IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2011

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

A BILL

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

TITLE I—CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—civil

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary when authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic
ecosystem restoration projects and related efforts prior to
construction; for restudy of authorized projects; and for
miscellaneous investigations and, when authorized by law,
surveys and detailed studies and plans and specifications
of projects prior to construction, $104,000,000, to remain
available until expended: Provided, That except as pro-
vided in section 101, the amounts made available under
this paragraph shall be expended as authorized by law for
the programs, projects and activities specified in the text
and table under this heading in the report of the Com-
mittee on Appropriations of the House of Representatives
to accompany this Act.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary for the construction of river
and harbor, flood and storm damage reduction, shore pro-
tection, aquatic ecosystem restoration, and related
projects authorized by law; for conducting detailed studies
and plans and specifications of such projects (including
those involving participation by States, local governments,
or private groups) authorized or made eligible for selection
by law (but such detailed studies and plans and specifica-
tions shall not constitute a commitment of the Govern-
ment to construction), $1,615,941,000, to remain avail-
able until expended; of which such sums as are necessary
to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by the Water Resources Development Act of 1996 (Public Law 104–303); and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Olmsted Lock and Dam, Ohio River, Illinois and Kentucky; Emsworth Locks and Dam, Ohio River, Pennsylvania; Lock and Dams 2, 3, and 4, Monongahela River, Pennsylvania; and Lock and Dam 27, Mississippi River, Illinois) shall be derived from the Inland Waterways Trust Fund: Provided, That of the unobligated balances from prior year appropriations available under this heading, $50,000,000 is rescinded: Provided further, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this
heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $210,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: Provided, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps of Engineers, including administrative buildings and laboratories; maintaining harbor channels provided by a State, munici-
pality, or other public agency that serve essential navigation needs of general commerce, when authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,366,465,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps of Engineers established by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104–303) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: Provided, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity
prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate, and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities: Provided further, That except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

REGULATORY PROGRAM

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

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $109,000,000, to remain available until expended.
FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for floods, hurricanes, and other natural disasters and support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $27,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps of Engineers and the offices of the Division Engineers; and for costs of management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center allocable to the civil works program, $185,000,000, to remain available until expended, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: Provided, That no part of any other appropriation in this title shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: Provided further, That any Flood Control and Coastal Emergencies appropriation may be used to fund
the supervision and general administration of emergency
operations, repairs, and other activities in response to any
flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
FOR CIVIL WORKS

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, CORPS OF
ENGINEERS—CIVIL

(INCLUDING TRANSFERS OF FUNDS)

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

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

(2) eliminates a program, project, or activity;
(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

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

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

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


(c) This section shall not apply to additional flood and coastal storm damage reduction and navigation pro-
gram funds provided under “Remaining Items” in the tables under the headings “Corps of Engineers-Civil—Construction” and “Corps of Engineers-Civil—Operation and Maintenance” or to additional investigations funding under “National Programs” under the heading “Corps of Engineers-Civil—Investigations” in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

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

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the Army Corps of Engineers.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, ex-
cept that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

Sec. 104. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

Sec. 105. Not later than 90 days after the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army for Civil Works shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

Sec. 106. During the 1-year period beginning on the date of enactment of this Act, the Secretary of the Army is authorized to implement measures recommended in the efficacy study authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121) or in interim reports, with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from dis-
persing into the Great Lakes by way of any hydrologic
connection between the Great Lakes and the Mississippi
River Basin.

SEC. 107. The Secretary is authorized to transfer to
“Corps of Engineers-Civil—Construction” up to
$100,000,000 of the funds provided for reinforcing or re-
placing flood walls under the heading “Corps of Engi-
neers-Civil—Flood Control and Coastal Emergencies” in
Public Law 109–234 and Public Law 110–252 and up to
$75,000,000 of the funds provided for projects and meas-
ures for the West Bank and Vicinity and Lake
Ponchartrain and Vicinity projects under the heading
“Corps of Engineers-Civil—Flood Control and Coastal
Emergencies” in Public Law 110–28, to be used with
funds provided for the West Bank and Vicinity project
under the heading “Corps of Engineers-Civil—Construc-
tion” in Public Law 110–252 and Public Law 110–329,
consistent with 65 percent Federal and 35 percent non-
Federal cost share and the financing of, and payment
terms for, the non-Federal cash contribution associated
with the West Bank and Vicinity project.

