

112TH CONGRESS
1ST SESSION

H. R. 2354

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

6 TITLE I—CORPS OF ENGINEERS—CIVIL

7 DEPARTMENT OF THE ARMY

8 CORPS OF ENGINEERS—CIVIL

9 The following appropriations shall be expended under
10 the direction of the Secretary of the Army and the super-
11 vision of the Chief of Engineers for authorized civil func-
12 tions of the Department of the Army pertaining to rivers
13 and harbors, flood and storm damage reduction, shore
14 protection, aquatic ecosystem restoration, and related ef-
15 forts.

16 INVESTIGATIONS

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

1 miscellaneous investigations and, when authorized by law,
2 surveys and detailed studies and plans and specifications
3 of projects prior to construction, \$104,000,000, to remain
4 available until expended: *Provided*, That except as pro-
5 vided in section 101, the amounts made available under
6 this paragraph shall be expended as authorized by law for
7 the programs, projects and activities specified in the text
8 and table under this heading in the report of the Com-
9 mittee on Appropriations of the House of Representatives
10 to accompany this Act.

11 CONSTRUCTION

12 (INCLUDING RESCISSION OF FUNDS)

13 For expenses necessary for the construction of river
14 and harbor, flood and storm damage reduction, shore pro-
15 tection, aquatic ecosystem restoration, and related
16 projects authorized by law; for conducting detailed studies
17 and plans and specifications of such projects (including
18 those involving participation by States, local governments,
19 or private groups) authorized or made eligible for selection
20 by law (but such detailed studies and plans and specifica-
21 tions shall not constitute a commitment of the Govern-
22 ment to construction), \$1,615,941,000 (reduced by
23 \$1,750,000), to remain available until expended; of which
24 such sums as are necessary to cover the Federal share of
25 construction costs for facilities under the Dredged Mate-

1 rial Disposal Facilities program shall be derived from the
2 Harbor Maintenance Trust Fund as authorized by the
3 Water Resources Development Act of 1996 (Public Law
4 104–303); and of which such sums as are necessary to
5 cover one-half of the costs of construction, replacement,
6 rehabilitation, and expansion of inland waterways projects
7 (including only Olmsted Lock and Dam, Ohio River, Illi-
8 nois and Kentucky; Emsworth Locks and Dam, Ohio
9 River, Pennsylvania; Lock and Dams 2, 3, and 4,
10 Monongahela River, Pennsylvania; and Lock and Dam 27,
11 Mississippi River, Illinois) shall be derived from the Inland
12 Waterways Trust Fund: *Provided*, That of the unobligated
13 balances from prior year appropriations available under
14 this heading, \$50,000,000 is rescinded: *Provided further*,
15 That no amounts may be rescinded from amounts that
16 were designated by the Congress as an emergency require-
17 ment pursuant to the Concurrent Resolution on the Budg-
18 et or the Balanced Budget and Emergency Deficit Control
19 Act of 1985, as amended: *Provided further*, That except
20 as provided in section 101, the amounts made available
21 under this paragraph shall be expended as authorized by
22 law for the programs, projects, and activities specified in
23 the text and table under this heading in the report of the
24 Committee on Appropriations of the House of Representa-
25 tives to accompany this Act.

1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For expenses necessary for flood damage reduction
3 projects and related efforts in the Mississippi River allu-
4 vial valley below Cape Girardeau, Missouri, as authorized
5 by law, \$210,000,000, to remain available until expended,
6 of which such sums as are necessary to cover the Federal
7 share of eligible operation and maintenance costs for in-
8 land harbors shall be derived from the Harbor Mainte-
9 nance Trust Fund: *Provided*, That except as provided in
10 section 101, the amounts made available under this para-
11 graph shall be expended as authorized by law for the pro-
12 grams, projects, and activities specified in the text and
13 table under this heading in the report of the Committee
14 on Appropriations of the House of Representatives to ac-
15 company this Act.

