

Calendar No. 425

112TH CONGRESS
2^D SESSION**H. R. 5325**

IN THE SENATE OF THE UNITED STATES

JUNE 11, 2012

Received; read twice and placed on the calendar

AN ACT

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

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

1 TITLE I—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 river
8 and harbor, flood and storm damage reduction, shore pro-
9 tection, aquatic ecosystem restoration, and related efforts.

10 INVESTIGATIONS

11 For expenses necessary where authorized by law for
12 the collection and study of basic information pertaining
13 to river and harbor, flood and storm damage reduction,
14 shore protection, aquatic ecosystem restoration, and re-
15 lated needs; for surveys and detailed studies, and plans
16 and specifications of proposed river and harbor, flood and
17 storm damage reduction, shore protection, and aquatic
18 ecosystem restoration, projects and related efforts prior to
19 construction; for restudy of authorized projects; and for
20 miscellaneous investigations, and, when authorized by law,
21 surveys and detailed studies, and plans and specifications
22 of projects prior to construction, \$102,000,000, to remain
23 available until expended.

CONSTRUCTION

1
2 For expenses necessary for the construction of river
3 and harbor, flood and storm damage reduction, shore pro-
4 tection, aquatic ecosystem restoration, and related
5 projects authorized by law; for conducting detailed studies,
6 and plans and specifications, of such projects (including
7 those involving participation by States, local governments,
8 or private groups) authorized or made eligible for selection
9 by law (but such detailed studies, and plans and specifica-
10 tions, shall not constitute a commitment of the Govern-
11 ment to construction); \$1,477,284,000 (increased by
12 \$2,000,000) (increased by \$10,000,000) (reduced by
13 \$1,000,000), to remain available until expended; of which
14 such sums as are necessary to cover the Federal share of
15 construction costs for facilities under the Dredged Mate-
16 rial Disposal Facilities program shall be derived from the
17 Harbor Maintenance Trust Fund as authorized by Public
18 Law 104–303; and of which such sums as are necessary
19 to cover one-half of the costs of construction, replacement,
20 rehabilitation, and expansion of inland waterways projects
21 shall be derived from the Inland Waterways Trust Fund:
22 *Provided*, That the limitation concerning total project
23 costs in section 902 of the Water Resources Development
24 Act of 1986, as amended (33 U.S.C. 2280), shall not

1 apply during fiscal year 2013 to any project that receives
2 funds provided in this title.

3 MISSISSIPPI RIVER AND TRIBUTARIES

4 For expenses necessary for flood damage reduction
5 projects and related efforts in the Mississippi River allu-
6 vial valley below Cape Girardeau, Missouri, as authorized
7 by law, \$224,000,000, to remain available until expended,
8 of which such sums as are necessary to cover the Federal
9 share of eligible operation and maintenance costs for in-
10 land harbors shall be derived from the Harbor Mainte-
11 nance Trust Fund.

12 OPERATION AND MAINTENANCE

13 For expenses necessary for the operation, mainte-
14 nance, and care of existing river and harbor, flood and
15 storm damage reduction, aquatic ecosystem restoration,
16 and related projects authorized by law; providing security
17 for infrastructure owned or operated by the Corps, includ-
18 ing administrative buildings and laboratories; maintaining
19 harbor channels provided by a State, municipality, or
20 other public agency that serve essential navigation needs
21 of general commerce, where authorized by law; surveying
22 and charting northern and northwestern lakes and con-
23 necting waters; clearing and straightening channels; and
24 removing obstructions to navigation, \$2,507,409,000 (in-
25 creased by \$571,429), 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
3 coastal harbors and channels, and for inland harbors shall
4 be derived from the Harbor Maintenance Trust Fund; of
5 which such sums as become available from the special ac-
6 count for the Corps of Engineers established by the Land
7 and Water Conservation Fund Act of 1965 shall be de-
8 rived from that account for resource protection, research,
9 interpretation, and maintenance activities related to re-
10 source protection in the areas at which outdoor recreation
11 is available; and of which such sums as become available
12 from fees collected under section 217 of Public Law 104–
13 303 shall be used to cover the cost of operation and main-
14 tenance of the dredged material disposal facilities for
15 which such fees have been collected: *Provided*, That 1 per-
16 cent of the total amount of funds provided for each of the
17 programs, projects or activities funded under this heading
18 shall not be allocated to a field operating activity prior
19 to the beginning of the fourth quarter of the fiscal year
20 and shall be available for use by the Chief of Engineers
21 to fund such emergency activities as the Chief of Engi-
22 neers determines to be necessary and appropriate, and
23 that the Chief of Engineers shall allocate during the
24 fourth quarter any remaining funds which have not been
25 used for emergency activities proportionally in accordance

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

3 REGULATORY PROGRAM

4 For expenses necessary for administration of laws
5 pertaining to regulation of navigable waters and wetlands,
6 \$190,000,000, to remain available until September 30,
7 2014.

8 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

9 For expenses necessary to clean up contamination
10 from sites in the United States resulting from work per-
11 formed as part of the Nation's early atomic energy pro-
12 gram, \$104,000,000, to remain available until expended.

13 FLOOD CONTROL AND COASTAL EMERGENCIES

14 For expenses necessary to prepare for flood, hurri-
15 cane, and other natural disasters and support emergency
16 operations, repairs, and other activities in response to
17 such disasters as authorized by law, \$27,000,000 (in-
18 creased by \$3,000,000), to remain available until ex-
19 pended.

20 EXPENSES

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

1 ity, the Institute for Water Resources, the United States
 2 Army Engineer Research and Development Center, and
 3 the United States Army Corps of Engineers Finance Cen-
 4 ter allocable to the civil works program, \$177,500,000 (re-
 5 duced by \$2,000,000) (reduced by \$3,000,000), to remain
 6 available until September 30, 2014, of which not to exceed
 7 \$5,000 may be used for official reception and representa-
 8 tion purposes and only during the current fiscal year: *Pro-*
 9 *vided*, That no part of any other appropriation provided
 10 in title I of this Act shall be available to fund the civil
 11 works activities of the Office of the Chief of Engineers
 12 or the civil works executive direction and management ac-
 13 tivities of the division offices: *Provided further*, That any
 14 Flood Control and Coastal Emergencies appropriation
 15 may be used to fund the supervision and general adminis-
 16 tration of emergency operations, repairs, and other activi-
 17 ties in response to any flood, hurricane, or other natural
 18 disaster.

19 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
 20 FOR CIVIL WORKS

21 For the Office of the Assistant Secretary of the Army
 22 for Civil Works as authorized by 10 U.S.C. 3016(b)(3),
 23 \$5,000,000, to remain available until September 30, 2014.

