transfer under this section, the  
17 Secretary shall use each appropriation made available to  
18 the Department in that fiscal year as a source for the  
19 transfer, and shall reduce each appropriation by an equal  
20 percentage, except that appropriations for which the Sec-  
21 retary determines there exists a need for additional funds  
22 for pension plan costs in that fiscal year, as well as appro-  
23 priations made available for the Power Marketing Admin-  
24 istrations, the loan guarantee program under title XVII  
25 of the Energy Policy Act of 2005, and the Federal Energy

1 Regulatory Commission, shall not be subject to this re-  
2 quirement.

3 (d) Each January, the Secretary shall report to the  
4 Committees on Appropriations of the House of Represent-  
5 atives and the Senate on the state of defined benefit pen-  
6 sion plan liabilities in the Department for the preceding  
7 year.

8 (e) This transfer authority does not apply to supple-  
9 mental appropriations, and is in addition to any other  
10 transfer authority provided in this or any other Act. The  
11 authority provided under this section shall expire on Sep-  
12 tember 30, 2015.

13 (f) The Secretary shall notify the Committees on Ap-  
14 propriations of the House of Representatives and the Sen-  
15 ate in writing not less than 30 days in advance of each  
16 transfer authorized by this section.

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

23 SEC. 309. Plant or construction projects for which  
24 amounts are made available under this and subsequent ap-  
25 propriation Acts with an estimated cost of less than

1 \$10,000,000 are considered for purposes of section 4703  
2 of the Atomic Energy Defense Act (50 U.S.C. 2743) as  
3 a plant project for which the approved total estimated cost  
4 does not exceed the minor construction threshold and for  
5 purposes of section 4704(d) of such Act (50 U.S.C.  
6 2744(d)) as a construction project with an estimated cost  
7 of less than a minor construction threshold.

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

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

1 at least 3 full business days in advance of making such  
2 an allocation, award, or Agreement, or issuing such a let-  
3 ter: *Provided*, That if the Secretary of Energy determines  
4 that compliance with this section would pose a substantial  
5 risk to human life, health, or safety, an allocation, award,  
6 or Agreement may be made, or a letter may be issued,  
7 without advance notification, and the Secretary shall no-  
8 tify the Committees on Appropriations of the Senate and  
9 the House of Representatives not later than 5 full business  
10 days after the date on which such an allocation, award,  
11 or Agreement is made or letter issued.

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

19       SEC. 313. None of the funds included in this title  
20 for the Department of Energy shall be made available to  
21 initiate, administer, promulgate, or enforce any “signifi-  
22 cant regulatory action” as defined by Executive Order No.  
23 12866 unless the Committee on Appropriations has been  
24 notified not later than 30 days before the issuance of such  
25 action.

## 1 TITLE IV—INDEPENDENT AGENCIES

## 2 APPALACHIAN REGIONAL COMMISSION

3 For expenses necessary to carry out the programs au-  
4 thorized by the Appalachian Regional Development Act of  
5 1965, for necessary expenses for the Federal Co-Chairman  
6 and the Alternate on the Appalachian Regional Commis-  
7 sion, for payment of the Federal share of the administra-  
8 tive expenses of the Commission, including services as au-  
9 thorized by 5 U.S.C. 3109, and hire of passenger motor  
10 vehicles, \$68,400,000, to remain available until expended.

## 11 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

## 12 SALARIES AND EXPENSES

13 For necessary expenses of the Defense Nuclear Fa-  
14 cilities Safety Board in carrying out activities authorized  
15 by the Atomic Energy Act of 1954, as amended by Public  
16 Law 100-456, section 1441, \$29,130,000, to remain  
17 available until expended.

## 18 DELTA REGIONAL AUTHORITY

## 19 SALARIES AND EXPENSES

20 For necessary expenses of the Delta Regional Author-  
21 ity and to carry out its activities, as authorized by the  
22 Delta Regional Authority Act of 2000, as amended, not-  
23 withstanding sections 382C(b)(2), 382F(d), 382M, and  
24 382N of said Act, \$11,700,000, to remain available until  
25 expended.

## DENALI COMMISSION

1  
2 For expenses of the Denali Commission including the  
3 purchase, construction, and acquisition of plant and cap-  
4 ital equipment as necessary and other expenses,  
5 \$10,700,000, to remain available until expended, notwith-  
6 standing the limitations contained in section 306(g) of the  
7 Denali Commission Act of 1998 (title III of division C of  
8 Public Law 105–277): *Provided*, That funds shall be avail-  
9 able for construction projects in an amount not to exceed  
10 80 percent of total project cost for distressed communities,  
11 as defined in the subsection (e) added to section 307 of  
12 such Act by section 701 of title VII of the provisions of  
13 H.R. 3424 (106th Congress) enacted into law in section  
14 1000(a)(4) of Public Law 106–113 (113 Stat. 1501A–  
15 280), and an amount not to exceed 50 percent for non-  
16 distressed communities.

## NORTHERN BORDER REGIONAL COMMISSION

17  
18 For necessary expenses of the Northern Border Re-  
19 gional Commission in carrying out activities authorized by  
20 subtitle V of title 40, United States Code, \$1,350,000, to  
21 remain available until expended: *Provided*, That such  
22 amounts shall be available for administrative expenses,  
23 notwithstanding section 15751(b) of title 40, United  
24 States Code.

## 1       SOUTHEAST CRESCENT REGIONAL COMMISSION

2       For necessary expenses of the Southeast Cresecent Re-  
3 gional Commission in carrying out activities authorized by  
4 subtitle V of title 40, United States Code, \$250,000, to  
5 remain available until expended.

## 6                   NUCLEAR REGULATORY COMMISSION

## 7                               SALARIES AND EXPENSES

8       For necessary expenses of the Nuclear Regulatory  
9 Commission in carrying out the purposes of the Energy  
10 Reorganization Act of 1974 and the Atomic Energy Act  
11 of 1954, including official representation expenses (not to  
12 exceed \$25,000), \$1,027,240,000 (increased by  
13 \$10,000,000), to remain available until expended: *Pro-*  
14 *vided*, That of the amount appropriated herein, not more  
15 than \$7,500,000 may be made available for salaries and  
16 other support costs for the Office of the Commission: *Pro-*  
17 *vided*, That of the amount appropriated herein,  
18 \$10,000,000 (increased by \$10,000,000) shall be used to  
19 continue the Yucca Mountain license application, to be de-  
20 rived from the Nuclear Waste Fund: *Provided further*,  
21 That revenues from licensing fees, inspection services, and  
22 other services and collections estimated at \$890,713,000  
23 in fiscal year 2012 shall be retained and used for nec-  
24 essary salaries and expenses in this account, notwith-  
25 standing 31 U.S.C. 3302, and shall remain available until

1 expended: *Provided further*, That the sum herein appro-  
2 priated shall be reduced by the amount of revenues re-  
3 ceived during fiscal year 2012 so as to result in a final  
4 fiscal year 2012 appropriation estimated at not more than  
5 \$136,527,000: *Provided further*, That of the amounts ap-  
6 propriated under this heading, \$10,000,000 shall be for  
7 university research and development in areas relevant to  
8 their respective organization's mission, and \$5,000,000  
9 shall be for a Nuclear Science and Engineering Grant Pro-  
10 gram that will support multiyear projects that do not align  
11 with programmatic missions but are critical to maintain-  
12 ing the discipline of nuclear science and engineering.

13 OFFICE OF INSPECTOR GENERAL

14 For necessary expenses of the Office of Inspector  
15 General in carrying out the provisions of the Inspector  
16 General Act of 1978, \$10,860,000, to remain available  
17 until expended: *Provided*, That revenues from licensing  
18 fees, inspection services, and other services and collections  
19 estimated at \$9,774,000 in fiscal year 2012 shall be re-  
20 tained and be available until expended, for necessary sala-  
21 ries and expenses in this account, notwithstanding section  
22 3302 of title 31, United States Code: *Provided further*,  
23 That the sum herein appropriated shall be reduced by the  
24 amount of revenues received during fiscal year 2012 so

1 as to result in a final fiscal year 2012 appropriation esti-  
 2 mated at not more than \$1,086,000.

3           NUCLEAR WASTE TECHNICAL REVIEW BOARD

4                           SALARIES AND EXPENSES

5           For necessary expenses of the Nuclear Waste Tech-  
 6 nical Review Board, as authorized by section 5051 of Pub-  
 7 lic Law 100–203, \$3,400,000 to be derived from the Nu-  
 8 clear Waste Fund, and to remain available until expended.

9           OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

10                           NATURAL GAS TRANSPORTATION PROJECTS

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

19           GENERAL PROVISION, INDEPENDENT

20                           AGENCIES

21           SEC. 401. (a) None of the funds provided in this title  
 22 for “Nuclear Regulatory Commission—Salaries and Ex-  
 23 penses” shall be available for obligation or expenditure  
 24 through a reprogramming of funds that—

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

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

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

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

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

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

1           (d) Except as provided in this section, the amounts  
 2 made available for “Nuclear Regulatory Commission—  
 3 Salaries and Expenses” shall be expended as authorized  
 4 by law for the projects and activities specified in the text  
 5 and table under that heading in the report of the Com-  
 6 mittee on Appropriations of the House of Representatives  
 7 to accompany this Act.

8           TITLE V—EMERGENCY SUPPLEMENTAL  
 9                           FUNDING FOR DISASTER RELIEF

10       (INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

11       SEC. 501. (a) Effective on the date of enactment of  
 12 this Act, the unobligated balance of funds in excess of  
 13 \$1,028,684,400 made available for “Department of  
 14 Transportation—Federal Railroad Administration—Cap-  
 15 ital Assistance for High Speed Rail Corridors and Inter-  
 16 city Passenger Rail Service” by title XII of Public Law  
 17 111-5 is hereby rescinded, and the remaining amount is  
 18 hereby transferred to and merged with the following ac-  
 19 counts of the Corps of Engineers—Civil in the following  
 20 amounts for fiscal year 2011, to remain available until ex-  
 21 pended, for emergency expenses for repair of damage  
 22 caused by the storm and flood events occurring in 2011:

23           (1) “Construction”, \$376,000.

24           (2) “Mississippi River and Tributaries”,  
 25           \$589,505,000.

1           (3) “Operation and Maintenance”,  
2           \$204,927,000.

3           (4) “Flood Control and Coastal Emergencies”,  
4           \$233,876,400.

5           (b) With respect to each amount transferred in sub-  
6 section (a), the Chief of Engineers, acting through the As-  
7 sistant Secretary of the Army for Civil Works, shall pro-  
8 vide, at a minimum, a weekly report to the Committees  
9 on Appropriations of the House of Representatives and the  
10 Senate detailing the allocation and obligation of such  
11 amount, beginning not later than one week after the date  
12 of the enactment of this Act.

13           (c) Each amount transferred in subsection (a) is des-  
14 ignated as an emergency pursuant to section 3(c)(1) of  
15 H. Res. 5 (112th Congress).

## 16           TITLE VI—GENERAL PROVISIONS

17           SEC. 601. None of the funds appropriated by this Act  
18 may be used in any way, directly or indirectly, to influence  
19 congressional action on any legislation or appropriation  
20 matters pending before Congress, other than to commu-  
21 nicate to Members of Congress as described in 18 U.S.C.  
22 1913.

23           SEC. 602. None of the funds made available in this  
24 Act may be transferred to any department, agency, or in-  
25 strumentality of the United States Government, except

1 pursuant to a transfer made by, or transfer authority pro-  
2 vided, in this Act or any other appropriation Act.