16 OPERATION AND MAINTENANCE

17 For expenses necessary for the operation, mainte-
18 nance, and care of existing river and harbor, flood and
19 storm damage reduction, aquatic ecosystem restoration,
20 and related projects authorized by law; providing security
21 for infrastructure owned or operated by the Corps of Engi-
22 neers, including administrative buildings and laboratories;
23 maintaining harbor channels provided by a State, munici-
24 pality, or other public agency that serve essential naviga-
25 tion needs of general commerce, when authorized by law;

1 surveying and charting northern and northwestern lakes
2 and connecting waters; clearing and straightening chan-
3 nels; and removing obstructions to navigation,
4 \$2,366,465,000 (increased by \$1,000,000) (increased by
5 \$6,360,000) (reduced by \$4,900,000), to remain available
6 until expended, of which such sums as are necessary to
7 cover the Federal share of eligible operation and mainte-
8 nance costs for coastal harbors and channels and for in-
9 land harbors shall be derived from the Harbor Mainte-
10 nance Trust Fund; of which such sums as become avail-
11 able from the special account for the Corps of Engineers
12 established by the Land and Water Conservation Fund
13 Act of 1965 (16 U.S.C. 460l–6a(i)) shall be derived from
14 that account for resource protection, research, interpreta-
15 tion, and maintenance activities related to resource protec-
16 tion in the areas at which outdoor recreation is available;
17 and of which such sums as become available from fees col-
18 lected under section 217 of the Water Resources Develop-
19 ment Act of 1996 (Public Law 104–303) shall be used
20 to cover the cost of operation and maintenance of the
21 dredged material disposal facilities for which such fees
22 have been collected: *Provided*, That 1 percent of the total
23 amount of funds provided for each of the programs,
24 projects or activities funded under this heading shall not
25 be allocated to a field operating activity prior to the begin-

1 ning of the fourth quarter of the fiscal year and shall be
2 available for use by the Chief of Engineers to fund such
3 emergency activities as the Chief of Engineers determines
4 to be necessary and appropriate, and that the Chief of En-
5 gineers shall allocate during the fourth quarter any re-
6 maining funds which have not been used for emergency
7 activities proportionally in accordance with the amounts
8 provided for the programs, projects or activities: *Provided*
9 *further*, That except as provided in section 101, the
10 amounts made available under this paragraph shall be ex-
11 pended as authorized by law for the programs, projects,
12 and activities specified in the text and table under this
13 heading in the report of the Committee on Appropriations
14 of the House of Representatives to accompany this Act.

15 REGULATORY PROGRAM

16 For expenses necessary for administration of laws
17 pertaining to regulation of navigable waters and wetlands,
18 \$196,000,000, to remain available until expended.

19 FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

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

1 FLOOD CONTROL AND COASTAL EMERGENCIES

2 For expenses necessary to prepare for floods, hurri-
3 canes, and other natural disasters and support emergency
4 operations, repairs, and other activities in response to
5 such disasters as authorized by law, \$27,000,000, to re-
6 main available until expended.

7 EXPENSES

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

1 may be used to fund the supervision and general adminis-
2 tration of emergency operations, repairs, and other activi-
3 ties in response to any flood, hurricane, or other natural
4 disaster.

5 OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY
6 FOR CIVIL WORKS

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

11 ADMINISTRATIVE PROVISION

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

16 GENERAL PROVISIONS, CORPS OF
17 ENGINEERS—CIVIL

18 (INCLUDING TRANSFERS OF FUNDS)

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

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

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

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

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

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

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

13 (b) Subsection (a)(1) shall not apply to any project
14 or activity authorized under section 205 of the Flood Con-
15 trol Act of 1948, section 14 of the Flood Control Act of
16 1946, section 208 of the Flood Control Act of 1954, sec-
17 tion 107 of the River and Harbor Act of 1960, section
18 103 of the River and Harbor Act of 1962, section 111
19 of the River and Harbor Act of 1968, section 1135 of the
20 Water Resources Development Act of 1986, section 206
21 of the Water Resources Development Act of 1996, or sec-
22 tion 204 of the Water Resources Development Act of
23 1992.