1 ADMINISTRATIVE PROVISION

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

6 GENERAL PROVISIONS, CORPS OF
7 ENGINEERS—CIVIL

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

15 (3) increases funds or personnel for any pro-
16 gram, project, or activity for which funds are denied
17 or restricted by this Act;

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

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

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

4 (b) Subsection (a)(1) shall not apply to any project
5 or activity authorized under section 205 of the Flood Con-
6 trol Act of 1948, section 14 of the Flood Control Act of
7 1946, section 208 of the Flood Control Act of 1954, sec-
8 tion 107 of the River and Harbor Act of 1960, section
9 103 of the River and Harbor Act of 1962, section 111
10 of the River and Harbor Act of 1968, section 1135 of the
11 Water Resources Development Act of 1986, section 206
12 of the Water Resources Development Act of 1996, or sec-
13 tion 204 of the Water Resources Development Act of
14 1992.

15 (c) The Corps of Engineers shall submit reports on
16 a quarterly basis to the Committees on Appropriations of
17 the House of Representatives and the Senate detailing all
18 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
21 of enactment of this Act.

22 SEC. 102. None of the funds made available in this
23 title may be used to award or modify any contract that
24 commits funds beyond the amounts appropriated for that
25 program, project, or activity that remain unobligated, ex-

1 cept that such amounts may include any funds that have
2 been made available through reprogramming pursuant to
3 section 101.

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

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

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

1 Great Lakes by way of any hydrologic connection between
2 the Great Lakes and the Mississippi River Basin.

3 SEC. 106. The Secretary of the Army may transfer
4 to the Fish and Wildlife Service, and the Fish and Wildlife
5 Service may accept and expend, up to \$4,300,000 of funds
6 provided in this title under the heading “Operation and
7 Maintenance” to mitigate for fisheries lost due to Corps
8 of Engineers projects.

9 SEC. 107. None of the funds appropriated in this Act
10 shall be available for use by the Chicago District of the
11 United States Army Corps of Engineers to fund any travel
12 that is outside of the District’s area of operation unless
13 such travel is directly project-related or is specifically re-
14 quested by a Member of Congress.

15 SEC. 108. Of the funds provided for “Olmsted Locks
16 and Dam, Ohio River, IL & KY” in the table under the
17 heading “Corps of Engineers—Civil—Construction” in the
18 report of the Committee on Appropriations accompanying
19 this Act, not more than 50 percent may be available for
20 obligation until—

- 21 (1) the Corps of Engineers completes a review
22 of the project, including method of construction;
23 (2) the Corps of Engineers develops a plan for
24 the expeditious completion of project construction;

1 (3) the findings of the review and the project
2 completion plan have been communicated to the ap-
3 propriate committees of the Congress.

4 SEC. 109. Amounts made available by this Act for
5 the “Investigations”, “Construction”, and “Operation and
6 Maintenance” accounts of the Corps of Engineers may not
7 be used as provided under the heading “Additional Fund-
8 ing for Ongoing Work” in the matter relating to each such
9 account in the report of the Committee on Appropriations
10 to accompany this Act until the report required under
11 such heading is submitted.

12 SEC. 110. None of the funds made available by this
13 Act or any subsequent Act making appropriations for En-
14 ergy and Water Development may be used by the Corps
15 of Engineers to develop, adopt, implement, administer, or
16 enforce a change or supplement to the rule dated Novem-
17 ber 13, 1986, or guidance documents dated January 15,
18 2003, and December 2, 2008, pertaining to the definition
19 of waters under the jurisdiction of the Federal Water Pol-
20 lution Control Act (33 U.S.C. 1251 et seq.).

21 SEC. 111. As of the date of enactment of this Act
22 and thereafter, the Secretary of the Army shall not pro-
23 mulgate or enforce any regulation that prohibits an indi-
24 vidual from possessing a firearm, including an assembled
25 or functional firearm, at a water resources development

1 project covered under section 327.0 of title 36, Code of
2 Federal Regulations (as in effect on the date of enactment
3 of this Act), if—

4 (1) the individual is not otherwise prohibited by
5 law from possessing the firearm; and

6 (2) the possession of the firearm is in compli-
7 ance with the law of the State in which the water
8 resources development project is located.

9 TITLE II—DEPARTMENT OF THE INTERIOR

10 CENTRAL UTAH PROJECT

11 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

12 For carrying out activities authorized by the Central
13 Utah Project Completion Act, \$19,700,000, to remain
14 available until expended, of which \$1,200,000 shall be de-
15 posited into the Utah Reclamation Mitigation and Con-
16 servation Account for use by the Utah Reclamation Miti-
17 gation and Conservation Commission. In addition, for nec-
18 essary expenses incurred in carrying out related respon-
19 sibilities of the Secretary of the Interior, \$1,300,000.

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

1 BUREAU OF RECLAMATION

2 The following appropriations shall be expended to
3 execute authorized functions of the Bureau of Reclama-
4 tion:

5 WATER AND RELATED RESOURCES

6 (INCLUDING TRANSFERS OF FUNDS)

7 For management, development, and restoration of
8 water and related natural resources and for related activi-
9 ties, including the operation, maintenance, and rehabilita-
10 tion of reclamation and other facilities, participation in
11 fulfilling related Federal responsibilities to Native Ameri-
12 cans, and related grants to, and cooperative and other
13 agreements with, State and local governments, federally
14 recognized Indian tribes, and others, \$833,635,000, to re-
15 main available until expended, of which \$29,000 shall be
16 available for transfer to the Upper Colorado River Basin
17 Fund and \$6,985,000 shall be available for transfer to the
18 Lower Colorado River Basin Development Fund; of which
19 such amounts as may be necessary may be advanced to
20 the Colorado River Dam Fund: *Provided*, That such trans-
21 fers may be increased or decreased within the overall ap-
22 propriation under this heading: *Provided further*, That of
23 the total appropriated, the amount for program activities
24 that can be financed by the Reclamation Fund or the Bu-
25 reau of Reclamation special fee account established by 16

1 U.S.C. 6806 shall be derived from that Fund or account:
2 *Provided further*, That funds contributed under 43 U.S.C.
3 395 are available until expended for the purposes for
4 which contributed: *Provided further*, That funds advanced
5 under 43 U.S.C. 397a shall be credited to this account
6 and are available until expended for the same purposes
7 as the sums appropriated under this heading: *Provided*
8 *further*, That of the amounts provided herein, funds may
9 be used for high priority projects which shall be carried
10 out by the Youth Conservation Corps, as authorized by
11 16 U.S.C. 1706.

12 CENTRAL VALLEY PROJECT RESTORATION FUND

13 For carrying out the programs, projects, plans, habi-
14 tat restoration, improvement, and acquisition provisions of
15 the Central Valley Project Improvement Act, \$39,883,000,
16 to be derived from such sums as may be collected in the
17 Central Valley Project Restoration Fund pursuant to sec-
18 tions 3407(d), 3404(c)(3), and 3405(f) of Public Law
19 102–575, to remain available until expended: *Provided*,
20 That the Bureau of Reclamation is directed to assess and
21 collect the full amount of the additional mitigation and
22 restoration payments authorized by section 3407(d) of
23 Public Law 102–575: *Provided further*, That none of the
24 funds made available under this heading may be used for
25 the acquisition or leasing of water for in-stream purposes

1 if the water is already committed to in-stream purposes
2 by a court adopted decree or order.