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

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

17       SEC. 605. None of the funds made available under  
18 this Act may be expended for any new hire by any Federal  
19 agency funded in this Act that is not verified through the  
20 E-Verify Program established under section 403(a) of the  
21 Illegal Immigration Reform and Immigrant Responsibility  
22 Act of 1996 (8 U.S.C. 1324a note).

23       SEC. 606. None of the funds made available by this  
24 Act may be used to enter into a contract, memorandum  
25 of understanding, or cooperative agreement with, make a

1 grant to, or provide a loan or loan guarantee to, any cor-  
2 poration that was convicted (or had an officer or agent  
3 of such corporation acting on behalf of the corporation  
4 convicted) of a felony criminal violation under any Federal  
5 law within the preceding 24 months.

6       SEC. 607. None of the funds made available by this  
7 Act may be used to enter into a contract, memorandum  
8 of understanding, or cooperative agreement with, make a  
9 grant to, or provide a loan or loan guarantee to, any cor-  
10 poration that any unpaid Federal tax liability that has  
11 been assessed, for which all judicial and administrative  
12 remedies have been exhausted or have lapsed, and that  
13 is not being paid in a timely manner pursuant to an agree-  
14 ment with the authority responsible for collecting the tax  
15 liability.

16                               SPENDING REDUCTION ACCOUNT

17       SEC. 608. The amount by which the applicable alloca-  
18 tion of new budget authority made by the Committee on  
19 Appropriations of the House of Representatives under sec-  
20 tion 302(b) of the Congressional Budget Act of 1974 ex-  
21 ceeds the amount of proposed new budget authority is \$0  
22 (increased by \$4,900,000) (increased by \$6,000,000) (in-  
23 creased by \$200,000) (increased by \$2,500,000).

1       SEC. 609. None of the funds made available by this  
2 Act may be used to implement or enforce section  
3 327.13(a) of title 36, Code of Federal Regulations.

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

8       SEC. 611. None of the funds made available in this  
9 Act may be used to implement or enforce the recommenda-  
10 tions or guidance proposed by the Army Corps of Engi-  
11 neers in the final draft of the McNary Shoreline Manage-  
12 ment Plan, Lake Wallula, Washington.

13       SEC. 612. None of the funds made available by this  
14 Act may be used by the Department of Energy to move  
15 the Office of Environmental Management under the au-  
16 thority of the Under Secretary for Nuclear Security of the  
17 Department of Energy.

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

24       SEC. 614. None of the funds made available to the  
25 Corps of Engineers by this Act may be used for the re-

1 moval or associated mitigation of Federal Energy Regu-  
2 latory Commission Project number 2342.

3       SEC. 615. None of the funds made available by this  
4 Act may be used to implement section 10011(b) of Public  
5 Law 111-11.

6       SEC. 616. None of the funds made available by this  
7 Act may be used to enforce section 526 of the Energy  
8 Independence and Security Act of 2007 (Public Law 110-  
9 140; 42 U.S.C. 17142).

10       SEC. 617. None of the funds made available by this  
11 Act may be used to pay the salaries of Department of En-  
12 ergy employees to carry out section 407 of division A of  
13 the American Recovery and Reinvestment Act of 2009.

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

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

23       SEC. 620. None of the funds made available in this  
24 Act may be used to develop or submit a proposal to expand  
25 the authorized uses of the Harbor Maintenance Trust

1 Fund described in section 9505(e) of the Internal Revenue  
2 Code (26 U.S.C. 9505(e)).

3 SEC. 621. None of the funds made available by this  
4 Act may be used to fund any portion of the International  
5 activities at the Office of Energy Efficiency and Renew-  
6 able Energy of the Department of Energy in China.

7 SEC. 622. None of the funds made available by this  
8 Act may be used in contravention of Executive Order No.  
9 12898 of February 11, 1994 (“Federal Actions to Address  
10 Environmental Justice in Minority Populations and Low-  
11 Income Populations”).

12 SEC. 623. None of the funds made available in this  
13 Act may be used—

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

16 (2) to implement or enforce the standards es-  
17 tablished by the tables contained in section  
18 325(i)(1)(B) of the Energy Policy and Conservation  
19 Act (42 U.S.C. 6295(i)(1)(B)) with respect to  
20 BPAR incandescent reflector lamps, BR incandes-  
21 cent reflector lamps, and ER incandescent reflector  
22 lamps.

23 SEC. 624. None of the funds made available by this  
24 Act may be used to implement any rule, regulation, or Ex-  
25 ecutive order regarding the disclosure of political contribu-

1 tions that takes effect on or after the date of enactment  
2 of this Act.

3       SEC. 625. The amounts otherwise provided by this  
4 Act are revised by reducing the amount made available  
5 for “Department of Energy—Energy Programs—Depart-  
6 mental Administration”, and by increasing the amount  
7 made available for “Department of Energy—Energy Pro-  
8 grams—Energy Efficiency and Renewable Energy” (ex-  
9 cept for Program Direction), by \$10,000,000.

10       SEC. 626. For “Corps of Engineers-Civil—Construc-  
11 tion” there is hereby appropriated, and the amount other-  
12 wise provided by this Act for “Corps of Engineers-Civil—  
13 Expenses” is hereby reduced by, \$1,000,000.

14       SEC. 627. None of the funds made available by this  
15 Act may be used to pay the salary of individuals appointed  
16 to their current position through, or otherwise carry out,  
17 paragraphs (1), (2), and (3) of section 5503(a) of title  
18 5, United States Code.

19       SEC. 628. None of the funds made available by this  
20 Act may be used to fund any portion of the International  
21 program activities at the Office of Energy Efficiency and  
22 Renewable Energy of the Department of Energy with the  
23 exception of the activities authorized in section 917 of the  
24 Energy Independence and Security Act of 2007 (42  
25 U.S.C. 17337).

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

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

9 *TITLE I*

10 *CORPS OF ENGINEERS—CIVIL*

11 *DEPARTMENT OF THE ARMY*

12 *CORPS OF ENGINEERS—CIVIL*

13 *The following appropriations shall be expended under*  
14 *the direction of the Secretary of the Army and the super-*  
15 *vision of the Chief of Engineers for authorized civil func-*  
16 *tions of the Department of the Army pertaining to rivers*  
17 *and harbors, flood and storm damage reduction, short pro-*  
18 *tection, aquatic ecosystem restoration, and related efforts.*

19 *GENERAL INVESTIGATIONS*

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

1 *reduction, shore protection, and aquatic ecosystem restora-*  
2 *tion projects and related efforts prior to construction; for*  
3 *restudy of authorized projects; and for miscellaneous inves-*  
4 *tigations and, when authorized by law, surveys and detailed*  
5 *studies, and plans and specifications of projects prior to*  
6 *construction, \$125,000,000, to remain available until ex-*  
7 *pended.*

8 *CONSTRUCTION, GENERAL*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For expenses necessary for the construction of river*  
11 *and harbor, flood and storm damage reduction, shore pro-*  
12 *tection, aquatic ecosystem restoration, and related projects*  
13 *authorized by law; for conducting detailed studies, and*  
14 *plans and specifications, of such projects (including those*  
15 *involving participation by States, local governments, or*  
16 *private groups) authorized or made eligible for selection by*  
17 *law (but such detailed studies, and plans and specifications,*  
18 *shall not constitute a commitment of the Government to*  
19 *construction); \$1,610,000,000, to remain available until ex-*  
20 *pended; of which such sums as are necessary to cover the*  
21 *Federal share of construction costs for facilities under the*  
22 *Dredged Material Disposal Facilities program shall be de-*  
23 *rived from the Harbor Maintenance Trust Fund as author-*  
24 *ized by Public Law 104–303; and of which such sums as*  
25 *are necessary to cover one-half of the costs of construction,*

1 *replacement, rehabilitation, and expansion of inland water-*  
2 *ways projects (including only Lock and Dam 27, Mis-*  
3 *issippi River, Illinois; Lock and Dams 2, 3, and 4*  
4 *Monongahela River, Pennsylvania; Olmsted Lock and Dam,*  
5 *Illinois and Kentucky; and Emsworth Locks and Dam,*  
6 *Ohio River, Pennsylvania) shall be derived from the Inland*  
7 *Waterways Trust Fund.*

8 *MISSISSIPPI RIVER AND TRIBUTARIES*

9 *For expenses necessary for flood damage reduction*  
10 *projects and related efforts in the Mississippi River alluvial*  
11 *valley below Cape Girardeau, Missouri, as authorized by*  
12 *law, \$250,000,000, to remain available until expended, of*  
13 *which such sums as are necessary to cover the Federal share*  
14 *of eligible operation and maintenance costs for inland har-*  
15 *bors shall be derived from the Harbor Maintenance Trust*  
16 *Fund.*

17 *OPERATION AND MAINTENANCE*

18 *For expenses necessary for the operation, maintenance,*  
19 *and care of existing river and harbor, flood and storm dam-*  
20 *age reduction, aquatic ecosystem restoration, and related*  
21 *projects authorized by law; providing security for infra-*  
22 *structure owned or operated by the Corps, including admin-*  
23 *istrative buildings and laboratories; maintaining harbor*  
24 *channels provided by a State, municipality, or other public*  
25 *agency that serve essential navigation needs of general com-*

1 *merce, where authorized by law; surveying and charting*  
2 *northern and northwestern lakes and connecting waters;*  
3 *clearing and straightening channels; and removing obstruc-*  
4 *tions to navigation, \$2,360,000,000, to remain available*  
5 *until expended, of which such sums as are necessary to cover*  
6 *the Federal share of eligible operation and maintenance*  
7 *costs for coastal harbors and channels, and for inland har-*  
8 *bors shall be derived from the Harbor Maintenance Trust*  
9 *Fund; of which such sums as become available from the spe-*  
10 *cial account for the Corps established by the Land and*  
11 *Water Conservation Act of 1965 (16 U.S.C. 460l–6a(i))*  
12 *shall be derived from that account for resource protection,*  
13 *research, interpretation, and maintenance activities related*  
14 *to resource protection in areas managed by the Corps at*  
15 *which outdoor recreation is available; and of which such*  
16 *sums as become available from fees collected under section*  
17 *217 of Public Law 104–303 shall be used to cover the cost*  
18 *of operation and maintenance of the dredged material dis-*  
19 *posal facilities for which such fees have been collected.*

20

*REGULATORY PROGRAM*

21 *For expenses necessary for administration of laws per-*  
22 *taining to regulation of navigable waters and wetlands,*  
23 *\$193,000,000, to remain available until September 30,*  
24 *2013.*

1 *FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM*

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

6 *FLOOD CONTROL AND COASTAL EMERGENCIES*

7 *For expenses necessary to prepare for flood, hurricane,*  
8 *and other natural disasters and support emergency oper-*  
9 *ations, repairs, and other activities in response to such dis-*  
10 *asters as authorized by law, \$27,000,000, to remain avail-*  
11 *able until expended.*

12 *GENERAL EXPENSES*

13 *For expenses necessary for the supervision and general*  
14 *administration of the civil works program in the head-*  
15 *quarters of the United States Army Corps of Engineers and*  
16 *the offices of the Division Engineers; and for the manage-*  
17 *ment and operation of the Humphreys Engineer Center*  
18 *Support Activity, the Institute for Water Resources, the*  
19 *United States Army Engineer Research and Development*  
20 *Center, and the United States Army Corps of Engineers Fi-*  
21 *nance Center, \$185,000,000, to remain available until Sep-*  
22 *tember 30, 2013, of which not to exceed \$5,000 may be used*  
23 *for official reception and representation purposes and only*  
24 *during the current fiscal year: Provided, That no part of*  
25 *any other appropriation provided in title I of this Act shall*