SEC. 108. The Secretary of the Army may transfer
to the Fish and Wildlife Service, and the Fish and Wildlife
Service may accept and expend, up to $3,800,000 of funds
provided in this title under the heading “Operation and
Maintenance’’ to mitigate for fisheries lost due to Corps of Engineers projects.

SEC. 109. None of the funds made available by this Act or any subsequent Act making appropriations for Energy and Water Development may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce a change or supplement to the rule dated November 13, 1986, or guidance documents dated January 15, 2003, and December 2, 2008, pertaining to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

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

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

(1) inserting “for work, which includes planning and design,” before “to be expended”;
(2) striking “flood control or environmental restoration work” and inserting “water resources development study or project”; and

(3) inserting “: Provided further, That the term ‘States’ means the several States, the District of Columbia, the commonwealths, territories, and possessions of the United States, and Federally recognized Indian tribes” before the period.

(b) The Secretary shall notify the appropriate committees of Congress prior to initiation of negotiations for accepting contributed funds under 33 U.S.C. 701h.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $27,154,000, to remain available until expended, of which $2,000,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,550,000. For fiscal year 2012, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.
The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

**WATER AND RELATED RESOURCES**

*(INCLUDING TRANSFERS OF FUNDS)*

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $822,300,000, to remain available until expended, of which $10,698,000 shall be available for transfer to the Upper Colorado River Basin Fund and $6,136,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of
the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That except as provided in section 201, the amounts made available under this paragraph shall be expended as authorized by law for the programs, projects, and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $53,068,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and
collect the full amount of the additional mitigation and
restoration payments authorized by section 3407(d) of
Public Law 102–575: Provided further, That none of the
funds made available under this heading may be used for
the acquisition or leasing of water for in-stream purposes
if the water is already committed to in-stream purposes
by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water
Supply, Reliability, and Environmental Improvement Act,
consistent with plans to be approved by the Secretary of
the Interior, $35,928,000, to remain available until ex-
pended, of which such amounts as may be necessary to
carry out such activities may be transferred to appropriate
accounts of other participating Federal agencies to carry
out authorized purposes: Provided, That funds appro-
priated herein may be used for the Federal share of the
costs of CALFED Program management: Provided fur-
ther, That the use of any funds provided to the California
Bay-Delta Authority for program-wide management and
oversight activities shall be subject to the approval of the
Secretary of the Interior: Provided further, That CALFED
implementation shall be carried out in a balanced manner
with clear performance measures demonstrating concur-
rent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

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

ADMINISTRATIVE PROVISION

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING RESCISSION OF FUNDS)

Sec. 201. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

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

(2) eliminates a program, project, or activity;
(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

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

(5) transfers funds in excess of the following limits:

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

(B) $300,000 for any program, project, or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.
(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

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

d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the
Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program-Alternative Repayment Plan” and the “SJVDP-Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

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

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Energy Efficiency and Renewable Energy

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization
Act (42 U.S.C. 7101 et seq.), including the acquisition or
condemnation of any real property or any facility or for
plant or facility acquisition, construction, or expansion,
$1,304,636,000, to remain available until expended: Pro-
vided, That for the purposes of allocating weatherization
assistance funds appropriated by this Act to States and
tribes, the Secretary of Energy may waive the allocation
formula established pursuant to section 414(a) of the En-
ergy Conservation and Production Act (42 U.S.C.
6864(a)).

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the
purchase, construction, and acquisition of plant and cap-
ital equipment, and other expenses necessary for elec-
tricity delivery and energy reliability activities in carrying
out the purposes of the Department of Energy Organiza-
tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
tion or condemnation of any real property or any facility
or for plant or facility acquisition, construction, or expan-
sion, $139,496,000, to remain available until expended.