3 CALIFORNIA BAY-DELTA RESTORATION
4 (INCLUDING TRANSFERS OF FUNDS)

5 For carrying out activities authorized by the Water
6 Supply, Reliability, and Environmental Improvement Act,
7 consistent with plans to be approved by the Secretary of
8 the Interior, \$36,000,000, to remain available until ex-
9 pended, of which such amounts as may be necessary to
10 carry out such activities may be transferred to appropriate
11 accounts of other participating Federal agencies to carry
12 out authorized purposes: *Provided*, That funds appro-
13 priated herein may be used for the Federal share of the
14 costs of CALFED Program management: *Provided fur-*
15 *ther*, That the use of any funds provided to the California
16 Bay-Delta Authority for program-wide management and
17 oversight activities shall be subject to the approval of the
18 Secretary of the Interior: *Provided further*, That CALFED
19 implementation shall be carried out in a balanced manner
20 with clear performance measures demonstrating concur-
21 rent progress in achieving the goals and objectives of the
22 Program.

23 POLICY AND ADMINISTRATION

24 For necessary expenses of policy, administration, and
25 related functions in the Office of the Commissioner, the

1 Denver office, and offices in the five regions of the Bureau
2 of Reclamation, to remain available until September 30,
3 2014, \$57,000,000, to be derived from the Reclamation
4 Fund and be nonreimbursable as provided in 43 U.S.C.
5 377: *Provided*, That no part of any other appropriation
6 in this Act shall be available for activities or functions
7 budgeted as policy and administration expenses.

8 ADMINISTRATIVE PROVISION

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

12 GENERAL PROVISIONS, DEPARTMENT OF THE
13 INTERIOR

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

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

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

20 (3) increases funds for any program, project, or
21 activity for which funds have been denied or re-
22 stricted by this Act;

23 (4) restarts or resumes any program, project or
24 activity for which funds are not provided in this Act,
25 unless prior approval is received from the Commit-

1 tees on Appropriations of the House of Representa-
2 tives and the Senate;

3 (5) transfers funds in excess of the following
4 limits—

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

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

11 (6) transfers more than \$500,000 from either
12 the Facilities Operation, Maintenance, and Rehabili-
13 tation category or the Resources Management and
14 Development category to any program, project, or
15 activity in the other category; or

16 (7) transfers, when necessary to discharge legal
17 obligations of the Bureau of Reclamation, more than
18 \$5,000,000 to provide adequate funds for settled
19 contractor claims, increased contractor earnings due
20 to accelerated rates of operations, and real estate de-
21 ficiency judgments.

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

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

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

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

20 (b) The costs of the Kesterson Reservoir Cleanup
21 Program and the costs of the San Joaquin Valley Drain-
22 age Program shall be classified by the Secretary of the
23 Interior as reimbursable or nonreimbursable and collected
24 until fully repaid pursuant to the “Cleanup Program-Al-
25 ternative Repayment Plan” and the “SJVDP-Alternative

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

10 TITLE III—DEPARTMENT OF ENERGY

11 ENERGY PROGRAMS

12 ENERGY EFFICIENCY AND RENEWABLE ENERGY

13 (INCLUDING RESCISSION OF FUNDS)

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 energy
 17 efficiency and renewable energy activities in carrying out
 18 the purposes of the Department of Energy Organization
 19 Act (42 U.S.C. 7101 et seq.), including the acquisition or
 20 condemnation of any real property or any facility or for
 21 plant or facility acquisition, construction, or expansion,
 22 \$1,450,960,000 to remain available until expended: *Pro-*
 23 *vided*, That of such amount, \$115,000,000 shall be avail-
 24 able until September 30, 2014, for program direction: *Pro-*
 25 *vided further*, That for the purposes of allocating weather-

1 ization assistance funds to States and tribes during fiscal
2 year 2013, the Secretary of Energy may waive the alloca-
3 tion formula established pursuant to section 414(a) of the
4 Energy Conservation and Production Act (42 U.S.C.
5 6864(a)): *Provided further*, That of the unobligated bal-
6 ances from prior year appropriations available under this
7 heading, \$69,667,000 is hereby permanently rescinded:
8 *Provided further*, That no amounts may be rescinded from
9 amounts that were designated by the Congress as an
10 emergency requirement pursuant to the Concurrent Reso-
11 lution on the Budget or the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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 elec-
17 tricity delivery and energy reliability activities in carrying
18 out the purposes of the Department of Energy Organiza-
19 tion Act (42 U.S.C. 7101 et seq.), including the acquisi-
20 tion or condemnation of any real property or any facility
21 or for plant or facility acquisition, construction, or expan-
22 sion, \$123,000,000, to remain available until expended:
23 *Provided*, That of such amount, \$27,600,000 shall be
24 available until September 30, 2014, for program direction.

1 NUCLEAR ENERGY

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 nuclear
5 energy activities in carrying out the purposes of the De-
6 partment of Energy Organization Act (42 U.S.C. 7101 et
7 seq.), including the acquisition or condemnation of any
8 real property or any facility or for plant or facility acquisi-
9 tion, construction, or expansion, and the purchase of not
10 more than 10 buses and 2 ambulances, all for replacement
11 only, \$765,391,000, to remain available until expended,
12 of which \$10,000,000 shall be derived from the Nuclear
13 Waste Fund established in section 302 (c) of the Nuclear
14 Waste Policy Act of 1982 (42 U.S.C. 10222(c)), to be
15 made available only to support the high-level waste geo-
16 logic repository at Yucca Mountain: *Provided*, That, of the
17 amount made available under this heading, \$90,015,000
18 shall be available until September 30, 2014, for program
19 direction.

20 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

21 For necessary expenses in carrying out fossil energy
22 research and development activities, under the authority
23 of the Department of Energy Organization Act (Public
24 Law 95–91), including the acquisition of interest, includ-
25 ing defeasible and equitable interests in any real property

1 or any facility or for plant or facility acquisition or expansion,
2 sion, and for conducting inquiries, technological investigations
3 tions and research concerning the extraction, processing,
4 use, and disposal of mineral substances without objection-
5 able social and environmental costs (30 U.S.C. 3, 1602,
6 and 1603), \$554,000,000 (reduced by \$25,000,000), to
7 remain available until expended: *Provided*, That of such
8 amount, \$115,753,000 shall be available until September
9 30, 2014, for program direction: *Provided further*, That
10 for all programs funded under Fossil Energy appropria-
11 tions in this Act or any other Act, the Secretary of Energy
12 may vest fee title or other property interests acquired
13 under projects in any entity, including the United States.

14 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

21 ELK HILLS SCHOOL LANDS FUND

22 For necessary expenses in fulfilling the final payment
23 under the Settlement Agreement entered into by the
24 United States and the State of California on October 11,
25 1996, as authorized by section 3415 of Public Law 104—

1 106, \$15,579,815, for payment to the State of California
2 for the State Teachers' Retirement Fund, of which
3 \$15,579,815 shall be derived from the Elk Hills School
4 Lands Fund.

5 STRATEGIC PETROLEUM RESERVE

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

11 NORTHEAST HOME HEATING OIL RESERVE

12 (INCLUDING RESCISSION OF FUNDS)

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

1 ENERGY INFORMATION ADMINISTRATION

2 For necessary expenses in carrying out the activities
3 of the Energy Information Administration, \$100,000,000
4 to remain available until expended.