1 *be available to fund the civil works activities of the Office*  
2 *of the Chief of Engineers or the civil works executive direc-*  
3 *tion and management activities of the division offices: Pro-*  
4 *vided further, That any Flood Control and Coastal Emer-*  
5 *gencies appropriation may be used to fund the supervision*  
6 *and general administration of emergency operations, re-*  
7 *pairs, and other activities in response to any flood, hurri-*  
8 *cane, or other natural disaster.*

9 *OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR*  
10 *CIVIL WORKS*

11 *For the Office of the Assistant Secretary of the Army*  
12 *for Civil Works as authorized by 10 U.S.C. 3016(b)(3),*  
13 *\$5,000,000, to remain available until September 30, 2013.*

14 *ADMINISTRATIVE PROVISION*

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

19 *GENERAL PROVISIONS—CORPS OF ENGINEERS—CIVIL*

20 *SEC. 101. (a) None of the funds provided in title I*  
21 *of this Act, or provided by previous appropriations Acts*  
22 *to the agencies or entities funded in title I of this Act that*  
23 *remain available for obligation or expenditure in fiscal year*  
24 *2010, shall be available for obligation or expenditure*  
25 *through a reprogramming of funds that:*

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

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

4           (3) *increases funds or personnel for any pro-*  
5           *gram, project, or activity for which funds have been*  
6           *denied or restricted by this Act, unless prior approval*  
7           *is received from the House and Senate Committees on*  
8           *Appropriations;*

9           (4) *proposes to use funds directed for a specific*  
10          *activity for a different purpose, unless prior approval*  
11          *is received from the House and Senate Committees on*  
12          *Appropriations;*

13          (5) *augments or reduces existing programs,*  
14          *projects or activities in excess of the amounts con-*  
15          *tained in subsections 6 through 10, unless prior ap-*  
16          *proval is received from the House and Senate Com-*  
17          *mittees on Appropriations;*

18          (6) *GENERAL INVESTIGATIONS.—For a base level*  
19          *over \$100,000, reprogramming of 25 percent of the*  
20          *base amount up to a limit of \$150,000 per project,*  
21          *study or activity is allowed: Provided, That for a base*  
22          *level less than \$100,000, the reprogramming limit is*  
23          *\$25,000: Provided further, That up to \$25,000 may be*  
24          *reprogrammed into any continuing study or activity*

1       *that did not receive an appropriation for existing ob-*  
2       *ligations and concomitant administrative expenses;*

3           (7) *CONSTRUCTION, GENERAL.—For a base level*  
4       *over \$2,000,000, reprogramming of 15 percent of the*  
5       *base amount up to a limit of \$3,000,000 per project,*  
6       *study or activity is allowed: Provided, That for a base*  
7       *level less than \$2,000,000, the reprogramming limit is*  
8       *\$300,000: Provided further, That up to \$3,000,000*  
9       *may be reprogrammed for settled contractor claims,*  
10       *changed conditions, or real estate deficiency judg-*  
11       *ments: Provided further, That up to \$300,000 may be*  
12       *reprogrammed into any continuing study or activity*  
13       *that did not receive an appropriation for existing ob-*  
14       *ligations and concomitant administrative expenses;*

15           (8) *OPERATION AND MAINTENANCE.—Unlimited*  
16       *reprogramming authority is granted in order for the*  
17       *Corps to be able to respond to emergencies: Provided,*  
18       *That the Chief of Engineers must notify the House*  
19       *and Senate Committees on Appropriations of these*  
20       *emergency actions as soon thereafter as practicable:*  
21       *Provided further, That for a base level over*  
22       *\$1,000,000, reprogramming of 15 percent of the base*  
23       *amount a limit of \$5,000,000 per project, study or ac-*  
24       *tivity is allowed: Provided further, That for a base*  
25       *level less than \$1,000,000, the reprogramming limit is*

1       \$150,000: *Provided further, That \$150,000 may be re-*  
2       *programmed into any continuing study or activity*  
3       *that did not receive an appropriation;*

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

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

12              (b) *DE MINIMUS REPROGRAMMINGS.—In no case*  
13       *should a reprogramming for less than \$50,000 be submitted*  
14       *to the House and Senate Committees on Appropriations.*

15              (c) *CONTINUING AUTHORITIES PROGRAM.—Subsection*  
16       *(a)(1) shall not apply to any project or activity funded*  
17       *under the continuing authorities program.*

18              (d) *Not later than 60 days after the date of enactment*  
19       *of this Act, the Corps of Engineers shall submit a report*  
20       *to the House and Senate Committees on Appropriations to*  
21       *establish the baseline for application of reprogramming and*  
22       *transfer authorities for the current fiscal year: Provided,*  
23       *That the report shall include:*

24                      (1) *A table for each appropriation with a sepa-*  
25       *rate column to display the President's budget request,*

1       *adjustments made by Congress, adjustments due to*  
2       *enacted rescissions, if appropriate, and the fiscal year*  
3       *enacted level;*

4             (2) *A delineation in the table for each appro-*  
5       *priation both by object class and program, project*  
6       *and activity as detailed in the budget appendix for*  
7       *the respective appropriations; and*

8             (3) *An identification of items of special congres-*  
9       *sional interest.*

10       *SEC. 102. None of the funds in this Act, or previous*  
11       *Acts, making funds available to the Corps, shall be used*  
12       *to implement any pending or future competitive sourcing*  
13       *actions under OMB Circular A-76 or High Performing Or-*  
14       *ganizations.*

15       *SEC. 103. None of the funds in this Act, or previous*  
16       *Acts, making funds available to the Corps, shall be used*  
17       *to award any continuing contract that commits additional*  
18       *funding from the Inland Waterways Trust Fund unless or*  
19       *until such time that a long-term mechanism to enhance rev-*  
20       *enues in this Fund sufficient to meet the cost-sharing au-*  
21       *thorized in the Water Resources Development Act of 1986*  
22       *(Public Law 99-662), as amended, is enacted.*

23       *SEC. 104. Within 120 days of the date of the Chief*  
24       *of Engineers Report on a water resource matter, the Assist-*  
25       *ant Secretary of the Army (Civil Works) shall submit the*

1 *report to the appropriate authorizing and appropriating*  
2 *committees of the Congress.*

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

13       *SEC. 106. The Secretary is authorized to transfer to*  
14 *the “Construction” account up to \$100,000,000 of the funds*  
15 *provided for reinforcing or replacing flood walls under the*  
16 *“Flood Control and Coastal Emergencies” heading in Pub-*  
17 *lic Law 109–234 (120 Stat. 455) and Public Law 110–252*  
18 *(122 Stat. 2350) and up to \$75,000,000 of the funds pro-*  
19 *vided for projects and measures for the West Bank and Vi-*  
20 *cinity and Lake Ponchartrain and Vicinity projects under*  
21 *the “Flood Control and Coastal Emergencies” heading in*  
22 *Public Law 110–28 (121 Stat. 153) to be used with funds*  
23 *provided for the West Bank and Vicinity project under the*  
24 *“Construction” heading in Public Law 110–252 (122 Stat.*  
25 *2349) and Public Law 110–329 (122 Stat. 3589), consistent*

1 *with 65 percent Federal and 35 percent non-Federal cost*  
2 *share and the financing of, and payment terms for, the non-*  
3 *Federal cash contribution associated with the West Bank*  
4 *and Vicinity project.*

5       *SEC. 107. The Secretary of the Army may authorize*  
6 *a member of the Armed Forces under the Secretary's juris-*  
7 *isdiction and employees of the Department of the Army to*  
8 *serve without compensation as director, officer, or otherwise*  
9 *in the management of the organization established to sup-*  
10 *port and maintain the participation of the United States*  
11 *in the permanent international commission of the con-*  
12 *gresses of navigation, or any successor entity.*

13       *SEC. 108. (a) ACQUISITION.—The Secretary is author-*  
14 *ized to acquire any real property and associated real prop-*  
15 *erty interests in the vicinity of Hanover, New Hampshire*  
16 *as may be needed for the Engineer Research and Develop-*  
17 *ment Center laboratory facilities at the Cold Regions Re-*  
18 *search and Engineering Laboratory. This real property to*  
19 *be acquired consists of 18.5 acres more or less, identified*  
20 *as Tracts 101–1 and 101–2, together with all necessary*  
21 *easements located entirely within the Town of Hanover,*  
22 *New Hampshire. The real property is generally bounded to*  
23 *the east by state route 10-Lyme Road, to the north by the*  
24 *vacant property of the Trustees of the Dartmouth College,*  
25 *to the south by Fletcher Circle graduate student housing*

1 *owned by the Trustees of Dartmouth College, and to the west*  
2 *by approximately 9 acres of real property acquired in fee*  
3 *through condemnation in 1981 by the Secretary of the*  
4 *Army.*

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

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

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

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

24 (3) *the purchase of any property by the Seller*  
25 *exercising either right of first refusal authorized in*

1        *this section shall be for consideration acceptable to the*  
2        *Secretary and shall be for not less than fair market*  
3        *value at the time the property becomes available for*  
4        *purchase. The right of first refusal authorized in this*  
5        *section shall not inure to the benefit of the Sellers suc-*  
6        *cessors or assigns.*

7        *(d) DISPOSAL.—The Secretary of the Army is author-*  
8        *ized to dispose of any property or associated real property*  
9        *interests that are subject to the exercise of the right of first*  
10       *refusal as set forth herein.*

11       *SEC. 109. The Secretary of the Army may transfer,*  
12       *and the Fish and Wildlife Service may accept and expend,*  
13       *up to \$3,800,000 of funds provided in this title under the*  
14       *heading “Operation and Maintenance”, to mitigate for fish-*  
15       *eries lost due to Corps of Engineers projects.*

16       *SEC. 110. The Secretary of the Army, acting through*  
17       *the Chief of Engineers, is directed to fully utilize the Fed-*  
18       *eral dredging fleet in support of all Army Corps of Engi-*  
19       *neers missions and no restrictions shall be placed on the*  
20       *use or maintenance of any dredge in the Federal Fleet.*

21       *SEC. 111. The Secretary of the Army, acting through*  
22       *the Chief of Engineers, is directed to maintain the Federal*  
23       *dredging fleet to technologically modern and efficient stand-*  
24       *ards.*

1        *SEC. 112. The Secretary of the Army, acting through*  
2 *the Chief of Engineers is directed to utilize funds from the*  
3 *revolving fund to expeditiously undertake necessary health*  
4 *and safety improvements, including lead and asbestos*  
5 *abatement, to the dredge “McFarland”: Provided, That the*  
6 *Secretary shall ensure that the Revolving Fund is appro-*  
7 *priately reimbursed from appropriations of the Corps’ bene-*  
8 *fitting programs by collection each year of amounts suffi-*  
9 *cient to repay the capitalized cost of such construction and*  
10 *improvements.*

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

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

18            (2) *The right for the District Engineer to review*  
19            *all pre-construction plans and/or specifications per-*  
20            *taining to construction and/or maintenance of any*  
21            *structure intended for human habitation, other build-*  
22            *ing structure, parking lots, or roads, if the elevation*  
23            *of the property is above the standard project flood ele-*  
24            *vation; and*

1           (3) *The right of the District Engineer to object*  
2           *to, and thereby prevent, in his/her discretion, such ac-*  
3           *tivity.*

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

16          *SEC. 115. The Secretary of the Army, acting through*  
17          *the Chief of Engineers, is authorized, using amounts avail-*  
18          *able in the Revolving Fund established by section 101 of*  
19          *the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to*  
20          *construct a Consolidated Infrastructure Research Equip-*  
21          *ment Facility, an Environmental Processes and Risk Lab,*  
22          *a Hydraulic Research Facility, an Engineer Research and*  
23          *Development Center headquarters building, a Modular Hy-*  
24          *draulic Flume building, and to purchase real estate, per-*  
25          *form construction, and make facility, utility, street, road,*