24 (c) This section shall not apply to additional flood
25 and coastal storm damage reduction and navigation pro-

1 gram funds provided under “Remaining Items” in the ta-
2 bles under the headings “Corps of Engineers-Civil—Con-
3 struction” and “Corps of Engineers-Civil—Operation and
4 Maintenance” or to additional investigations funding
5 under “National Programs” under the heading “Corps of
6 Engineers-Civil—Investigations” in the report of the Com-
7 mittee on Appropriations of the House of Representatives
8 to accompany this Act.

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

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

23 SEC. 103. None of the funds in this Act, or previous
24 Acts, making funds available for Energy and Water Devel-
25 opment, shall be used to award any continuing contract

1 that commits additional funding from the Inland Water-
2 ways Trust Fund unless or until such time that a long-
3 term mechanism to enhance revenues in this Fund suffi-
4 cient to meet the cost-sharing authorized in the Water Re-
5 sources Development Act of 1986 (Public Law 99–662)
6 is enacted.

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

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

23 SEC. 106. The Secretary is authorized to transfer to
24 “Corps of Engineers-Civil—Construction” up to
25 \$100,000,000 of the funds provided for reinforcing or re-

1 placing flood walls under the heading “Corps of Engi-
2 neers-Civil—Flood Control and Coastal Emergencies” in
3 Public Law 109–234 and Public Law 110–252 and up to
4 \$75,000,000 of the funds provided for projects and meas-
5 ures for the West Bank and Vicinity and Lake
6 Ponchartrain and Vicinity projects under the heading
7 “Corps of Engineers-Civil—Flood Control and Coastal
8 Emergencies” in Public Law 110–28, to be used with
9 funds provided for the West Bank and Vicinity project
10 under the heading “Corps of Engineers-Civil—Construc-
11 tion” in Public Law 110–252 and Public Law 110–329,
12 consistent with 65 percent Federal and 35 percent non-
13 Federal cost share and the financing of, and payment
14 terms for, the non-Federal cash contribution associated
15 with the West Bank and Vicinity project.

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

22 SEC. 108. None of the funds made available by this
23 Act or any subsequent Act making appropriations for En-
24 ergy and Water Development may be used by the Corps
25 of Engineers to develop, adopt, implement, administer, or

1 enforce a change or supplement to the rule dated Novem-
2 ber 13, 1986, or guidance documents dated January 15,
3 2003, and December 2, 2008, pertaining to the definition
4 of waters under the jurisdiction of the Federal Water Pol-
5 lution Control Act (33 U.S.C. 1251 et seq.).

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

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

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

18 (2) striking “flood control or environmental res-
19 toration work” and inserting “water resources devel-
20 opment study or project”; and

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

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

4 TITLE II—DEPARTMENT OF THE INTERIOR

5 CENTRAL UTAH PROJECT

6 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

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

17 BUREAU OF RECLAMATION

18 The following appropriations shall be expended to
19 execute authorized functions of the Bureau of Reclama-
20 tion:

21 WATER AND RELATED RESOURCES

22 (INCLUDING TRANSFERS OF FUNDS)

23 For management, development, and restoration of
24 water and related natural resources and for related activi-
25 ties, including the operation, maintenance, and rehabilita-

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

1 poses as the sums appropriated under this heading: *Pro-*
2 *vided further*, That except as provided in section 201, the
3 amounts made available under this paragraph shall be ex-
4 pended as authorized by law for the programs, projects,
5 and activities specified in the text and table under this
6 heading in the report of the Committee on Appropriations
7 of the House of Representatives to accompany this Act.

8 CENTRAL VALLEY PROJECT RESTORATION FUND

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

1 CALIFORNIA BAY-DELTA RESTORATION
2 (INCLUDING TRANSFERS OF FUNDS)

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

21 POLICY AND ADMINISTRATION

22 For necessary expenses of policy, administration, and
23 related functions in the Office of the Commissioner, the
24 Denver office, and offices in the five regions of the Bureau
25 of Reclamation, to remain available until expended,

1 \$60,000,000, to be derived from the Reclamation Fund
2 and be nonreimbursable as provided in 43 U.S.C. 377:
3 *Provided*, That no part of any other appropriation in this
4 Act shall be available for activities or functions budgeted
5 as policy and administration expenses.