5 NON-DEFENSE ENVIRONMENTAL CLEANUP

6 For Department of Energy expenses, including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment and other expenses necessary for non-de-
9 fense environmental cleanup activities in carrying out the
10 purposes of the Department of Energy Organization Act
11 (42 U.S.C. 7101 et seq.), including the acquisition or con-
12 demnation of any real property or any facility or for plant
13 or facility acquisition, construction, or expansion,
14 \$198,506,000 (increased by \$36,000,000), to remain
15 available until expended.

16 URANIUM ENRICHMENT DECONTAMINATION AND
17 DECOMMISSIONING FUND

18 For necessary expenses in carrying out uranium en-
19 richment facility decontamination and decommissioning,
20 remedial actions, and other activities of title II of the
21 Atomic Energy Act of 1954, and title X, subtitle A, of
22 the Energy Policy Act of 1992, \$425,493,000 to be de-
23 rived from the Uranium Enrichment Decontamination and
24 Decommissioning Fund, to remain available until ex-
25 pended.

SCIENCE

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for 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 25 passenger motor vehicles for replacement only, including one ambulance and one bus, \$4,824,931,000, to remain available until expended: *Provided*, That of such amount, \$185,000,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from appropriations available under this heading, \$23,500,000 is hereby permanently 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.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES

1 Act (Public Law 110–69), as amended, \$200,000,000, to
2 remain available until expended: *Provided*, That of such
3 amount, \$20,000,000 shall be available until September
4 30, 2014, for program direction.

5 NUCLEAR WASTE DISPOSAL

6 For nuclear waste disposal activities to carry out the
7 purposes of the Nuclear Waste Policy Act of 1982, Public
8 Law 97–425, as amended (the “NWP”), \$25,000,000,
9 to remain available until expended, and to be derived from
10 the Nuclear Waste Fund established in section 302(c) of
11 such Act (42 U.S.C. 10222(c)), to be made available only
12 to support the Yucca Mountain license application: *Pro-*
13 *vided*, That not less than \$5,000,000 of funds made avail-
14 able under this heading shall be made available only for
15 assistance to affected units of local government which have
16 given formal consent to the Secretary of Energy to host
17 a high-level waste repository as authorized by the NWP.

18 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE

19 PROGRAM

20 Such sums as are derived from amounts received
21 from borrowers pursuant to section 1702(b)(2) of the En-
22 ergy Policy Act of 2005 under this heading in prior Acts,
23 shall be collected in accordance with section 502(7) of the
24 Congressional Budget Act of 1974: *Provided*, That, for
25 necessary administrative expenses to carry out this Loan

14 For administrative expenses in carrying out the Ad-
15 vanced Technology Vehicles Manufacturing Loan Pro-
16 gram, \$6,000,000, to remain available until September 30,
17 2014.

19 For salaries and expenses of the Department of En-
20 ergy necessary for departmental administration in car-
21 rying out the purposes of the Department of Energy Orga-
22 nization Act (42 U.S.C. 7101 et seq.), including the hire
23 of passenger motor vehicles and official reception and rep-
24 resentation expenses not to exceed \$30,000, \$230,783,000
25 (reduced by \$10,000,000) (reduced by \$10,000,000) (re-

duced by \$18,000,000), to remain available until September 30, 2014, 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 \$108,188,000 in fiscal year 2013 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 2013, and any related appropriated receipt account balances remaining from prior years’ miscellaneous revenues, so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than \$122,595,000: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Energy to comply with the Department’s energy management re-

1 quirements under section 543(f)(7) of the National En-
 2 ergy Conservation Policy Act (42 U.S.C. 8253(f)(7)).

3 OFFICE OF THE INSPECTOR GENERAL

4 For necessary expenses of the Office of the Inspector
 5 General in carrying out the provisions of the Inspector
 6 General Act of 1978, as amended, \$43,468,000, to remain
 7 available until September 30, 2014.

8 ATOMIC ENERGY DEFENSE ACTIVITIES

9 NATIONAL NUCLEAR SECURITY

10 ADMINISTRATION

11 WEAPONS ACTIVITIES

12 (INCLUDING RESCISSION OF FUNDS)

13 For Department of Energy expenses, including the
 14 purchase, construction, and acquisition of plant and cap-
 15 ital equipment and other incidental expenses necessary for
 16 atomic energy defense weapons activities in carrying out
 17 the purposes of the Department of Energy Organization
 18 Act (42 U.S.C. 7101 et seq.), including the acquisition or
 19 condemnation of any real property or any facility or for
 20 plant or facility acquisition, construction, or expansion,
 21 and the purchase of not to exceed one ambulance,
 22 \$7,577,341,000, to remain available until expended: *Pro-*
 23 *vided*, That of the unobligated balances from prior year
 24 appropriations available under this heading, \$65,000,000
 25 is hereby permanently rescinded: *Provided further*, That

1 no amounts may be rescinded from amounts that were
2 designated by the Congress as an emergency requirement
3 pursuant to the Concurrent Resolution on the Budget or
4 the Balanced Budget and Emergency Deficit Control Act
5 of 1985.

6 DEFENSE NUCLEAR NONPROLIFERATION

7 (INCLUDING RESCISSION OF FUNDS)

8 For Department of Energy expenses, including the
9 purchase, construction, and acquisition of plant and cap-
10 ital equipment and other incidental expenses necessary for
11 defense nuclear nonproliferation activities, in carrying out
12 the purposes of the Department of Energy Organization
13 Act (42 U.S.C. 7101 et seq.), including the acquisition or
14 condemnation of any real property or any facility or for
15 plant or facility acquisition, construction, or expansion,
16 and the purchase of not to exceed one passenger motor
17 vehicle for replacement only, \$2,283,024,000 (reduced by
18 \$17,319,000) (increased by \$17,319,000), to remain avail-
19 able until expended: *Provided*, That of the unobligated bal-
20 ances from prior year appropriations available under this
21 heading, \$7,000,000 is hereby permanently rescinded:
22 *Provided further*, That no amounts may be rescinded from
23 amounts that were designated by the Congress as an
24 emergency requirement pursuant to the Concurrent Reso-

1 lution on the Budget or the Balanced Budget and Emer-
 2 gency Deficit Control Act of 1985.

3 NAVAL REACTORS

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

13 OFFICE OF THE ADMINISTRATOR

14 For necessary expenses of the Office of the Adminis-
 15 trator in the National Nuclear Security Administration,
 16 including official reception and representation expenses
 17 not to exceed \$12,000, \$400,000,000 (reduced by
 18 \$18,000,000), to remain available until September 30,
 19 2014.

20 ENVIRONMENTAL AND OTHER DEFENSE

21 ACTIVITIES

22 DEFENSE ENVIRONMENTAL CLEANUP

23 (INCLUDING RESCISSION OF FUNDS)

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

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

19 OTHER DEFENSE ACTIVITIES

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 atomic
 23 energy defense, other defense activities, and classified ac-
 24 tivities, in carrying out the purposes of the Department
 25 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-

1 cluding the acquisition or condemnation of any real prop-
2 erty or any facility or for plant or facility acquisition, con-
3 struction, or expansion, \$813,364,000, to remain available
4 until expended: *Provided*, That of such amount,
5 \$114,858,000 shall be available until September 30, 2014,
6 for program direction.