1 *and infrastructure improvements to the Engineer Research*  
2 *and Development Center’s installations and facilities. The*  
3 *Secretary shall ensure that the Revolving Fund is appro-*  
4 *priately reimbursed from the benefitting appropriations.*

5       *SEC. 116. Section 1148 of the Water Resources Devel-*  
6 *opment Act of 1986 (100 Stat. 4254; 110 Stat. 3718; 114*  
7 *Stat. 2609) is amended by striking subsection (b) and in-*  
8 *serting the following:*

9       “(b) *DISPOSITION OF ACQUIRED LAND.—The Sec-*  
10 *retary may transfer land acquired under this section to the*  
11 *non-Federal sponsor by quitclaim deed subject to such terms*  
12 *and conditions as the Secretary determines to be in the pub-*  
13 *lic interest.”.*

14       *SEC. 117. The New London Disposal Site and the*  
15 *Cornfield Shoals Disposal Site in Long Island Sound se-*  
16 *lected by the Department of the Army as alternative dredged*  
17 *material disposal sites under section 103(b) of the Marine*  
18 *Protection, Research, and Sanctuaries Act of 1972, as*  
19 *amended, shall remain open until completion of a Supple-*  
20 *mental Environmental Impact Statement to support final*  
21 *designation of an Ocean Dredged Material Disposal Site*  
22 *in eastern Long Island Sound under section 102(c) of the*  
23 *Marine Protection, Research, and Sanctuaries Act of 1972.*

24       *SEC. 118. (a) That portion of the project for naviga-*  
25 *tion, Newport Harbor, Rhode Island adopted by the Rivers*

1 *and Harbors Acts of March 2, 1907 (34 Stat. 1075); June*  
2 *25, 1910 (36 Stat. 632); August 26, 1937 (50 Stat. 845);*  
3 *and, modified by the Consolidated Appropriations Act,*  
4 *2000, Public Law 106–113, appendix E, title II, section*  
5 *221 (113 Stat. 1501A–298); consisting of a 13-foot anchor-*  
6 *age, an 18-foot anchorage, a 21-foot channel, and 18-foot*  
7 *channels described by the following shall no longer be au-*  
8 *thorized after the date of enactment of this Act: the 21-Foot*  
9 *Entrance Channel, beginning at a point (1) with coordi-*  
10 *nates 374986.03, 150611.01; thence running south 46 de-*  
11 *grees 54 minutes 30.7 seconds east 900.01 feet to a point*  
12 *(2) with coordinates 375643.27, 149996.16; thence running*  
13 *south 8 degrees 4 minutes 58.3 east 2,376.87 feet to a point*  
14 *(3) with coordinates 375977.47, 147643.00; thence running*  
15 *south 4 degrees 28 minutes 20.4 seconds west 738.56 feet*  
16 *to a point (4) with coordinates 375919.88, 146906.60;*  
17 *thence running south 6 degrees 2 minutes 42.4 seconds east*  
18 *1,144.00 feet to a point (5) with coordinates 376040.35,*  
19 *145768.96; thence running south 34 degrees 5 minutes 51.7*  
20 *seconds west 707.11 feet to a point (6) with coordinates*  
21 *375643.94, 145183.41; thence running south 73 degrees 11*  
22 *minutes 42.9 seconds west 1,300.00 feet to the end point*  
23 *(7) with coordinates 374399.46, 144807.57; Returning at*  
24 *a point with coordinates (8) with coordinates 374500.64,*  
25 *144472.51; thence running north 73 degrees 11 minutes*

1 42.9 seconds east 1,582.85 feet to a point (9) with coordi-  
2 nates 376015.90, 144930.13; thence running north 34 de-  
3 grees 5 minutes 51.7 seconds east 615.54 feet to a point (10)  
4 with coordinates 376360.97, 145439.85; thence running  
5 north 2 degrees 10 minutes 43.3 seconds west 2,236.21 feet  
6 to a point (11) with coordinates 376275.96, 147674.45;  
7 thence running north 8 degrees 4 minutes 55.6 seconds west  
8 2,652.83 feet to a point (12) with coordinates 375902.99,  
9 150300.93; thence running north 46 degrees 54 minutes  
10 30.7 seconds west 881.47 feet to an end point (13) with co-  
11 ordinates 375259.29, 150903.12; and the 18-Foot South  
12 Goat Island Channel beginning at a point (14) with coordi-  
13 nates 375509.09, 149444.83; thence running south 25 de-  
14 grees 44 minutes 0.5 second east 430.71 feet to a point (15)  
15 with coordinates 375696.10, 149056.84; thence running  
16 south 10 degrees 13 minutes 27.4 seconds east 1,540.89 feet  
17 to a point (16) with coordinates 375969.61, 147540.41;  
18 thence running south 4 degrees 29 minutes 11.3 seconds  
19 west 1,662.92 feet to a point (17) with coordinates  
20 375839.53, 145882.59; thence running south 34 degrees 5  
21 minutes 51.7 seconds west 547.37 feet to a point (18) with  
22 coordinates 375532.67, 145429.32; thence running south 86  
23 degrees 47 minutes 37.7 seconds west 600.01 feet to an end  
24 point (19) with coordinates 374933.60, 145395.76; and the  
25 18-Foot Entrance Channel beginning at a point (20) with

1 *coordinates 374567.14, 144252.33; thence running north 73*  
2 *degrees 11 minutes 42.9 seconds east 1,899.22 feet to a point*  
3 *(21) with coordinates 376385.26, 144801.42; thence run-*  
4 *ning north 2 degrees 10 minutes 41.5 seconds west 638.89*  
5 *feet to an end point (10) with coordinates 376360.97,*  
6 *145439.85; and the 18-Foot South Anchorage beginning at*  
7 *a point (22) with coordinates 376286.81, 147389.37; thence*  
8 *running north 78 degrees 56 minutes 15.6 seconds east*  
9 *404.86 feet to a point (23) with coordinates 376684.14,*  
10 *147467.05; thence running north 78 degrees 56 minutes*  
11 *15.6 seconds east 1,444.33 feet to a point (24) with coordi-*  
12 *nates 378101.63, 147744.18; thence running south 5 degrees*  
13 *18 minutes 43.8 seconds west 1,228.20 feet to a point (25)*  
14 *with coordinates 377987.92, 146521.26; thence running*  
15 *south 3 degrees 50 minutes 3.4 seconds east 577.84 feet to*  
16 *a point (26) with coordinates 378026.56, 145944.71; thence*  
17 *running south 44 degrees 32 minutes 14.7 seconds west*  
18 *2,314.09 feet to a point (27) with coordinates 376403.52,*  
19 *144295.24 thence running south 60 degrees 5 minutes 58.2*  
20 *seconds west 255.02 feet to an end point (28) with coordi-*  
21 *nates 376182.45, 144168.12; and the 13-Foot Anchorage be-*  
22 *ginning at a point (29) with coordinates 376363.39,*  
23 *143666.99; thence running north 63 degrees 34 minutes*  
24 *19.3 seconds east 1,962.37 feet to a point (30) with coordi-*  
25 *nates 378120.68, 144540.38; thence running north 3 degrees*

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

22 (b) The area described by the following shall be redesign-  
23 nated as an eighteen-foot channel and turning basin: Begin-  
24 ning at a point (1) with coordinates N144759.41,  
25 E374413.16; thence running north 73 degrees 11 minutes

1 42.9 seconds east 1,252.88 feet to a point (2) with coordi-  
2 nates N145121.63, E375612.53; thence running north 26  
3 degrees 29 minutes 48.1 seconds east 778.89 feet to a point  
4 (3) with coordinates N145818.71, E375960.04; thence run-  
5 ning north 0 degrees 3 minutes 38.1 seconds west 1,200.24  
6 feet to a point (4) with coordinates N147018.94,  
7 E375958.77; thence running north 2 degrees 22 minutes  
8 45.2 seconds east 854.35 feet to a point (5) with coordinates  
9 N147872.56, E375994.23; thence running north 7 degrees  
10 47 minutes 21.9 seconds west 753.83 feet to a point (6) with  
11 coordinates N148619.44, E375892.06; thence running north  
12 88 degrees 46 minutes 16.7 seconds east 281.85 feet to a  
13 point (7) with coordinates N148625.48, E376173.85; thence  
14 running south 7 degrees 47 minutes 21.9 seconds east 716.4  
15 feet to a point (8) with coordinates N147915.69,  
16 E376270.94; thence running north 80 degrees 17 minutes  
17 42.3 seconds east 315.3 feet to a point (9) with coordinates  
18 N147968.85, E.76581.73; thence running south 9 degrees 42  
19 minutes 20.3 seconds east 248.07 feet to a point (10) with  
20 coordinates N147724.33, E376623.55; thence running south  
21 2 degrees 10 minutes 43.3 seconds east 318.09 feet to a point  
22 (11) with coordinates N147406.47, E376635.64; thence run-  
23 ning north 78 degrees 56 minutes 15.6 seconds east 571.11  
24 feet to a point (12) with coordinates N147516.06,  
25 E377196.15; thence running south 88 degrees 57 minutes

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

19

*TITLE II*

20

*DEPARTMENT OF THE INTERIOR*

21

*CENTRAL UTAH PROJECT*

22

*CENTRAL UTAH PROJECT COMPLETION ACCOUNT*

23

*For carrying out activities authorized by the Central*

24

*Utah Project Completion Act, \$28,991,000, to remain avail-*

25

*able until expended, of which \$2,000,000 shall be deposited*

1 *into the Utah Reclamation Mitigation and Conservation*  
2 *Account for use by the Utah Reclamation Mitigation and*  
3 *Conservation Commission, and of which \$1,550,000 for nec-*  
4 *essary expenses incurred in carrying out related respon-*  
5 *sibilities of the Secretary of the Interior. For fiscal year*  
6 *2012, the Commission may use an amount not to exceed*  
7 *\$1,500,000 for administrative expenses.*

8 *WATER AND RELATED RESOURCES*  
9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *The following appropriations shall be expended to exe-*  
11 *cute authorized functions of the Bureau of Reclamation:*

12 *For management, development, and restoration of*  
13 *water and related natural resources and for related activi-*  
14 *ties, including the operation, maintenance, and rehabilita-*  
15 *tion of reclamation and other facilities, participation in*  
16 *fulfilling related Federal responsibilities to Native Ameri-*  
17 *cans, and related grants to, and cooperative and other*  
18 *agreements with, State and local governments, federally rec-*  
19 *ognized Indian tribes, and others, \$885,670,000, to remain*  
20 *available until expended, of which \$10,698,000 shall be*  
21 *available for transfer to the Upper Colorado River Basin*  
22 *Fund and \$6,136,000 shall be available for transfer to the*  
23 *Lower Colorado River Basin Development Fund; of which*  
24 *such amounts as may be necessary may be advanced to the*  
25 *Colorado River Dam Fund: Provided, That such transfers*

1 *may be increased or decreased within the overall appropria-*  
2 *tion under this heading: Provided further, That of the total*  
3 *appropriated, the amount for program activities that can*  
4 *be financed by the Reclamation Fund or the Bureau of Rec-*  
5 *lamation special fee account established by 16 U.S.C. 460l-*  
6 *6a(i) shall be derived from that Fund or account: Provided*  
7 *further, That funds contributed under 43 U.S.C. 395 are*  
8 *available until expended for the purposes for which contrib-*  
9 *uted: Provided further, That funds advanced under 43*  
10 *U.S.C. 397a shall be credited to this account and are avail-*  
11 *able until expended for the same purposes as the sums ap-*  
12 *propriated under this heading: Provided further, That of*  
13 *the amounts provided herein, funds may be used for high*  
14 *priority projects which shall be carried out by the Youth*  
15 *Conservation Corps, as authorized by 16 U.S.C. 1706.*