NUCLEAR ENERGY

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

**Fossil Energy Research and Development**

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $476,993,000, to remain available until expended: *Provided*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States.
NAVAL PETROLEUM AND OIL SHALE RESERVES

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

STRATEGIC PETROLEUM RESERVE

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

SPR PETROLEUM ACCOUNT

Notwithstanding sections 161 and 167 of the Energy Policy and Conservation Act (42 U.S.C. 6241, 6247), the Secretary of Energy shall sell $500,000,000 in petroleum products from the Reserve not later than March 1, 2012, and shall deposit any proceeds from such sales in the General Fund of the Treasury: Provided, That during fiscal year 2012 and hereafter, the quantity of petroleum products sold from the Reserve under the authority of this Act may only be replaced using the authority provided in paragraph (a)(1) or (3) of section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240(a)(1) or (3)): Pro-
vided further, That unobligated balances in this account shall be available to cover the costs of any sale under this Act.

NORTHEAST HOME HEATING OIL RESERVE

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $10,119,000, to remain available until expended: Provided, That amounts net of the purchase of 1 million barrels of petroleum distillates in fiscal year 2011; costs related to transportation, delivery, and storage; and sales of petroleum distillate from the Reserve under section 182 of the Energy Policy and Conservation Act (42 U.S.C. 6250a) are hereby permanently rescinded: Provided further, That notwithstanding section 181 of the Energy Policy and Conservation Act (42 U.S.C. 6250), for fiscal year 2012 and hereafter, the Reserve shall contain no more than 1 million barrels of petroleum distillate.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $105,000,000, to remain available until expended.
NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $213,121,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $449,000,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, and not more than $150,000,000, to be derived from the barter, transfer, or sale of uranium authorized under section 3112 of the USEC Privatization Act (42 U.S.C. 2297h-10) or section 314 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103), to remain available until expended: Provided, That proceeds from such barter, transfer, or sale
of uranium in excess of such amount shall not be available until appropriated.

**SCIENCE**

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 49 passenger motor vehicles for replacement only, including one ambulance and one bus, $4,800,000,000, to remain available until expended.

**NUCLEAR WASTE DISPOSAL**

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97-425), $25,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund.

**ADVANCED RESEARCH PROJECTS AGENCY—ENERGY**

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (42 U.S.C. 16538), $100,000,000, to remain available until expended.
Subject to section 502 of the Congressional Budget Act of 1974, for the cost of loan guarantees for renewable energy or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005, $160,000,000, to remain available until expended: Provided, That the amounts provided in this section are in addition to those provided in any other Act: Provided further, That, notwithstanding section 1703(a)(2) of the Energy Policy Act of 2005, funds appropriated for the cost of loan guarantees are also available for projects for which an application has been submitted to the Department of Energy prior to February 24, 2011, in whole or in part, for a loan guarantee under 1705 of the Energy Policy Act of 2005: Provided further, That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $38,000,000 is appropriated, to remain available until expended: Provided further, That $38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2012 appropriations from the general fund estimated at not more than $0: Provided further, That...
vided further, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated: Provided further, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: Provided further, That none of the loan guarantee authority made available in this paragraph shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: Provided further, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this paragraph for commitments to guarantee loans for projects as a result of such projects benefiting from (1) otherwise allowable Federal income tax benefits; (2) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) depos-
ited in the Treasury as offsetting receipts, and (C) equal
to the fair market value as determined by the head of the
relevant Federal agency; (3) Federal insurance programs,
including under section 170 of the Atomic Energy Act of
1954 (42 U.S.C. 2210; commonly known as the “Price-
Anderson Act”); or (4) for electric generation projects, use
of transmission facilities owned or operated by a Federal
Power Marketing Administration or the Tennessee Valley
Authority that have been authorized, approved, and fi-
nanced independent of the project receiving the guarantee:

Provided further, That none of the loan guarantee author-
ity made available in this paragraph shall be available for
any project unless the Director of the Office of Manage-
ment and Budget has certified in advance in writing that
the loan guarantee and the project comply with the provi-
sions under this paragraph.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING

Loan Program

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

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of En-
ergy necessary for departmental administration in car-
rying out the purposes of the Department of Energy Orga-
nization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $221,514,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $111,883,000 in fiscal year 2012 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2012, and any related appropriated receipt account balances remaining from prior years’ miscellaneous revenues, so as to result in a final fiscal year 2012 appropriation from the general fund estimated at not more than $109,631,000.
OFFICE OF THE INSPECTOR GENERAL


ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Weapons Activities

(including rescission of funds)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; $7,131,993,000, to remain available until expended: Provided, That of such amount not more than $139,281,000 may be made available for the B-61 Life Extension Program until the Administrator for Nuclear Security submits to the Committees on Appropriations of the House of Representatives and the Senate the outcome
of its Phase 6.2a design definition and cost study: *Provided further,* That of the unobligated balances available under this heading, $40,332,000 are hereby rescinded: *Provided further,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

**DEFENSE NUCLEAR NONPROLIFERATION**

*(INCLUDING RESCISSION OF FUNDS)*

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,086,770,000, to remain available until expended: *Provided,* That of the unobligated balances available under this heading, $30,000,000 are hereby rescinded; *Provided further,* That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to
the Concurrent Resolution on the Budget or the Balanced 

NAVAL REACTORS

For Department of Energy expenses necessary for 
naval reactors activities to carry out the Department of 
Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
ing the acquisition (by purchase, condemnation, construc-
tion, or otherwise) of real property, plant, and capital 
equipment, facilities, and facility expansion, 
$1,030,600,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Adminis-
trator in the National Nuclear Security Administration, 
including official reception and representation expenses 
not to exceed $12,000, $420,000,000, to remain available 
until expended.

ENVIRONMENTAL AND OTHER DEFENSE 
ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the 
purchase, construction, and acquisition of plant and cap-
ital equipment and other expenses necessary for atomic 
energy defense environmental cleanup activities in car-
rying out the purposes of the Department of Energy Orga-
nization Act (42 U.S.C. 7101 et seq.), including the acquisi-

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sition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance and one fire truck for replacement only, $4,937,619,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $814,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Kootenai River Native Fish Conservation Aquaculture Program, Lolo Creek Permanent Weir Facility, and Improving Anadromous Fish production on the Warm Springs Reservation, and, in addition,
for official reception and representation expenses in an
amount not to exceed $3,000. During fiscal year 2012,
no new direct loan obligations may be made from such
Fund.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
ADMINISTRATION

For necessary expenses of operation and maintenance
of power transmission facilities and of marketing electric
power and energy, including transmission wheeling and
ancillary services pursuant to section 5 of the Flood Con-
trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
eastern power area, $8,428,000, to remain available until
expended: Provided, That notwithstanding 31 U.S.C. 3302
and section 5 of the Flood Control Act of 1944, up to
$8,428,000 collected by the Southeastern Power Adminis-
tration from the sale of power and related services shall
be credited to this account as discretionary offsetting col-
lections, to remain available until expended for the sole
purpose of funding the annual expenses of the South-
eastern Power Administration: Provided further, That the
sum herein appropriated for annual expenses shall be re-
duced as collections are received during the fiscal year so
as to result in a final fiscal year 2012 appropriation esti-
mated at not more than $0: Provided further, That not-
withstanding 31 U.S.C. 3302, up to $100,162,000 col-
lected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

Operation and maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $45,010,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $33,118,000 collected by the Southwestern Power Administration from the sale
of power and related services shall be credited to this ac-
count as discretionary offsetting collections, to remain
available until expended, for the sole purpose of funding
the annual expenses of the Southwestern Power Adminis-
tration: Provided further, That the sum herein appro-
priated for annual expenses shall be reduced as collections
are received during the fiscal year so as to result in a final
fiscal year 2012 appropriation estimated at not more than
$11,892,000: Provided further, That, notwithstanding 31
U.S.C. 3302, up to $40,000,000 collected by the South-
western Power Administration pursuant to the Flood Con-
trol Act of 1944 to recover purchase power and wheeling
expenses shall be credited to this account as offsetting col-
lections, to remain available until expended for the sole
purpose of making purchase power and wheeling expendi-
tures: Provided further, That for purposes of this appro-
priation, annual expenses means expenditures that are
generally recovered in the same year that they are in-
curred (excluding purchase power and wheeling expenses).