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,
11 are approved for construction of, or participating in the
12 construction of, a high voltage line from Bonneville's high
13 voltage system to the service areas of requirements cus-
14 tomers located within Bonneville's service area in southern
15 Idaho, southern Montana, and western Wyoming; and
16 such line may extend to, and interconnect in, the Pacific
17 Northwest with lines between the Pacific Northwest and
18 the Pacific Southwest, and for John Day Reprogramming
19 and Construction, the Columbia River Basin White Stur-
20 geon Hatchery, and Kelt Reconditioning and Reproductive
21 Success Evaluation Research, and, in addition, for official
22 reception and representation expenses in an amount not
23 to exceed \$7,000: *Provided*, That during fiscal year 2013,
24 no new direct loan obligations may be made.

1 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
2 ADMINISTRATION

3 For necessary expenses of operation and maintenance
4 of power transmission facilities and of marketing electric
5 power and energy, including transmission wheeling and
6 ancillary services, pursuant to section 5 of the Flood Con-
7 trol Act of 1944 (16 U.S.C. 825s), as applied to the south-
8 eastern power area, and including official reception and
9 representation expenses in an amount not to exceed
10 \$1,500, \$8,732,000, to remain available until expended:
11 *Provided*, That notwithstanding 31 U.S.C. 3302 and sec-
12 tion 5 of the Flood Control Act of 1944, up to \$8,732,000
13 collected by the Southeastern Power Administration from
14 the sale of power and related services shall be credited to
15 this account as discretionary offsetting collections, to re-
16 main available until expended for the sole purpose of fund-
17 ing the annual expenses of the Southeastern Power Ad-
18 ministration: *Provided further*, That the sum herein appro-
19 priated for annual expenses shall be reduced as collections
20 are received during the fiscal year so as to result in a final
21 fiscal year 2013 appropriation estimated at not more than
22 \$0: *Provided further*, That, notwithstanding 31 U.S.C.
23 3302, up to \$87,696,000 collected by the Southeastern
24 Power Administration pursuant to the Flood Control Act
25 of 1944 to recover purchase power and wheeling expenses

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

8 OPERATION AND MAINTENANCE, SOUTHWESTERN
9 POWER ADMINISTRATION

10 For necessary expenses of operation and maintenance
11 of power transmission facilities and of marketing electric
12 power and energy, for construction and acquisition of
13 transmission lines, substations and appurtenant facilities,
14 and for administrative expenses, including official recep-
15 tion and representation expenses in an amount not to ex-
16 ceed \$1,500 in carrying out section 5 of the Flood Control
17 Act of 1944 (16 U.S.C. 825s), as applied to the South-
18 western Power Administration, \$44,200,000, to remain
19 available until expended: *Provided*, That notwithstanding
20 31 U.S.C. 3302 and section 5 of the Flood Control Act
21 of 1944 (16 U.S.C. 825s), up to \$32,308,000 collected
22 by the Southwestern Power Administration from the sale
23 of power and related services shall be credited to this ac-
24 count as discretionary offsetting collections, to remain
25 available until expended, for the sole purpose of funding

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

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

20 For carrying out the functions authorized by title III,
21 section 302(a)(1)(E) of the Act of August 4, 1977 (42
22 U.S.C. 7152), and other related activities including con-
23 servation and renewable resources programs as author-
24 ized, including official reception and representation ex-
25 penses in an amount not to exceed \$1,500; \$291,920,000,

1 to remain available until expended, of which \$281,702,000
2 shall be derived from the Department of the Interior Rec-
3 lamation Fund: *Provided*, That notwithstanding 31 U.S.C.
4 3302, section 5 of the Flood Control Act of 1944 (16
5 U.S.C. 825s), and section 1 of the Interior Department
6 Appropriation Act, 1939 (43 U.S.C. 392a), up to
7 \$195,790,000 collected by the Western Area Power Ad-
8 ministration from the sale of power and related services
9 shall be credited to this account as discretionary offsetting
10 collections, to remain available until expended, for the sole
11 purpose of funding the annual expenses of the Western
12 Area Power Administration: *Provided further*, That the
13 sum herein appropriated for annual expenses shall be re-
14 duced as collections are received during the fiscal year so
15 as to result in a final fiscal year 2013 appropriation esti-
16 mated at not more than \$96,130,000, of which
17 \$85,912,000 is derived from the Reclamation Fund: *Pro-*
18 *vided further*, That of the amount herein appropriated, not
19 more than \$3,375,000 is for deposit into the Utah Rec-
20 lamation Mitigation and Conservation Account pursuant
21 to title IV of the Reclamation Projects Authorization and
22 Adjustment Act of 1992: *Provided further*, That notwith-
23 standing 31 U.S.C. 3302, up to \$242,858,000 collected
24 by the Western Area Power Administration pursuant to
25 the Flood Control Act of 1944 and the Reclamation

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

9 FALCON AND AMISTAD OPERATING AND MAINTENANCE
10 FUND

11 For operation, maintenance, and emergency costs for
12 the hydroelectric facilities at the Falcon and Amistad
13 Dams, \$5,555,000, to remain available until expended,
14 and to be derived from the Falcon and Amistad Operating
15 and Maintenance Fund of the Western Area Power Ad-
16 ministration, as provided in section 2 of the Act of June
17 18, 1954 (68 Stat. 255) as amended: *Provided*, That not-
18 withstanding the provisions of that Act and of 31 U.S.C.
19 3302, up to \$5,335,000 collected by the Western Area
20 Power Administration from the sale of power and related
21 services from the Falcon and Amistad Dams shall be cred-
22 ited to this account as discretionary offsetting collections,
23 to remain available until expended for the sole purpose
24 of funding the annual expenses of the hydroelectric facili-
25 ties of these Dams and associated Western Area Power

1 Administration activities: *Provided further*, That the sum
2 herein appropriated for annual expenses shall be reduced
3 as collections are received during the fiscal year so as to
4 result in a final fiscal year 2013 appropriation estimated
5 at not more than \$220,000: *Provided further*, That for
6 purposes of this appropriation, annual expenses means ex-
7 penditures that are generally recovered in the same year
8 that they are incurred.

9 FEDERAL ENERGY REGULATORY COMMISSION

10 SALARIES AND EXPENSES

11 For necessary expenses of the Federal Energy Regu-
12 latory Commission to carry out the provisions of the De-
13 partment of Energy Organization Act (42 U.S.C. 7101 et
14 seq.), including services as authorized by 5 U.S.C. 3109,
15 the hire of passenger motor vehicles, and official reception
16 and representation expenses not to exceed \$3,000,
17 \$304,600,000, to remain available until expended: *Pro-*
18 *vided*, That notwithstanding any other provision of law,
19 not to exceed \$304,600,000 of revenues from fees and an-
20 nual charges, and other services and collections in fiscal
21 year 2013 shall be retained and used for necessary ex-
22 penses in this account, and shall remain available until
23 expended: *Provided further*, That the sum herein appro-
24 priated from the general fund shall be reduced as revenues
25 are received during fiscal year 2013 so as to result in a

1 final fiscal year 2013 appropriation from the general fund
2 estimated at not more than \$0.