16 *CENTRAL VALLEY PROJECT RESTORATION FUND*

17 *For carrying out the programs, projects, plans, habitat*  
18 *restoration, improvement, and acquisition provisions of the*  
19 *Central Valley Project Improvement Act, \$53,068,000, to be*  
20 *derived from such sums as may be collected in the Central*  
21 *Valley Project Restoration Fund pursuant to sections*  
22 *3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575,*  
23 *to remain available until expended: Provided, That the Bu-*  
24 *reau of Reclamation is directed to assess and collect the full*  
25 *amount of the additional mitigation and restoration pay-*

1 *ments authorized by section 3407(d) of Public Law 102–*  
2 *575: Provided further, That none of the funds made avail-*  
3 *able under this heading may be used for the acquisition or*  
4 *leasing of water for in-stream purposes if the water is al-*  
5 *ready committed to in-stream purposes by a court adopted*  
6 *decree or order.*

7 *CALIFORNIA BAY-DELTA RESTORATION*

8 *(INCLUDING TRANSFERS OF FUNDS)*

9 *For carrying out activities authorized by the Water*  
10 *Supply, Reliability, and Environmental Improvement Act,*  
11 *consistent with plans to be approved by the Secretary of*  
12 *the Interior, \$39,651,000, to remain available until ex-*  
13 *pended, of which such amounts as may be necessary to*  
14 *carry out such activities may be transferred to appropriate*  
15 *accounts of other participating Federal agencies to carry*  
16 *out authorized purposes: Provided, That funds appro-*  
17 *priated herein may be used for the Federal share of the costs*  
18 *of CALFED Program management: Provided further, That*  
19 *the use of any funds provided to the California Bay-Delta*  
20 *Authority for program-wide management and oversight ac-*  
21 *tivities shall be subject to the approval of the Secretary of*  
22 *the Interior: Provided further, That CALFED implementa-*  
23 *tion shall be carried out in a balanced manner with clear*  
24 *performance measures demonstrating concurrent progress*  
25 *in achieving the goals and objectives of the Program.*



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

3 (4) *restarts or resumes any program, project or*  
4 *activity for which funds are not provided in this Act,*  
5 *unless prior approval is received from the Committees*  
6 *on Appropriations of the House of Representatives*  
7 *and the Senate;*

8 (5) *transfers funds in excess of the following lim-*  
9 *its, unless prior approval is received from the Com-*  
10 *mittees on Appropriations of the House of Represent-*  
11 *atives and the Senate:*

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

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

18 (6) *transfers more than \$500,000 from either the*  
19 *Facilities Operation, Maintenance, and Rehabilita-*  
20 *tion category or the Resources Management and De-*  
21 *velopment category to any program, project, or activ-*  
22 *ity in the other category, unless prior approval is re-*  
23 *ceived from the Committees on Appropriations of the*  
24 *House of Representatives and the Senate; or*

1           (7) transfers, where necessary to discharge legal  
2           obligations of the Bureau of Reclamation, more than  
3           \$5,000,000 to provide adequate funds for settled con-  
4           tractor claims, increased contractor earnings due to  
5           accelerated rates of operations, and real estate defi-  
6           ciency judgments, unless prior approval is received  
7           from the Committees on Appropriations of the House  
8           of Representatives and the Senate.

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

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

15          (d) The Bureau of Reclamation shall submit reports  
16          on a quarterly basis to the Committees on Appropriations  
17          of the House of Representatives and the Senate detailing  
18          all the funds reprogrammed between programs, projects, ac-  
19          tivities, or categories of funding. The first quarterly report  
20          shall be submitted not later than 60 days after the date of  
21          enactment of this Act.

22          SEC. 202. (a) None of the funds appropriated or other-  
23          wise made available by this Act may be used to determine  
24          the final point of discharge for the interceptor drain for  
25          the San Luis Unit until development by the Secretary of

1 *the Interior and the State of California of a plan, which*  
2 *shall conform to the water quality standards of the State*  
3 *of California as approved by the Administrator of the Envi-*  
4 *ronmental Protection Agency, to minimize any detrimental*  
5 *effect of the San Luis drainage waters.*

6       **(b)** *The costs of the Kesterson Reservoir Cleanup Pro-*  
7 *gram and the costs of the San Joaquin Valley Drainage*  
8 *Program shall be classified by the Secretary of the Interior*  
9 *as reimbursable or nonreimbursable and collected until fully*  
10 *repaid pursuant to the “Cleanup Program-Alternative Re-*  
11 *payment Plan” and the “SJVDP-Alternative Repayment*  
12 *Plan” described in the report entitled “Repayment Report,*  
13 *Kesterson Reservoir Cleanup Program and San Joaquin*  
14 *Valley Drainage Program, February 1995”, prepared by*  
15 *the Department of the Interior, Bureau of Reclamation.*  
16 *Any future obligations of funds by the United States relat-*  
17 *ing to, or providing for, drainage service or drainage stud-*  
18 *ies for the San Luis Unit shall be fully reimbursable by*  
19 *San Luis Unit beneficiaries of such service or studies pur-*  
20 *suant to Federal reclamation law.*

21       *SEC. 203. Section 529(b)(3) of Public Law 106–541,*  
22 *as amended by section 115 of Public Law 109–103, is fur-*  
23 *ther amended by striking “\$20,000,000” and inserting*  
24 *“\$30,000,000” in lieu thereof.*

1        *SEC. 204. Section 8 of the Water Desalination Act of*  
2 *1996 (42 U.S.C. 10301 note; Public Law 104–298) is*  
3 *amended—*

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

6            (2) *in subsection (b), by striking “\$25,000,000*  
7 *for fiscal years 1997 through 2011” and inserting*  
8 *“\$3,000,000 for each of fiscal years 2012 through*  
9 *2016”.*

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

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

19            (2) *in paragraph (2), by striking “in the Walker*  
20 *River” and all that follows through “119 Stat.*  
21 *2268”;* and

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

24        (b) *WALKER BASIN RESTORATION PROGRAM.—Section*  
25 *208(b) of the Energy and Water Development and Related*

1 *Agencies Appropriations Act, 2010 (Public Law 111–85;*  
2 *123 Stat. 2858) is amended—*

3           (1) *in paragraph (1)(B)(iv), by striking “exerc-*  
4 *ise water rights” and inserting “manage land, water*  
5 *appurtenant to the land, and related interests”; and*

6           (2) *in paragraph (2)(A), by striking “The*  
7 *amount made available under subsection (a)(1) shall*  
8 *be provided to the National Fish and Wildlife Foun-*  
9 *dation” and inserting “Any amount made available*  
10 *to the National Fish and Wildlife Foundation under*  
11 *subsection (a) shall be provided”.*

12       *SEC. 206. The Federal policy for addressing Califor-*  
13 *nia’s water supply and environmental issues related to the*  
14 *Bay-Delta shall be consistent with State law, including the*  
15 *co-equal goals of providing a more reliable water supply*  
16 *for the State of California and protecting, restoring, and*  
17 *enhancing the Delta ecosystem. The Secretary of the Inte-*  
18 *rior, the Secretary of Commerce, the Army Corps of Engi-*  
19 *neers and the Environmental Protection Agency Adminis-*  
20 *trator shall jointly coordinate the efforts of the relevant*  
21 *agencies and work with the State of California and other*  
22 *stakeholders to complete and issue the Bay Delta Conserva-*  
23 *tion Plan Final Environmental Impact Statement no later*  
24 *than February 15, 2013. Nothing herein modifies existing*  
25 *requirements of Federal law.*

1        *SEC. 207. The Secretary of the Interior may partici-*  
2 *pate in non-Federal groundwater banking programs to in-*  
3 *crease the operational flexibility, reliability, and efficient*  
4 *use of water in the State of California, and this participa-*  
5 *tion may include making payment for the storage of Cen-*  
6 *tral Valley Project water supplies, the purchase of stored*  
7 *water, the purchase of shares or an interest in ground bank-*  
8 *ing facilities, or the use of Central Valley Project water as*  
9 *a medium of payment for groundwater banking services:*  
10 *Provided, That the Secretary of the Interior shall partici-*  
11 *pate in groundwater banking programs only to the extent*  
12 *allowed under State law and consistent with water rights*  
13 *applicable to the Central Valley Project: Provided further,*  
14 *That any water user to which banked water is delivered*  
15 *shall pay for such water in the same manner provided by*  
16 *that water user's then-current Central Valley Project water*  
17 *service, repayment, or water rights settlement contract at*  
18 *the rate provided by the then-current Central-Valley Project*  
19 *Irrigation or Municipal and Industrial Rate Setting Poli-*  
20 *cies; and: Provided further, That in implementing this sec-*  
21 *tion, the Secretary of the Interior shall comply with appli-*  
22 *cable environmental laws, including the National Environ-*  
23 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and*  
24 *the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)*  
25 *Nothing herein shall alter or limit the Secretary's existing*

1 *authority to use groundwater banking to meet existing fish*  
2 *and wildlife obligations.*

3       *SEC. 208. (a) Subject to compliance with all applicable*  
4 *Federal and State laws, a transfer of irrigation water*  
5 *among Central Valley Project contractors from the Friant,*  
6 *San Felipe, West San Joaquin, and Delta divisions, and*  
7 *a transfer from a long-term Friant Division water service*  
8 *or repayment contractor to a temporary or prior temporary*  
9 *service contractors within the place of use in existence on*  
10 *the date of the transfer, as identified in the Bureau of Rec-*  
11 *lamation water rights permits for the Friant Division, shall*  
12 *be considered to meet the conditions described in subpara-*  
13 *graphs (A) and (I) of section 3405(a)(1) of the Reclamation*  
14 *Projects Authorization and Adjustment Act of 1992 (Public*  
15 *Law 102–575; 106 Stat. 4709).*

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

23       *(c) Not later than 180 days after the date of enactment*  
24 *of this Act and each of the 4 years thereafter, the Commis-*  
25 *sioner of the Bureau of Reclamation shall submit to the*



1 *equipment, and other expenses necessary for energy effi-*  
2 *ciency and renewable energy activities in carrying out the*  
3 *purposes of the Department of Energy Organization Act (42*  
4 *U.S.C. 7101 et seq.), including the acquisition or con-*  
5 *demnation of any real property or any facility or for plant*  
6 *or facility acquisition, construction, or expansion,*  
7 *\$1,795,641,000, to remain available until expended: Pro-*  
8 *vided, That \$165,000,000 shall be available until September*  
9 *30, 2013 for program direction: Provided further, That of*  
10 *the amount appropriated, the Secretary may use not more*  
11 *than \$170,000,000 for activities of the Department of En-*  
12 *ergy pursuant to the Defense Production Act of 1950 (50*  
13 *U.S.C. App. 2061, et seq.): Provided further, That within*  
14 *12 months of the date of enactment, the Secretary shall ini-*  
15 *tiate separate rulemakings to establish efficiency standards*  
16 *for televisions and set top television boxes.*

17 *ELECTRICITY DELIVERY AND ENERGY RELIABILITY*

18 *For Department of Energy expenses including the pur-*  
19 *chase, construction, and acquisition of plant and capital*  
20 *equipment, and other expenses necessary for electricity de-*  
21 *livery and energy reliability activities in carrying out the*  
22 *purposes of the Department of Energy Organization Act (42*  
23 *U.S.C. 7101 et seq.), including the acquisition or con-*  
24 *demnation of any real property or any facility or for plant*  
25 *or facility acquisition, construction, or expansion,*

1 \$141,010,000, to remain available until expended: Pro-  
2 vided, That \$27,010,000 shall be available until September  
3 30, 2013 for program direction.