6 ADMINISTRATIVE PROVISION

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

10 GENERAL PROVISIONS, DEPARTMENT OF THE
11 INTERIOR

12 (INCLUDING RESCISSION OF FUNDS)

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

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

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

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

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

1 (5) transfers funds in excess of the following
2 limits—

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

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

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

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

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

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

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

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

17 (b) The costs of the Kesterson Reservoir Cleanup
18 Program and the costs of the San Joaquin Valley Drain-
19 age Program shall be classified by the Secretary of the
20 Interior as reimbursable or nonreimbursable and collected
21 until fully repaid pursuant to the “Cleanup Program-Al-
22 ternative Repayment Plan” and the “SJVDP-Alternative
23 Repayment Plan” described in the report entitled “Repay-
24 ment Report, Kesterson Reservoir Cleanup Program and
25 San Joaquin Valley Drainage Program, February 1995”,

1 prepared by the Department of the Interior, Bureau of
2 Reclamation. Any future obligations of funds by the
3 United States relating to, or providing for, drainage serv-
4 ice or drainage studies for the San Luis Unit shall be fully
5 reimbursable by San Luis Unit beneficiaries of such serv-
6 ice or studies pursuant to Federal reclamation law.

7 SEC. 203. Of the funds deposited in the San Joaquin
8 River Restoration Fund in accordance with subparagraphs
9 (A), (B), and (C) of section 10009(c)(1) of Public Law
10 111–11, all unobligated balances remaining from prior fis-
11 cal years are hereby permanently rescinded.

12 TITLE III—DEPARTMENT OF ENERGY

13 ENERGY PROGRAMS

14 ENERGY EFFICIENCY AND RENEWABLE ENERGY

15 For Department of Energy expenses including the
16 purchase, construction, and acquisition of plant and cap-
17 ital equipment, and other expenses necessary for energy
18 efficiency and renewable energy activities in carrying out
19 the purposes of the Department of Energy Organization
20 Act (42 U.S.C. 7101 et seq.), including the acquisition or
21 condemnation of any real property or any facility or for
22 plant or facility acquisition, construction, or expansion,
23 \$1,304,636,000 (reduced by \$6,000,000) (reduced by
24 \$200,000), to remain available until expended: *Provided*,
25 That for the purposes of allocating weatherization assist-

1 ance funds appropriated by this Act to States and tribes,
2 the Secretary of Energy may waive the allocation formula
3 established pursuant to section 414(a) of the Energy Con-
4 servation and Production Act (42 U.S.C. 6864(a)).

5 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

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

15 NUCLEAR ENERGY

16 For Department of Energy expenses including the
17 purchase, construction, and acquisition of plant and cap-
18 ital equipment, and other expenses necessary for nuclear
19 energy activities in carrying out the purposes of the De-
20 partment of Energy Organization Act (42 U.S.C. 7101 et
21 seq.), including the acquisition or condemnation of any
22 real property or any facility or for plant or facility acquisi-
23 tion, construction, or expansion, and the purchase of not
24 more than 10 buses, all for replacement only,
25 \$733,633,000, to remain available until expended.

1 FOSSIL ENERGY RESEARCH AND DEVELOPMENT

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

19 NAVAL PETROLEUM AND OIL SHALE RESERVES

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

1 STRATEGIC PETROLEUM RESERVE

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

7 SPR PETROLEUM ACCOUNT

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

22 NORTHEAST HOME HEATING OIL RESERVE

23 (INCLUDING RESCISSION OF FUNDS)

24 For necessary expenses for Northeast Home Heating
25 Oil Reserve storage, operation, and management activities

1 pursuant to the Energy Policy and Conservation Act,
2 \$10,119,000, to remain available until expended: *Pro-*
3 *vided*, That amounts net of the purchase of 1 million bar-
4 rels of petroleum distillates in fiscal year 2011; costs re-
5 lated to transportation, delivery, and storage; and sales
6 of petroleum distillate from the Reserve under section 182
7 of the Energy Policy and Conservation Act (42 U.S.C.
8 6250a) are hereby permanently rescinded: *Provided fur-*
9 *ther*, That notwithstanding section 181 of the Energy Pol-
10 icy and Conservation Act (42 U.S.C. 6250), for fiscal year
11 2012 and hereafter, the Reserve shall contain no more
12 than 1 million barrels of petroleum distillate.