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

For carrying out the functions authorized by title III,
section 302(a)(1)(E) of the Act of August 4, 1977 (42
U.S.C. 7152), and other related activities including con-
reservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $285,900,000, to remain available until expended, of which $278,856,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $189,932,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: Provided further, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2012 appropriation estimated at not more than $95,968,000, of which $88,924,000 is derived from the Reclamation Fund: Provided further, That of the amount herein appropriated, not more than $3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That notwith-
standing 31 U.S.C. 3302, up to $306,541,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: Provided further, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $4,169,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: Provided, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,949,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections,
to remain available until expended for the sole purpose
of funding the annual expenses of the hydroelectric facili-
ties of these Dams and associated Western Area Power
Administration activities: Provided further, That the sum
herein appropriated for annual expenses shall be reduced
as collections are received during the fiscal year so as to
result in a final fiscal year 2012 appropriation estimated
at not more than $220,000: Provided further, That for
purposes of this appropriation, annual expenses means ex-
penditures that are generally recovered in the same year
that they are incurred.

Federal Energy Regulatory Commission

Salaries and Expenses

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

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

(INCLUDING TRANSFERS OF FUNDS)

Sec. 301. (a) No appropriation, funds, or authority made available in this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b)(1) Except as provided in paragraph (2), the Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading “Department of Energy—Energy Programs”, enter into a contract, award a grant, or enter into a cooperative agreement that obligates the Government in excess of the budget authority available under such heading for such purpose, or that is properly
chargeable to budget authority of a future fiscal year be-
fore such budget authority is available, regardless of
whether the contract, grant, or cooperative agreement in-
cludes a clause conditioning the Government’s obligation
on the availability of such budget authority.

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

(c) Except as provided in this section, the amounts
made available by this Act for the Department of Energy
shall be expended as authorized by law for the projects
and activities specified in the text and the “Bill” column
in the “Comparative Statement of New Budget
(Obligational) Authority for 2011 and Budget Requests
and Amounts Recommended in the Bill for 2012” included
under the heading “Title III—Department of Energy” in
the report of the Committee on Appropriations of the
House of Representatives to accompany this Act.

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

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

(2) eliminates a program, project, or activity;
(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

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

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

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

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

Sec. 302. None of the funds made available in this title may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of En-
ergy submits a reprogramming request to the appropriate congressional committees; or

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

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.
SEC. 305. When the Department of Energy makes
a user facility available to universities or other potential
users, or seeks input from universities or other potential
users regarding significant characteristics or equipment in
a user facility or a proposed user facility, the Department
shall ensure broad public notice of such availability or
such need for input to universities and other potential
users. When the Department of Energy considers the par-
ticipation of a university or other potential user as a for-
mal partner in the establishment or operation of a user
facility, the Department shall employ full and open com-
petition in selecting such a partner. For purposes of this
section, the term “user facility” includes, but is not lim-
ited to: (1) a user facility as described in section
13503(a)(2)); (2) a National Nuclear Security Adminis-
tration Defense Programs Technology Deployment Cen-
ter/User Facility; and (3) any other Departmental facility
designated by the Department as a user facility.

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

Sec. 307. (a) In any fiscal year in which the Sec-
retary of Energy determines that additional funds are
needed to reimburse the costs of defined benefit pension
plans for contractor employees, the Secretary may transfer
not more than 1 percent of an appropriation made avail-
able in this or any subsequent Energy and Water Develop-
ment Appropriations Act to any other appropriation made
available to the Secretary by such Act for such reimburse-
ment.

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

(c) In carrying out a transfer under this section, the
Secretary shall use each appropriation made available to
the Department in that fiscal year as a source for the
transfer, and shall reduce each appropriation by an equal
percentage, except that appropriations for which the Sec-
retary determines there exists a need for additional funds
for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the loan guarantee program under title XVII of the Energy Policy Act of 2005, and the Federal Energy Regulatory Commission, shall not be subject to this requirement.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

(f) The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not less than 30 days in advance of each transfer authorized by this section.

Sec. 308. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Of-
Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

Sec. 309. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with an estimated cost of less than $10,000,000 are considered for purposes of section 4703 of the Atomic Energy Defense Act (50 U.S.C. 2743) as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704(d) of such Act (50 U.S.C. 2744(d)) as a construction project with an estimated cost of less than a minor construction threshold.