4 *NUCLEAR ENERGY*

5 *For Department of Energy expenses including the pur-*  
6 *chase, construction, and acquisition of plant and capital*  
7 *equipment, and other expenses necessary for nuclear energy*  
8 *activities in carrying out the purposes of the Department*  
9 *of Energy Organization Act (42 U.S.C. 7101 et seq.), in-*  
10 *cluding the acquisition or condemnation of any real prop-*  
11 *erty or any facility or for plant or facility acquisition, con-*  
12 *struction, or expansion, and the purchase of not more than*  
13 *10 buses, all for replacement only, \$583,834,000, to remain*  
14 *available until expended: Provided, That \$86,279,000 shall*  
15 *be available until September 30, 2013 for program direc-*  
16 *tion: Provided further, That, notwithstanding any other*  
17 *provision of law, the Department shall develop a strategy*  
18 *within 3 months of the publication of the final report of*  
19 *the Blue Ribbon Commission on America's Nuclear Future*  
20 *to manage spent nuclear fuel and other nuclear waste at*  
21 *consolidated storage facilities and permanent repositories*  
22 *that can be implemented as expeditiously as possible.*



1 *rent resolution on the budget or the Balanced Budget and*  
2 *Emergency Deficit Control Act of 1985.*

3 *NAVAL PETROLEUM AND OIL SHALE RESERVES*

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

10 *STRATEGIC PETROLEUM RESERVE*

11 *For necessary expenses for Strategic Petroleum Reserve*  
12 *facility development and operations and program manage-*  
13 *ment activities pursuant to the Energy Policy and Con-*  
14 *servation Act of 1975, as amended (42 U.S.C. 6201 et seq.),*  
15 *\$192,704,000, to remain available until expended.*

16 *SPR PETROLEUM ACCOUNT*

17 *Notwithstanding sections 161 and 167 of the Energy*  
18 *Policy and Conservation Act (42 U.S.C. 6241, 6247), the*  
19 *Secretary of Energy shall sell \$500,00,000 in petroleum*  
20 *products from the Reserve not later than March 1, 2012,*  
21 *and shall deposit any proceeds from such sales in the Gen-*  
22 *eral Fund of the Treasury: Provided, That paragraphs*  
23 *(a)(1) and (2) of section 160 of the Energy Policy and Con-*  
24 *servation Act of 1975 (42 U.S.C. 6240(a)(1) and (2)) are*  
25 *hereby repealed: Provided further, That unobligated bal-*

1 *ances in this account shall be available to cover the costs*  
2 *of any sale under this Act.*

3 *NORTHEAST HOME HEATING OIL RESERVE*

4 *(INCLUDING RESCISSION)*

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: Provided,*  
9 *That amounts net of the purchase of 1 million barrels of*  
10 *petroleum distillates in fiscal year 2011; costs related to*  
11 *transportation, delivery, and storage; and sales of petro-*  
12 *leum distillate from the Reserve under section 182 of the*  
13 *Energy Policy and Conservation Act of 1975 (42 U.S.C.*  
14 *6250a) are hereby rescinded.*

15 *ENERGY INFORMATION ADMINISTRATION*

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

19 *NON-DEFENSE ENVIRONMENTAL CLEANUP*

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

1 *demnation of any real property or any facility or for plant*  
2 *or facility acquisition, construction, or expansion,*  
3 *\$219,121,000, to remain available until expended.*

4 *URANIUM ENRICHMENT DECONTAMINATION AND*  
5 *DECOMMISSIONING FUND*

6 *For necessary expenses in carrying out uranium en-*  
7 *richment facility decontamination and decommissioning,*  
8 *remedial actions, and other activities of title II of the Atom-*  
9 *ic Energy Act of 1954, and title X, subtitle A, of the Energy*  
10 *Policy Act of 1992, \$429,000,000, to be derived from the*  
11 *Uranium Enrichment Decontamination and Decommis-*  
12 *sioning Fund, to remain available until expended.*

13 *SCIENCE*

14 *For Department of Energy expenses including the pur-*  
15 *chase, construction, and acquisition of plant and capital*  
16 *equipment, and other expenses necessary for science activi-*  
17 *ties in carrying out the purposes of the Department of En-*  
18 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
19 *the acquisition or condemnation of any real property or*  
20 *facility or for plant or facility acquisition, construction, or*  
21 *expansion, and purchase of not more than 49 passenger*  
22 *motor vehicles for replacement only, including one ambu-*  
23 *lance and one bus, \$4,842,665,000, to remain available*  
24 *until expended: Provided, That \$180,786,000 shall be avail-*  
25 *able until September 30, 2013 for program direction.*



1 of 2005 shall be credited as offsetting collections to this ac-  
2 count to cover administrative expenses and shall remain  
3 available until expended, so as to result in a final fiscal  
4 year 2011 appropriations from the general fund estimated  
5 at not more than \$0: Provided further, That fees collected  
6 under section 1702(h) in excess of the amount appropriated  
7 for administrative expenses shall not be available until ap-  
8 propriated: Provided further, That for amounts collected  
9 pursuant to section 1702(b)(2) of the Energy Policy Act of  
10 2005, the source of such payment received from borrowers  
11 is not a loan or other debt obligation that is guaranteed  
12 by the Federal Government: Provided further, That pursu-  
13 ant to section 1702(b)(2) of the Energy Policy Act of 2005,  
14 no appropriations are available to pay the subsidy cost of  
15 such guarantees for nuclear power or fossil energy facilities:  
16 Provided further, That none of the loan guarantee authority  
17 made available in this Act shall be available for commit-  
18 ments to guarantee loans for any projects where funds, per-  
19 sonnel, or property (tangible or intangible) of any Federal  
20 agency, instrumentality, personnel or affiliated entity are  
21 expected to be used (directly or indirectly) through acquisi-  
22 tions, contracts, demonstrations, exchanges, grants, incen-  
23 tives, leases, procurements, sales, other transaction author-  
24 ity, or other arrangements, to support the project or to ob-  
25 tain goods or services from the project: Provided further,

1 *That the previous provision shall not be interpreted as pre-*  
2 *cluding the use of the loan guarantee authority in this Act*  
3 *for commitment to guarantee loans for projects as a result*  
4 *of such projects benefiting from (a) otherwise allowable Fed-*  
5 *eral income tax benefits; (b) being located on Federal land*  
6 *pursuant to a lease or right-of-way agreement for which all*  
7 *consideration for all uses is (i) paid exclusively in cash,*  
8 *(ii) deposited in the Treasury as offsetting receipts, and*  
9 *(iii) equal to the fair market value as determined by the*  
10 *head of the relevant Federal agency; (c) Federal insurance*  
11 *programs, including Price-Anderson; or (d) for electric gen-*  
12 *eration projects, use of transmission facilities owned or op-*  
13 *erated by a Federal Power Marketing Administration or*  
14 *the Tennessee Valley Authority that have been authorized,*  
15 *approved, and financed independent of the project receiving*  
16 *the guarantee: Provided further, That none of the loan guar-*  
17 *antee authority made available in this Act shall be avail-*  
18 *able for any project unless the Director of the Office of Man-*  
19 *agement and Budget has certified in advance in writing*  
20 *that the loan guarantee and the project comply with the*  
21 *provisions under this title.*

1     *ADVANCED TECHNOLOGY VEHICLES MANUFACTURING*  
2                                     *LOAN PROGRAM*

3             *For administrative expenses in carrying out the Ad-*  
4 *vanced Technology Vehicles Manufacturing Loan Program,*  
5 *\$6,000,000, to remain available until expended.*

6                                     *DEPARTMENTAL ADMINISTRATION*

7             *For salaries and expenses of the Department of Energy*  
8 *necessary for departmental administration in carrying out*  
9 *the purposes of the Department of Energy Organization Act*  
10 *(42 U.S.C. 7101 et seq.), including the hire of passenger*  
11 *motor vehicles and official reception and representation ex-*  
12 *penses not to exceed \$30,000, \$237,623,000, to remain*  
13 *available until expended, plus such additional amounts as*  
14 *necessary to cover increases in the estimated amount of cost*  
15 *of work for others notwithstanding the provisions of the*  
16 *Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided,*  
17 *That such increases in cost of work are offset by revenue*  
18 *increases of the same or greater amount, to remain avail-*  
19 *able until expended: Provided further, That moneys received*  
20 *by the Department for miscellaneous revenues estimated to*  
21 *total \$111,883,000 in fiscal year 2012 may be retained and*  
22 *used for operating expenses within this account, and may*  
23 *remain available until expended, as authorized by section*  
24 *201 of Public Law 95–238, notwithstanding the provisions*  
25 *of 31 U.S.C. 3302: Provided further, That the sum herein*

1 *appropriated shall be reduced by the amount of miscella-*  
2 *neous revenues received during 2012, and any related ap-*  
3 *propriated receipt account balances remaining from prior*  
4 *years' miscellaneous revenues, so as to result in a final fis-*  
5 *cal year 2012 appropriation from the general fund esti-*  
6 *mated at not more than \$125,740,000.*

7 *OFFICE OF THE INSPECTOR GENERAL*

8 *For necessary expenses of the Office of the Inspector*  
9 *General in carrying out the provisions of the Inspector Gen-*  
10 *eral Act of 1978, as amended, \$41,774,000, to remain avail-*  
11 *able until expended.*

12 *ATOMIC ENERGY DEFENSE ACTIVITIES*

13 *NATIONAL NUCLEAR SECURITY ADMINISTRATION*

14 *WEAPONS ACTIVITIES*

15 *For Department of Energy expenses, including the*  
16 *purchase, construction, and acquisition of plant and cap-*  
17 *ital equipment and other incidental expenses necessary for*  
18 *atomic energy defense weapons activities in carrying out*  
19 *the purposes of the Department of Energy Organization Act*  
20 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*  
21 *demnation of any real property or any facility or for plant*  
22 *or facility acquisition, construction, or expansion, the pur-*  
23 *chase of not to exceed one ambulance and one aircraft;*  
24 *\$7,190,000,000, to remain available until expended.*

1           *DEFENSE NUCLEAR NONPROLIFERATION*2                           *(INCLUDING RESCISSION)*

3           *For Department of Energy expenses, including the*  
4 *purchase, construction, and acquisition of plant and cap-*  
5 *ital equipment and other incidental expenses necessary for*  
6 *defense nuclear nonproliferation activities, in carrying out*  
7 *the purposes of the Department of Energy Organization Act*  
8 *(42 U.S.C. 7101 et seq.), including the acquisition or con-*  
9 *demnation of any real property or any facility or for plant*  
10 *or facility acquisition, construction, or expansion, and the*  
11 *purchase of not to exceed one passenger motor vehicle for*  
12 *replacement only, \$2,404,300,000, to remain available until*  
13 *expended: Provided, That of the unobligated balances avail-*  
14 *able under this heading, \$21,000,000 are hereby rescinded.*

15                           *NAVAL REACTORS*

16           *For Department of Energy expenses necessary for*  
17 *naval reactors activities to carry out the Department of En-*  
18 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
19 *the acquisition (by purchase, condemnation, construction,*  
20 *or otherwise) of real property, plant, and capital equip-*  
21 *ment, facilities, and facility expansion, \$1,100,000,000, to*  
22 *remain available until expended.*