13 ENERGY INFORMATION ADMINISTRATION

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

17 NON-DEFENSE ENVIRONMENTAL CLEANUP

18 For Department of Energy expenses, including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment and other expenses necessary for non-de-
21 fense environmental cleanup activities in carrying out the
22 purposes of the Department of Energy Organization Act
23 (42 U.S.C. 7101 et seq.), including the acquisition or con-
24 demnation of any real property or any facility or for plant
25 or facility acquisition, construction, or expansion,

1 \$213,121,000 (increased by \$41,000,000), to remain
2 available until expended.

3 URANIUM ENRICHMENT DECONTAMINATION AND
4 DECOMMISSIONING FUND

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

20 SCIENCE

21 For Department of Energy expenses including the
22 purchase, construction, and acquisition of plant and cap-
23 ital equipment, and other expenses necessary for science
24 activities 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 facility or for plant or facility acquisition, construc-
 3 tion, or expansion, and purchase of not more than 49 pas-
 4 senger motor vehicles for replacement only, including one
 5 ambulance and one bus, \$4,800,000,000, to remain avail-
 6 able until expended.

7 NUCLEAR WASTE DISPOSAL

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

12 ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

13 For necessary expenses in carrying out the activities
 14 authorized by section 5012 of the America COMPETES
 15 Act (42 U.S.C. 16538), \$100,000,000 (increased by
 16 \$79,640,000), to remain available until expended.

17 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE
 18 PROGRAM

19 Subject to section 502 of the Congressional Budget
 20 Act of 1974, for the cost of loan guarantees for renewable
 21 energy or efficient end-use energy technologies under sec-
 22 tion 1703 of the Energy Policy Act of 2005,
 23 \$160,000,000, to remain available until expended: *Pro-*
 24 *vided*, That the amounts provided in this section are in
 25 addition to those provided in any other Act: *Provided fur-*

1 *ther*, That, notwithstanding section 1703(a)(2) of the En-
2 ergy Policy Act of 2005, funds appropriated for the cost
3 of loan guarantees are also available for projects for which
4 an application has been submitted to the Department of
5 Energy prior to February 24, 2011, in whole or in part,
6 for a loan guarantee under 1705 of the Energy Policy Act
7 of 2005: *Provided further*, That an additional amount for
8 necessary administrative expenses to carry out this Loan
9 Guarantee program, \$38,000,000 is appropriated, to re-
10 main available until expended: *Provided further*, That
11 \$38,000,000 of the fees collected pursuant to section
12 1702(h) of the Energy Policy Act of 2005 shall be credited
13 as offsetting collections to this account to cover adminis-
14 trative expenses and shall remain available until expended,
15 so as to result in a final fiscal year 2012 appropriations
16 from the general fund estimated at not more than \$0: *Pro-*
17 *vided further*, That fees collected under section 1702(h)
18 in excess of the amount appropriated for administrative
19 expenses shall not be available until appropriated: *Pro-*
20 *vided further*, That for amounts collected pursuant to sec-
21 tion 1702(b)(2) of the Energy Policy Act of 2005, the
22 source of such payment received from borrowers is not a
23 loan or other debt obligation that is guaranteed by the
24 Federal Government: *Provided further*, That none of the
25 loan guarantee authority made available in this paragraph