3 GENERAL PROVISIONS, DEPARTMENT OF
4 ENERGY
5 (INCLUDING TRANSFER OF FUNDS)

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

15 (b) The Department of Energy may not, with respect
16 to any program, project, or activity that uses budget au-
17 thority made available in this title under the heading “De-
18 partment of Energy—Energy Programs”, enter into a
19 multi-year contract, award a multi-year grant, or enter
20 into a multi-year cooperative agreement unless:

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

24 (2) the contract, grant, or cooperative agree-
25 ment includes a clause conditioning the Federal Gov-

1 ernment’s obligation on the availability of future-
2 year budget authority and the Secretary notifies the
3 Committee on Appropriations of the House of Rep-
4 resentatives and the Senate at least 14 days in ad-
5 vance.

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

13 (d) The amounts made available by this title may be
14 reprogrammed for any program, project, or activity, and
15 the Department shall notify the Committees on Appropria-
16 tions of the House of Representatives and the Senate at
17 least 30 days prior to the use of any proposed reprogram-
18 ming which would cause any program, project, or activity
19 funding level to increase or decrease by more than
20 \$5,000,000 or 10 percent, whichever is less, during the
21 time period covered by this Act.

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

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

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

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

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

15 (2) The Secretary of Energy shall notify the Commit-
16 tees on Appropriations of any waiver under paragraph (1)
17 as soon as practicable, but not later than 3 days after the
18 date of the activity to which a requirement or restriction
19 would otherwise have applied. Such notice shall include an
20 explanation of the substantial risk under paragraph (1)
21 that permitted such waiver.

22 SEC. 302. The unexpended balances of prior appro-
23 priations provided for activities in this Act may be avail-
24 able to the same appropriation accounts for such activities
25 established pursuant to this title. Available balances may

1 be merged with funds in the applicable established ac-
2 counts and thereafter may be accounted for as one fund
3 for the same time period as originally enacted.

4 SEC. 303. Funds appropriated by this or any other
5 Act, or made available by the transfer of funds in this
6 Act, for intelligence activities are deemed to be specifically
7 authorized by the Congress for purposes of section 504
8 of the National Security Act of 1947 (50 U.S.C. 414) dur-
9 ing fiscal year 2013 until the enactment of the Intelligence
10 Authorization Act for fiscal year 2013.

11 SEC. 304. None of the funds made available in this
12 title shall be used for the construction of facilities classi-
13 fied as high-hazard nuclear facilities under 10 CFR Part
14 830 unless independent oversight is conducted by the Of-
15 fice of Health, Safety, and Security to ensure the project
16 is in compliance with nuclear safety requirements.

17 SEC. 305. None of the funds made available in this
18 title may be used to approve a Critical Decision-2 or Crit-
19 ical Decision-3 under Department of Energy Order
20 413.3B, or any successive departmental guidance, for con-
21 struction projects where the total project cost exceeds
22 \$100,000,000, until a separate independent cost estimate
23 has been developed for the project for that critical deci-
24 sion.

1 SEC. 306. None of the funds made available in this
2 title may be used to make a grant allocation, discretionary
3 grant award, discretionary contract award, or Other
4 Transaction Agreement, or to issue a letter of intent, to-
5 taling in excess of \$1,000,000, or to announce publicly the
6 intention to make such an allocation, award, or Agree-
7 ment, or to issue such a letter, including a contract cov-
8 ered by the Federal Acquisition Regulation, unless the
9 Secretary of Energy notifies the Committees on Appro-
10 priations of the Senate and the House of Representatives
11 at least 3 full business days in advance of making such
12 an allocation, award, or Agreement, or issuing such a let-
13 ter: *Provided*, That if the Secretary of Energy determines
14 that compliance with this section would pose a substantial
15 risk to human life, health, or safety, an allocation, award,
16 or Agreement may be made, or a letter may be issued,
17 without advance notification, and the Secretary shall no-
18 tify the Committees on Appropriations of the Senate and
19 the House of Representatives not later than 5 full business
20 days after the date on which such an allocation, award,
21 or Agreement is made or letter issued: *Provided further*,
22 That the notification shall include the recipient of the
23 award, the amount of the award, the fiscal year for which
24 the funds for the award were appropriated, and the ac-
25 count and program from which the funds are being drawn,

1 the title of the award, and a brief description of the activ-
2 ity for which the award is made.

3 SEC. 307. None of the funds made available by this
4 or any subsequent Act for fiscal year 2013 or any fiscal
5 year hereafter may be used to pay the salaries of Depart-
6 ment of Energy employees to carry out section 407 of divi-
7 sion A of the American Recovery and Reinvestment Act
8 of 2009.

9 SEC. 308. Section 20320(c) of division B of Public
10 Law 109–289, as added by Public Law 110–5, is amended
11 by striking “an annual review” and inserting “a review
12 every 3 years”.

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

17 (a) An assessment of the national security demand
18 for tritium through 2060;

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

21 (c) A description of the Department of Energy’s plan
22 to provide adequate amounts of tritium for national secu-
23 rity purposes through 2060, including the derivation of
24 adequate supplies of enriched uranium and its use;

1 (d) An analysis of planned and alternative tritium
2 production technologies, including weapons dismantlement;
3

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

8 SEC. 310. None of the funds made available in this
9 Act may be used for uranium transactions that do not conform
10 to the excess uranium inventory management plan submitted
11 pursuant to the Consolidated Appropriations Act, 2012.
12

13 SEC. 311. No funds within this Act shall be expended
14 to promulgate the final rule pursuant to section 433 of
15 the Energy Independence and Security Act of 2007, Public
16 Law 110–140 (Dec. 19, 2007) (42 U.S.C. 6834) and
17 no funds shall be used to implement any final rule implementing
18 section 433 of the Energy Independence and Security Act of 2007,
19 Public Law 110–140 (Dec. 19, 2007) (42 U.S.C. 6834).
20

21 SEC. 312. None of the funds made available in this
22 title or funds available in the Bonneville Power Administration
23 Fund may be used by the Department of Energy for any new
24 program, project, or activity required by or otherwise proposed
25 in the memorandum from Steven Chu,

1 Secretary of Energy, to the Power Marketing Administra-
2 tors with the subject line “Power Marketing Administra-
3 tions’ Role” and dated March 16, 2012.

4 TITLE IV—INDEPENDENT AGENCIES

5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-
7 thorized by the Appalachian Regional Development Act of
8 1965, as amended, notwithstanding 40 U.S.C. 14704, and
9 for necessary expenses for the Federal Co-Chairman and
10 the Alternate on the Appalachian Regional Commission,
11 for payment of the Federal share of the administrative ex-
12 penses of the Commission, including services as authorized
13 by 5 U.S.C. 3109, and hire of passenger motor vehicles,
14 \$75,317,000, to remain available until expended.