23                           *OFFICE OF THE ADMINISTRATOR*

24           *For necessary expenses of the Office of the Adminis-*  
25 *trator in the National Nuclear Security Administration, in-*

1 *cluding official reception and representation expenses not*  
2 *to exceed \$12,000,\$404,000,000, to remain available until*  
3 *September 30, 2013.*

4           *ENVIRONMENTAL AND OTHER DEFENSE*  
5                           *ACTIVITIES*

6                           *DEFENSE ENVIRONMENTAL CLEANUP*

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 atomic en-*  
10 *ergy defense environmental cleanup activities in carrying*  
11 *out 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 *and the purchase of not to exceed one ambulances and one*  
16 *fire truck for replacement only, \$5,002,308,000, to remain*  
17 *available until expended: Provided, That \$321,628,000 shall*  
18 *be available until September 30, 2013 for program direc-*  
19 *tion.*

20                           *OTHER DEFENSE ACTIVITIES*

21           *For Department of Energy expenses, including the*  
22 *purchase, construction, and acquisition of plant and cap-*  
23 *ital equipment and other expenses, necessary for atomic en-*  
24 *ergy defense, other defense activities, and classified activi-*  
25 *ties, in carrying out the purposes of the Department of En-*

1 *ergy Organization Act (42 U.S.C. 7101 et seq.), including*  
2 *the acquisition or condemnation of any real property or*  
3 *any facility or for plant or facility acquisition, construc-*  
4 *tion, or expansion, and the purchase of not to exceed 10*  
5 *passenger motor vehicles for replacement only,*  
6 *\$819,000,000, to remain available until expended.*

7 *POWER MARKETING ADMINISTRATION*

8 *BONNEVILLE POWER ADMINISTRATION FUND*

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

18 *OPERATION AND MAINTENANCE, SOUTHEASTERN POWER*

19 *ADMINISTRATION*

20 *For necessary expenses of operation and maintenance*  
21 *of power transmission facilities and of marketing electric*  
22 *power and energy, including transmission wheeling and*  
23 *ancillary services pursuant to section 5 of the Flood Control*  
24 *Act of 1944 (16 U.S.C. 825s), as applied to the southeastern*  
25 *power area, \$8,428,000, to remain available until expended:*

1 *Provided, That notwithstanding 31 U.S.C. 3302 and section*  
2 *5 of the Flood Control Act of 1944, up to \$8,428,000 col-*  
3 *lected by the Southeastern Power Administration from the*  
4 *sale of power and related services shall be credited to this*  
5 *account as discretionary offsetting collections, to remain*  
6 *available until expended for the sole purpose of funding the*  
7 *annual expenses of the Southeastern Power Administration:*  
8 *Provided further, That the sum herein appropriated for an-*  
9 *nual expenses shall be reduced as collections are received*  
10 *during the fiscal year so as to result in a final fiscal year*  
11 *2012 appropriation estimated at not more than \$0: Pro-*  
12 *vided further, That, notwithstanding 31 U.S.C. 3302, up*  
13 *to \$100,162,000 collected by the Southeastern Power Ad-*  
14 *ministration pursuant to the Flood Control Act of 1944 to*  
15 *recover purchase power and wheeling expenses shall be cred-*  
16 *ited to this account as offsetting collections, to remain avail-*  
17 *able until expended for the sole purpose of making purchase*  
18 *power and wheeling expenditures: Provided further, That*  
19 *for purposes of this appropriation, annual expenses means*  
20 *expenditures that are generally recovered in the same year*  
21 *that they are incurred (excluding purchase power and*  
22 *wheeling expenses).*

1    *OPERATION AND MAINTENANCE, SOUTHWESTERN POWER*  
2                                    *ADMINISTRATION*

3           *For necessary expenses of operation and maintenance*  
4 *of power transmission facilities and of marketing electric*  
5 *power and energy, for construction and acquisition of*  
6 *transmission lines, substations and appurtenant facilities,*  
7 *and for administrative expenses, including official recep-*  
8 *tion and representation expenses in an amount not to ex-*  
9 *ceed \$1,500 in carrying out section 5 of the Flood Control*  
10 *Act of 1944 (16 U.S.C. 825s), as applied to the South-*  
11 *western Power Administration, \$45,010,000, to remain*  
12 *available until expended: Provided, That notwithstanding*  
13 *31 U.S.C. 3302 and section 5 of the Flood Control Act of*  
14 *1944 (16 U.S.C. 825s), up to \$33,118,000 collected by the*  
15 *Southwestern Power Administration from the sale of power*  
16 *and related services shall be credited to this account as dis-*  
17 *cretionary offsetting collections, to remain available until*  
18 *expended, for the sole purpose of funding the annual ex-*  
19 *penses of the Southwestern Power Administration: Provided*  
20 *further, That the sum herein appropriated for annual ex-*  
21 *penses shall be reduced as collections are received during*  
22 *the fiscal year so as to result in a final fiscal year 2012*  
23 *appropriation estimated at not more than \$11,892,000:*  
24 *Provided further, That, notwithstanding 31 U.S.C. 3302,*  
25 *up to \$40,000,000 collected by the Southwestern Power Ad-*

1 *ministration pursuant to the Flood Control Act of 1944 to*  
2 *recover purchase power and wheeling expenses shall be cred-*  
3 *ited to this account as offsetting collections, to remain avail-*  
4 *able until expended for the sole purpose of making purchase*  
5 *power and wheeling expenditures: Provided further, That*  
6 *for purposes of this appropriation, annual expenses means*  
7 *expenditures that are generally recovered in the same year*  
8 *that they are incurred (excluding purchase power and*  
9 *wheeling expenses).*

10 *CONSTRUCTION, REHABILITATION, OPERATION AND*  
11 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*

12 *For carrying out the functions authorized by title III,*  
13 *section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C.*  
14 *7152), and other related activities including conservation*  
15 *and renewable resources programs as authorized, including*  
16 *official reception and representation expenses in an amount*  
17 *not to exceed \$1,500; \$285,900,000, to remain available*  
18 *until expended, of which \$278,856,000 shall be derived from*  
19 *the Department of the Interior Reclamation Fund: Pro-*  
20 *vided, That notwithstanding 31 U.S.C. 3302, section 5 of*  
21 *the Flood Control Act of 1944 (16 U.S.C. 825s), and section*  
22 *1 of the Interior Department Appropriation Act, 1939 (43*  
23 *U.S.C. 392a), up to \$189,932,000 collected by the Western*  
24 *Area Power Administration from the sale of power and re-*  
25 *lated services shall be credited to this account as discre-*

1 *tionary offsetting collections, to remain available until ex-*  
2 *pended, for the sole purpose of funding the annual expenses*  
3 *of the Western Area Power Administration: Provided fur-*  
4 *ther, That the sum herein appropriated for annual expenses*  
5 *shall be reduced as collections are received during the fiscal*  
6 *year so as to result in a final fiscal year 2012 appropria-*  
7 *tion estimated at not more than \$95,968,000, of which*  
8 *\$88,924,000 is derived from the Reclamation Fund: Pro-*  
9 *vided further, That of the amount herein appropriated, not*  
10 *more than \$3,375,000 is for deposit into the Utah Reclama-*  
11 *tion Mitigation and Conservation Account pursuant to title*  
12 *IV of the Reclamation Projects Authorization and Adjust-*  
13 *ment Act of 1992: Provided further, That notwithstanding*  
14 *31 U.S.C. 3302, up to \$306,541,000 collected by the Western*  
15 *Area Power Administration pursuant to the Flood Control*  
16 *Act of 1944 and the Reclamation Project Act of 1939 to*  
17 *recover purchase power and wheeling expenses shall be cred-*  
18 *ited to this account as offsetting collections, to remain avail-*  
19 *able until expended for the sole purpose of making purchase*  
20 *power and wheeling expenditures: Provided further, That*  
21 *for purposes of this appropriation, annual expenses means*  
22 *expenditures that are generally recovered in the same year*  
23 *that they are incurred (excluding purchase power and*  
24 *wheeling expenses).*

1 *FALCON AND AMISTAD OPERATING AND MAINTENANCE*

2 *FUND*

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

1 *FEDERAL ENERGY REGULATORY COMMISSION*2 *SALARIES AND EXPENSES*

3 *For necessary expenses of the Federal Energy Regu-*  
4 *latory Commission to carry out the provisions of the De-*  
5 *partment of Energy Organization Act (42 U.S.C. 7101 et*  
6 *seq.), including services as authorized by 5 U.S.C. 3109,*  
7 *the hire of passenger motor vehicles, and official reception*  
8 *and representation expenses not to exceed*  
9 *\$3,000,\$304,600,000, to remain available until expended:*  
10 *Provided, That notwithstanding any other provision of law,*  
11 *not to exceed \$304,600,000 of revenues from fees and annual*  
12 *charges, and other services and collections in fiscal year*  
13 *2012 shall be retained and used for necessary expenses in*  
14 *this account, and shall remain available until expended:*  
15 *Provided further, That the sum herein appropriated from*  
16 *the general fund shall be reduced as revenues are received*  
17 *during fiscal year 2012 so as to result in a final fiscal year*  
18 *2012 appropriation from the general fund estimated at not*  
19 *more than \$0: Provided further, That not later than 180*  
20 *days after the date of enactment of this Act, the Commission*  
21 *shall issue such regulations as are necessary to clarify that*  
22 *a State may establish rates for the wholesale sale of electric*  
23 *energy in interstate commerce pursuant to the Public Util-*  
24 *ity Regulatory Policies Act of 1978 such that those rates*  
25 *shall not unduly discriminate against the qualifying cogen-*



1 *ing such a partner. For purposes of this section, the term*  
2 *“user facility” includes, but is not limited to:*

3 *(1) a user facility as described in section*  
4 *2203(a)(2) of the Energy Policy Act of 1992 (42*  
5 *U.S.C. 13503(a)(2));*

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

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

11 *SEC. 303. Funds appropriated by this or any other*  
12 *Act, or made available by the transfer of funds in this Act,*  
13 *for intelligence activities are deemed to be specifically au-*  
14 *thorized by the Congress for purposes of section 504 of the*  
15 *National Security Act of 1947 (50 U.S.C. 414) during fiscal*  
16 *year 2012 until the enactment of the Intelligence Authoriza-*  
17 *tion Act for fiscal year 2012.*

18 *SEC. 304. (a) SUBMISSION TO CONGRESS.—The Sec-*  
19 *retary of Energy shall submit to Congress each year, at the*  
20 *time that the President’s budget is submitted to Congress*  
21 *that year under section 1105(a) of title 31, United States*  
22 *Code, a future-years energy program reflecting the esti-*  
23 *mated expenditures and proposed appropriations included*  
24 *in that budget. Any such future-years energy program shall*  
25 *cover the fiscal year with respect to which the budget is sub-*

1 *mited and at least the four succeeding fiscal years. A fu-*  
2 *ture-years energy program shall be included in the fiscal*  
3 *year 2014 budget submission to Congress and every fiscal*  
4 *year thereafter.*

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

7 (1) *The estimated expenditures and proposed ap-*  
8 *propriations necessary to support programs, projects,*  
9 *and activities of the Secretary of Energy during the*  
10 *5-fiscal year period covered by the program, expressed*  
11 *in a level of detail comparable to that contained in*  
12 *the budget submitted by the President to Congress*  
13 *under section 1105 of title 31, United States Code.*

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

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

25 (c) *CONSISTENCY IN BUDGETING.—*

1           (1) *The Secretary of Energy shall ensure that*  
2           *amounts described in subparagraph (A) of paragraph*  
3           *(2) for any fiscal year are consistent with amounts*  
4           *described in subparagraph (B) of paragraph (2) for*  
5           *that fiscal year.*