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

Sec. 311. None of the funds made available in this title may be used to make a grant allocation, discretionary grant award, discretionary contract award, or Other Transaction Agreement, or to issue a letter of intent, totaling in excess of $1,000,000, or to announce publicly the
intention to make such an allocation, award, or Agreement, or to issue such a letter, including a contract covered by the Federal Acquisiton Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an allocation, award, or Agreement, or issuing such a letter: Provided, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an allocation, award, or Agreement may be made, or a letter may be issued, without advance notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after the date on which such an allocation, award, or Agreement is made or letter issued.

Sec. 312. None of the funds made available by this title may be used to make a final or conditional loan guarantee award unless the Secretary of Energy provides notification of the award, including the proposed subsidy cost, to the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance of such award.

Sec. 313. None of the funds included in this title for the Department of Energy shall be made available to
initiate, administer, promulgate, or enforce any “significant regulatory action” as defined by Executive Order 12866 unless the Committee on Appropriations has been notified not later than 30 days before the issuance of such action.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $68,400,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $29,130,000, to remain available until expended.
DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $11,700,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $10,700,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998 (title III of division C of Public Law 105-277): Provided, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined in the subsection (c) added to section 307 of such Act by section 701 of Title VII of the provisions of H.R. 3424 (106th Congress) enacted into law in section 1000(a)(4) of Public Law 106–113 (113 STAT. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.
NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,350,000, to remain available until expended: Provided, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Regulatory Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $25,000), $1,027,240,000, to remain available until expended: Provided, That of the amount appropriated herein, not more than $7,500,000 may be made available for salaries and other support costs for the Office of the Commission: Provided, That of the amount appropriated herein, $10,000,000 shall be used to continue the
Yucca Mountain license application, to be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $890,713,000 in fiscal year 2012 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2012 so as to result in a final fiscal year 2012 appropriation estimated at not more than $136,527,000: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall be for university research and development in areas relevant to their respective organization’s mission, and $5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

**OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections...
estimated at $9,774,000 in fiscal year 2012 shall be re-
tained and be available until expended, for necessary sala-
ries and expenses in this account, notwithstanding section
3302 of title 31, United States Code: Provided further,
That the sum herein appropriated shall be reduced by the
amount of revenues received during fiscal year 2012 so
as to result in a final fiscal year 2012 appropriation esti-
mated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

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

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

NATURAL GAS TRANSPORTATION PROJECTS

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

Sec. 401. (a) None of the funds provided in this title for “Nuclear Regulatory Commission—Salaries and Expenses” shall be available for obligation or expenditure through a reprogramming of funds that —

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

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

(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

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

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any project, program, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such
waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.

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

TITLE V—EMERGENCY SUPPLEMENTAL FUNDING FOR DISASTER RELIEF

(INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

Sec. 501. (a) Effective on the date of enactment of this Act, the unobligated balance of funds in excess of $1,028,684,400 made available for “Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service” by title XII of Public Law 111–5 is hereby rescinded, and the remaining amount is hereby transferred to and merged with the following accounts of the Corps of Engineers—Civil in the following amounts for fiscal year 2011, to remain available until ex-
pended, for emergency expenses for repair of damage caused by the storm and flood events occurring in 2011:

(1) “Construction”, $376,000.

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

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

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

(b) With respect to each amount transferred in subsection (a), the Chief of Engineers, acting through the Assistant Secretary of the Army for Civil Works, shall provide, at a minimum, a weekly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of such amount, beginning not later than one week after the date of the enactment of this Act.

(c) Each amount transferred in subsection (a) is designated as an emergency pursuant to section 3(c)(1) of H. Res. 5 (112th Congress).

TITLE VI—GENERAL PROVISIONS

Sec. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to commu-
Sec. 602. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided, in this Act or any other appropriation Act.

Sec. 603. None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

Sec. 604. None of the funds made available in this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application until the Nuclear Regulatory Commission reverses ASLB decision LBP-10-11, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

Sec. 605. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program established under section 403(a) of the

SEC. 606. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months.

SEC. 607. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

SPENDING REDUCTION ACCOUNT

SEC. 608. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under sec-
tion 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0. This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2012”.


A BILL

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

JUNE 24, 2011

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