15 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

16 SALARIES AND EXPENSES

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

22 DELTA REGIONAL AUTHORITY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Delta Regional Author-
25 ity and to carry out its activities, as authorized by the

1 Delta Regional Authority Act of 2000, as amended, not-
2 withstanding sections 382C(b)(2), 382F(d), 382M, and
3 382N of said Act, \$11,677,000, to remain available until
4 expended.

5 DENALI COMMISSION

6 For expenses of the Denali Commission including the
7 purchase, construction, and acquisition of plant and cap-
8 ital equipment as necessary and other expenses,
9 \$10,679,000, to remain available until expended, notwith-
10 standing the limitations contained in section 306(g) of the
11 Denali Commission Act of 1998: *Provided*, That funds
12 shall be available for construction projects in an amount
13 not to exceed 80 percent of total project cost for distressed
14 communities, as defined by section 307 of the Denali Com-
15 mission Act of 1998 (division C, title III, Public Law 105–
16 277), as amended by section 701 of appendix D, title VII,
17 Public Law 106–113 (113 Stat. 1501A–280), and an
18 amount not to exceed 50 percent for non-distressed com-
19 munities.

20 NORTHERN BORDER REGIONAL COMMISSION

21 For necessary expenses of the Northern Border Re-
22 gional Commission in carrying out activities authorized by
23 subtitle V of title 40, United States Code, \$1,425,000, to
24 remain available until expended: *Provided*, That such
25 amounts shall be available for administrative expenses,

1 notwithstanding section 15751(b) of title 40, United
2 States Code.

3 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

8 NUCLEAR REGULATORY COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses of the Commission in car-
11 rying out the purposes of the Energy Reorganization Act
12 of 1974, as amended, and the Atomic Energy Act of 1954,
13 as amended, including official representation expenses
14 (not to exceed \$25,000), \$1,038,800,000 (increased by
15 \$10,000,000), to remain available until expended: *Pro-*
16 *vided*, That of the amount appropriated herein, not more
17 than \$9,500,000 may be made available for salaries, trav-
18 el, and other support costs for the Office of the Commis-
19 sion, of which, notwithstanding section 201(a)(2)(c) of the
20 Energy Reorganization Act of 1974 (42 U.S.C.
21 5841(a)(2)(c)), the use and expenditure shall only be ap-
22 proved by a majority vote of the Commission: *Provided*
23 *further*, That revenues from licensing fees, inspection serv-
24 ices, and other services and collections estimated at
25 \$911,772,000 in fiscal year 2013 shall be retained and

1 used for necessary salaries and expenses in this account,
2 notwithstanding 31 U.S.C. 3302, and shall remain avail-
3 able until expended: *Provided further*, That the sum herein
4 appropriated shall be reduced by the amount of revenues
5 received during fiscal year 2013 so as to result in a final
6 fiscal year 2013 appropriation estimated at not more than
7 \$127,028,000: *Provided further*, That of the amounts ap-
8 propriated under this heading, \$10,000,000 shall be for
9 university research and development in areas relevant to
10 their respective organization's mission, and \$5,000,000
11 shall be for a Nuclear Science and Engineering Grant Pro-
12 gram that will support multiyear projects that do not align
13 with programmatic missions but are critical to maintain-
14 ing the discipline of nuclear science and engineering.

15 OFFICE OF INSPECTOR GENERAL

16 For necessary expenses of the Office of Inspector
17 General in carrying out the provisions of the Inspector
18 General Act of 1978, \$11,020,000, to remain available
19 until September 30, 2014: *Provided*, That revenues from
20 licensing fees, inspection services, and other services and
21 collections estimated at \$9,918,000 in fiscal year 2013
22 shall be retained and be available until September 30,
23 2014, for necessary salaries and expenses in this account,
24 notwithstanding section 3302 of title 31, United States
25 Code: *Provided further*, That the sum herein appropriated

1 shall be reduced by the amount of revenues received dur-
2 ing fiscal year 2013 so as to result in a final fiscal year
3 2013 appropriation estimated at not more than
4 \$1,102,000.

5 NUCLEAR WASTE TECHNICAL REVIEW BOARD
6 SALARIES AND EXPENSES

7 For necessary expenses of the Nuclear Waste Tech-
8 nical Review Board, as authorized by Public Law 100–
9 203, section 5051, \$3,400,000, to be derived from the Nu-
10 clear Waste Fund established in section 302(c) of such
11 Act (42 U.S.C. 10222(c)) and to remain available until
12 expended.

13 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA
14 NATURAL GAS TRANSPORTATION PROJECTS

15 For necessary expenses for the Office of the Federal
16 Coordinator for Alaska Natural Gas Transportation
17 Projects pursuant to the Alaska Natural Gas Pipeline Act
18 of 2004, \$1,000,000: *Provided*, That any fees, charges, or
19 commissions received pursuant to section 802 of Public
20 Law 110–140 in fiscal year 2013 in excess of \$2,000,000
21 shall not be available for obligation until appropriated in
22 a subsequent Act of Congress.

1 GENERAL PROVISIONS, INDEPENDENT
2 AGENCIES

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

7 (1) increases funds or personnel for any pro-
8 gram, project, or activity for which funds are denied
9 or restricted by this Act; or

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

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

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

1 of the Nuclear Regulatory Commission have voted and ap-
2 proved the reprogramming waiver certification.

3 SEC. 402. The Chairman of the Nuclear Regulatory
4 Commission shall notify the Committees on Appropria-
5 tions of the House of Representatives and the Senate not
6 later than 1 day after the Chairman begins performing
7 functions under the authority of section 3 of Reorganiza-
8 tion Plan No. 1 of 1980, or after a member of the Com-
9 mission who was delegated emergency functions under
10 subsection (b) of that section begins performing those
11 functions. Such notification shall include an explanation
12 of the circumstances warranting the exercise of such au-
13 thority. The Chairman shall report to the Committees, not
14 less frequently than once each week, on the actions taken
15 by the Chairman, or a delegated member of the Commis-
16 sion, under such authority, until the authority is relin-
17 quished. The Chairman shall notify the Committees not
18 later than 1 day after such authority is relinquished. The
19 Chairman shall submit the report required by section 3(d)
20 of the Reorganization Plan No. 1 of 1980 to the Commit-
21 tees not later than 1 day after it was submitted to the
22 Commission.

23 TITLE V—GENERAL PROVISIONS

24 SEC. 501. None of the funds appropriated by this Act
25 may be used in any way, directly or indirectly, to influence

1 congressional action on any legislation or appropriation
2 matters pending before Congress, other than to commu-
3 nicate to Members of Congress as described in 18 U.S.C.
4 1913.

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

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

16 SEC. 504. None of the funds made available by this
17 Act may be used to enter into a contract, memorandum
18 of understanding, or cooperative agreement with, make a
19 grant to, or provide a loan or loan guarantee to any cor-
20 poration that was convicted (or had an officer or agent
21 of such corporation acting on behalf of the corporation
22 convicted) of a felony criminal violation under any Federal
23 law within the preceding 24 months, where the awarding
24 agency is aware of the conviction, unless the agency has
25 considered suspension or debarment of the corporation, or

1 such officer or agent, and made a determination that this
2 further action is not necessary to protect the interests of
3 the Government.