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

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

17                   (B) *The total amounts of estimated expendi-*  
18                   *tures and proposed appropriations necessary to*  
19                   *support the programs, projects, and activities of*  
20                   *the administration included pursuant to para-*  
21                   *graph (5) of section 1105(a) of such title in the*  
22                   *budget submitted to Congress under that section*  
23                   *for any fiscal year.*

24           *SEC. 305. Section 1702 of the Energy Policy Act of*  
25           *2005 (42 U.S.C. 16512) is amended—*

1           (1) *by striking subsection (b) and inserting the*  
2 *following:*

3           “(b) *SPECIFIC APPROPRIATION OR CONTRIBUTION.—*

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

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

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

12           “(C) *a combination of one or more appro-*  
13 *priations under subparagraph (A) and one or*  
14 *more payments from the borrower under sub-*  
15 *paragraph (B) has been made that is sufficient*  
16 *to cover the cost of the guarantee.”.*

17       *SEC. 306. Plant or construction projects for which*  
18 *amounts are made available under this and subsequent ap-*  
19 *propriation Acts with a current estimated cost of less than*  
20 *\$10,000,000 are considered for purposes of section 4703 of*  
21 *Public Law 107–314 as a plant project for which the ap-*  
22 *proved total estimated cost does not exceed the minor con-*  
23 *struction threshold and for purposes of section 4704 of Pub-*  
24 *lic Law 107–314 as a construction project with a current*  
25 *estimated cost of less than a minor construction threshold.*



1        *SEC. 311. (a) Any determination (including a deter-*  
2 *mination made prior to the date of enactment of this Act)*  
3 *by the Secretary pursuant to section 3112(d)(2)(B) of the*  
4 *USEC Privatization Act (110 Stat. 1321–335), as amend-*  
5 *ed, that the sale or transfer of uranium will not have an*  
6 *adverse material impact on the domestic uranium mining,*  
7 *conversion, or enrichment industry shall be valid for not*  
8 *more than 2 calendar years subsequent to such determina-*  
9 *tion.*

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

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

17            *(2) an estimate by the Secretary of the gross*  
18 *market value of the uranium on the expected date of*  
19 *the transfer, sale, barter, distribution, or other provi-*  
20 *sion of the uranium;*

21            *(3) the expected date of transfer, sale, barter, dis-*  
22 *tribution, or other provision of the uranium;*

23            *(4) the recipient of the uranium; and*

24            *(5) the value of the services the Secretary expects*  
25 *to receive in exchange for the uranium, including any*



1 gional Commission, for payment of the Federal share of the  
2 administrative expenses of the Commission, including serv-  
3 ices as authorized by 5 U.S.C. 3109, and hire of passenger  
4 motor vehicles, \$58,024,000, to remain available until ex-  
5 pended.

6 *DEFENSE NUCLEAR FACILITIES SAFETY BOARD*

7 *SALARIES AND EXPENSES*

8 *For necessary expenses of the Defense Nuclear Facili-*  
9 *ties Safety Board in carrying out activities authorized by*  
10 *the Atomic Energy Act of 1954, as amended by Public Law*  
11 *100-456, section 1441, \$29,130,000, to remain available*  
12 *until September 30, 2013: Provided, That within 90 days*  
13 *of enactment of this Act the Defense Nuclear Facilities Safe-*  
14 *ty Board shall enter into an agreement for fiscal year 2012*  
15 *and hereafter with the Office of the Inspector General of*  
16 *either the Nuclear Regulatory Commission or the Depart-*  
17 *ment of Energy for inspector general services.*

18 *DELTA REGIONAL AUTHORITY*

19 *SALARIES AND EXPENSES*

20 *For necessary expenses of the Delta Regional Authority*  
21 *and to carry out its activities, as authorized by the Delta*  
22 *Regional Authority Act of 2000, as amended, notwith-*  
23 *standing sections 382C(b)(2), 382F(d), 382M, and 382N of*  
24 *said Act, \$9,925,000, to remain available until expended.*

1 *DENALI COMMISSION*

2 *For expenses of the Denali Commission including the*  
3 *purchase, construction, and acquisition of plant and cap-*  
4 *ital equipment as necessary and other expenses, \$9,077,000,*  
5 *to remain available until expended, notwithstanding the*  
6 *limitations contained in section 306(g) of the Denali Com-*  
7 *mission Act of 1998: Provided, That funds shall be available*  
8 *for construction projects in an amount not to exceed 80 per-*  
9 *cent of total project cost for distressed communities, as de-*  
10 *finied by section 307 of the Denali Commission Act of 1998*  
11 *(division C, title III, Public Law 105–277), as amended*  
12 *by section 701 of appendix D, title VII, Public Law 106–*  
13 *113 (113 Stat. 1501A–280), and an amount not to exceed*  
14 *50 percent for non-distressed communities.*

15 *NUCLEAR REGULATORY COMMISSION*16 *SALARIES AND EXPENSES*

17 *For necessary expenses of the Commission in carrying*  
18 *out the purposes of the Energy Reorganization Act of 1974,*  
19 *as amended, and the Atomic Energy Act of 1954, as amend-*  
20 *ed, including official representation expenses (not to exceed*  
21 *\$25,000), \$1,027,240,000, to remain available until ex-*  
22 *pended: Provided, That revenues from licensing fees, inspec-*  
23 *tion services, and other services and collections estimated*  
24 *at \$899,726,000 in fiscal year 2012 shall be retained and*  
25 *used for necessary salaries and expenses in this account,*

1 *notwithstanding 31 U.S.C. 3302, and shall remain avail-*  
2 *able until expended: Provided further, That the sum herein*  
3 *appropriated shall be reduced by the amount of revenues*  
4 *received during fiscal year 2012 so as to result in a final*  
5 *fiscal year 2012 appropriation estimated at not more than*  
6 *\$127,514,000.*

7 *OFFICE OF INSPECTOR GENERAL*

8 *For necessary expenses of the Office of the Inspector*  
9 *General in carrying out the provisions of the Inspector Gen-*  
10 *eral Act of 1978, \$10,860,000, to remain available until ex-*  
11 *pended: Provided, That revenues from licensing fees, inspec-*  
12 *tion services, and other services and collections estimated*  
13 *at \$9,774,000 in fiscal year 2012 shall be retained and be*  
14 *available until expended, for necessary salaries and ex-*  
15 *penses in this account, notwithstanding section 3302 of title*  
16 *31, United States Code: Provided further, That the sum*  
17 *herein appropriated shall be reduced by the amount of reve-*  
18 *nues received during fiscal year 2012 so as to result in a*  
19 *final fiscal year 2012 appropriation estimated at not more*  
20 *than \$1,086,000.*

21 *NUCLEAR WASTE TECHNICAL REVIEW BOARD*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses of the Nuclear Waste Technical*  
24 *Review Board, as authorized by Public Law 100–203, sec-*

1 *tion 5051, \$3,400,000 to be derived from the Nuclear Waste*  
2 *Fund, and to remain available until expended.*

3 *OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA*

4 *NATURAL GAS TRANSPORTATION PROJECTS*

5 *For necessary expenses for the Office of the Federal Co-*  
6 *ordinator for Alaska Natural Gas Transportation Projects*  
7 *pursuant to the Alaska Natural Gas Pipeline Act of 2004,*  
8 *\$1,000,000.*

9 *NORTHERN BORDER REGIONAL COMMISSION*

10 *For necessary expenses of the Northern Border Re-*  
11 *gional Commission in carrying out activities authorized by*  
12 *subtitle V of title 40, United States Code, \$1,275,000, to*  
13 *remain available until expended: Provided, That such*  
14 *amounts shall be available for administrative expenses, not-*  
15 *withstanding section 15751(b) of title 40, United States*  
16 *Code.*

17 *SOUTHEAST CRESCENT REGIONAL COMMISSION*

18 *For necessary expenses of the Southeast Crescent Re-*  
19 *gional Commission in carrying out activities authorized by*  
20 *subtitle V of title 40, United States Code, \$213,000, to re-*  
21 *main available until expended.*

22 *GENERAL PROVISIONS*

23 *SEC. 401. (a) DEFINITIONS.—In this section:*

24 *(1) CHAIRPERSON.—The term “Chairperson”*  
25 *means the Chairperson of the Commission.*

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

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

7           (b) *As soon as practicable after the date of enactment*  
8           *of this Act, the Chairperson shall order licencees to, in ac-*  
9           *cordance with the recommendations of the 90-day task force*  
10          *of the Commission, enhance spent fuel pools by:*

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

16           (2) *providing safety-related, alternating-current*  
17          *electrical power for the spent fuel pool makeup sys-*  
18          *tem;*

19           (3) *providing onsite emergency electrical power*  
20          *for spent fuel pools and instrumentation for cases in*  
21          *which there exists irradiated fuel in a spent fuel pool,*  
22          *regardless of the operational mode of the relevant re-*  
23          *actor; and*

24           (4) *installing a seismically qualified means to*  
25          *spray water into spent fuel pools, including an easily*



1 *strumentality of the United States Government, except pur-*  
2 *suant to a transfer made by, or transfer authority provided*  
3 *in this Act or any other appropriation Act.*

4

*TITLE VI*5 *ADDITIONAL FUNDING FOR DISASTER RELIEF*6 *DEPARTMENT OF DEFENSE—CIVIL*7 *DEPARTMENT OF THE ARMY*8 *CORPS OF ENGINEERS—CIVIL*9 *MISSISSIPPI RIVER AND TRIBUTARIES*

10 *For an additional amount for “Mississippi River and*  
11 *Tributaries” for expenses resulting from a major disaster*  
12 *designation pursuant to the Robert T. Stafford Disaster Re-*  
13 *lief and Emergency Assistance Act (42 U.S.C. 5122(2)),*  
14 *\$890,177,300, to remain available until expended for repair*  
15 *of damages to Federal projects: Provided, That the Assistant*  
16 *Secretary of the Army for Civil Works shall provide a*  
17 *monthly report to the Committees on Appropriations of the*  
18 *House of Representatives and the Senate detailing the allo-*  
19 *cation and obligation of these funds, beginning not later*  
20 *than 60 days after enactment of this Act: Provided further,*  
21 *That the amount in this paragraph is designated by Con-*  
22 *gress as being for disaster relief pursuant to section*  
23 *251(b)(2)(D) of the Balanced Budget and Emergency Def-*  
24 *icit Control Act of 1985 (Public Law 99–177), as amended.*



1 *support emergency operations, repair and other activities*  
2 *in response to recent natural disasters as authorized by law,*  
3 *\$66,387,000, to remain available until expended: Provided,*  
4 *That the Assistant Secretary of the Army for Civil Works*  
5 *shall provide a monthly report to the Committees on Appro-*  
6 *priations of the House of Representatives and the Senate*  
7 *detailing the allocation and obligation of these funds, begin-*  
8 *ning not later than 60 days after enactment of this Act:*  
9 *Provided further, That the amount in this paragraph is des-*  
10 *ignated by Congress as being for disaster relief pursuant*  
11 *to section 251(b)(2)(D) of the Balanced Budget and Emer-*  
12 *gency Deficit Control Act of 1985 (Public Law 99–177),*  
13 *as amended.*

14 *This Act may be cited as the “Energy and Water De-*  
15 *velopment and Related Agencies Appropriations Act,*  
16 *2012”.*

**Calendar No. 157**

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2354**

**[Report No. 112-75]**

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**AN ACT**

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

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JULY 18, 2011

Received; read twice and referred to the Committee on  
Appropriations

SEPTEMBER 7, 2011

Reported with an amendment