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

18 SEC. 506. None of the funds made available by this
19 Act may be used in contravention of Executive Order No.
20 12898 of February 11, 1994 (“Federal Actions to Address
21 Environmental Justice in Minority Populations and Low-
22 Income Populations”).

23 SEC. 507. No funds made available by this Act may
24 be used to pay for mitigation associated with the removal

1 of Federal Energy Regulatory Commission Project num-
2 ber 2342.

3 SEC. 508. None of the funds made available in this
4 Act may be used to conduct closure of adjudicatory func-
5 tions, technical review, or support activities associated
6 with the Yucca Mountain geologic repository license appli-
7 cation, or for actions that irrevocably remove the possi-
8 bility that Yucca Mountain may be a repository option in
9 the future.

10 SPENDING REDUCTION ACCOUNT

11 SEC. 509. The amount by which the applicable alloca-
12 tion of new budget authority made by the Committee on
13 Appropriations of the House of Representatives under sec-
14 tion 302(b) of the Congressional Budget Act of 1974 ex-
15 ceeds the amount of proposed new budget authority is \$0
16 (increased by \$25,000,000).

17 SEC. 510. None of the funds made available under
18 this Act may be used to plan for the termination of peri-
19 odic nourishment for any water resource development
20 project described in section 156 of the Water Resources
21 Development Act of 1976 (Public Law 94–587), as
22 amended by the Water Resources Development Act of
23 1986 (Public Law 99–662).

1 SEC. 511. None of the funds made available by this
2 Act may be used to implement section 10011(b) of Public
3 Law 111–11.

4 SEC. 512. None of the funds made available under
5 this Act may be used to provide new loan guarantees or
6 loan guarantee commitments under section 1705 of the
7 Energy Policy Act of 2005 (42 U.S.C. 16515).

8 SEC. 513. None of the funds made available by this
9 Act for “Department of Energy; Energy Programs;
10 Science” may be used in contravention of the Department
11 of Energy Organization Act (42 U.S.C. 7101 et seq.).

12 SEC. 514. None of the funds made available by this
13 Act may be used by the Department of Energy to require
14 grant recipients to replace any lighting that does not meet
15 or exceed the energy efficiency standard set forth in sec-
16 tion 325 of the Energy Policy and Conservation Act (42
17 U.S.C. 6295).

18 SEC. 515. None of the funds made available in this
19 Act may be used to develop or submit a proposal to expand
20 the authorized uses of the Harbor Maintenance Trust
21 Fund described in section 9505(c) of the Internal Revenue
22 Code of 1986 (26 U.S.C. 9505(c)).

23 SEC. 516. None of the funds made available under
24 this Act may be used to fund any portion of the Inter-
25 national program activities at the Office of Energy Effi-

1 ciency and Renewable Energy of the Department of En-
2 ergy with the exception of the activities authorized in sec-
3 tion 917 of the Energy Independence and Security Act
4 of 2007 (42 U.S.C. 17337).

5 SEC. 517. None of the funds made available in this
6 Act may be used—

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

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

16 SEC. 518. None of the funds made available in this
17 Act may be used to continue the study conducted by the
18 Army Corps of Engineers pursuant to section 5018(a)(1)
19 of the Water Resources Development Act of 2007.

20 SEC. 519. None of the funds made available by this
21 Act may be used by the Department of Energy or any
22 other Federal agency to lease or purchase new light duty
23 vehicles, for any executive fleet, or for an agency's fleet
24 inventory, except in accordance with Presidential Memo-
25 randum-Federal Fleet Performance, dated May 24, 2011.

1 SEC. 520. None of the funds made available by this
2 Act for the Title 17 Innovative Technology Loan Guar-
3 antee Program may be used by the Department of Energy
4 to issue or administer new loan guarantees for renewable
5 energy systems, electric power transmission systems, or
6 leading edge biofuel projects as defined by section 1705
7 of the Energy Policy Act of 2005.

8 SEC. 521. Of the funds appropriated in title I of this
9 Act, not more than \$50,000,000 may be used for the Mis-
10 souri River Recovery Program.

11 SEC. 522. None of the funds made available in this
12 Act may be used within the borders of the State of Lou-
13 isiana by the Mississippi Valley Division or the South-
14 western Division of the Army Corps of Engineers or any
15 district of the Corps within such divisions to implement
16 or enforce the mitigation methodology, referred to as the
17 “Modified Charleston Method”.

18 SEC. 523. None of the funds made available under
19 this Act may be used to carry out section 801 of Energy
20 Independence and Security Act of 2007 (42 U.S.C.
21 17281).

22 SEC. 524. None of the funds made available under
23 this Act for the Advanced Research Projects Agency—En-
24 ergy may be used for unallowable costs related to adver-
25 tising or promoting the sale of products or services in con-

1 travention of the requirements of section 31.205–1, or for
2 unallowable expenditures related to raising capital in con-
3 travention of the requirements of 31.205–27, of title 48
4 of the Code of Federal Regulations.

5 SEC. 525. None of the funds made available by this
6 Act may be used to enforce part 429 or 430 of title 10,
7 Code of Federal Regulations, with respect to showerheads
8 (as that term is defined in section 430.2 of such title).

9 SEC. 526. None of the funds made available by this
10 Act may be used to finalize, implement, or enforce the pro-
11 posed rule entitled “Energy Conservation Program: En-
12 ergy Conservation Standards for Battery Chargers and
13 External Power Supplies” (77 Fed. Reg. 18478 (March
14 27, 2012)) with respect to product class 7 (as described
15 in such proposed rule).

16 SEC. 527. None of the funds made available by this
17 Act may be used to enforce section 526 of the Energy
18 Independence and Security Act of 2007 (Public Law 110–
19 140; 42 U.S.C. 17142).

20 SEC. 528. None of the funds made available under
21 this Act may be used by the Department of Energy to
22 fund the Wind Powering America Initiative.

23 SEC. 529. None of the funds made available by this
24 Act may be used by the Department of Energy to subordi-
25 nate any loan obligation to other financing in violation of

1 section 1702 of the Energy Policy Act of 2005 (42 U.S.C.
2 16512) or to subordinate any Guaranteed Obligation to
3 any loan or other debt obligations in violation of section
4 609.10 of title 10 of the Code of Federal Regulations.

5 SEC. 530. None of the funds made available by this
6 Act may be used to conduct a survey in which money is
7 included or provided for the benefit of the responder.

8 SEC. 531. None the funds made available by this Act
9 may be used for the study of the Missouri River Projects
10 authorized in section 108 of the Energy and Water Devel-
11 opment and Related Agencies Appropriations Act, 2009
12 (division C of Public Law 111–8).

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

Passed the House of Representatives June 6, 2012.

Attest:

KAREN L. HAAS,

Clerk.

Calendar No. 425

112TH CONGRESS
2^D Session

H. R. 5325

AN ACT

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

JUNE 11, 2012

Received; read twice and placed on the calendar