1 shall be available for commitments to guarantee loans for
2 any projects where funds, personnel, or property (tangible
3 or intangible) of any Federal agency, instrumentality, per-
4 sonnel or affiliated entity are expected to be used (directly
5 or indirectly) through acquisitions, contracts, demonstra-
6 tions, exchanges, grants, incentives, leases, procurements,
7 sales, other transaction authority, or other arrangements,
8 to support the project or to obtain goods or services from
9 the project: *Provided further*, That the previous proviso
10 shall not be interpreted as precluding the use of the loan
11 guarantee authority in this paragraph for commitments
12 to guarantee loans for projects as a result of such projects
13 benefitting from: (1) otherwise allowable Federal income
14 tax benefits; (2) being located on Federal land pursuant
15 to a lease or right-of-way agreement for which all consider-
16 ation for all uses is: (A) paid exclusively in cash; (B) de-
17 posited in the Treasury as offsetting receipts; and (C)
18 equal to the fair market value as determined by the head
19 of the relevant Federal agency; (3) Federal insurance pro-
20 grams, including under section 170 of the Atomic Energy
21 Act of 1954 (42 U.S.C. 2210; commonly known as the
22 “Price-Anderson Act”); or (4) for electric generation
23 projects, use of transmission facilities owned or operated
24 by a Federal Power Marketing Administration or the Ten-
25 nessee Valley Authority that have been authorized, ap-

1 proved, and financed independent of the project receiving
2 the guarantee: *Provided further*, That none of the loan
3 guarantee authority made available in this paragraph shall
4 be available for any project unless the Director of the Of-
5 fice of Management and Budget has certified in advance
6 in writing that the loan guarantee and the project comply
7 with the provisions under this paragraph.

8 ADVANCED TECHNOLOGY VEHICLES MANUFACTURING
9 LOAN PROGRAM

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

13 DEPARTMENTAL ADMINISTRATION

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

1 ciency Act (31 U.S.C. 1511 et seq.): *Provided*, That such
2 increases in cost of work are offset by revenue increases
3 of the same or greater amount, to remain available until
4 expended: *Provided further*, That moneys received by the
5 Department for miscellaneous revenues estimated to total
6 \$111,883,000 in fiscal year 2012 may be retained and
7 used for operating expenses within this account, and may
8 remain available until expended, as authorized by section
9 201 of Public Law 95–238, notwithstanding the provisions
10 of 31 U.S.C. 3302: *Provided further*, That the sum herein
11 appropriated shall be reduced by the amount of miscella-
12 neous revenues received during 2012, and any related ap-
13 propriated receipt account balances remaining from prior
14 years' miscellaneous revenues, so as to result in a final
15 fiscal year 2012 appropriation from the general fund esti-
16 mated at not more than \$109,631,000.

17 OFFICE OF THE INSPECTOR GENERAL

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

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

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

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

4 DEFENSE NUCLEAR NONPROLIFERATION
5 (INCLUDING RESCISSION OF FUNDS)

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

1 NAVAL REACTORS

2 For Department of Energy expenses necessary for
3 naval reactors activities to carry out the Department of
4 Energy Organization Act (42 U.S.C. 7101 et seq.), includ-
5 ing the acquisition (by purchase, condemnation, construc-
6 tion, or otherwise) of real property, plant, and capital
7 equipment, facilities, and facility expansion,
8 \$1,030,600,000, to remain available until expended.

9 OFFICE OF THE ADMINISTRATOR

10 For necessary expenses of the Office of the Adminis-
11 trator in the National Nuclear Security Administration,
12 including official reception and representation expenses
13 not to exceed \$12,000, \$420,000,000 (reduced by
14 \$20,000,000), to remain available until expended.

15 ENVIRONMENTAL AND OTHER DEFENSE

16 ACTIVITIES

17 DEFENSE ENVIRONMENTAL CLEANUP

18 For Department of Energy expenses, including the
19 purchase, construction, and acquisition of plant and cap-
20 ital equipment and other expenses necessary for atomic
21 energy defense environmental cleanup activities in car-
22 rying out the purposes of the Department of Energy Orga-
23 nization Act (42 U.S.C. 7101 et seq.), including the acqui-
24 sition or condemnation of any real property or any facility
25 or for plant or facility acquisition, construction, or expan-

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

4 OTHER DEFENSE ACTIVITIES

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

16 POWER MARKETING ADMINISTRATIONS

17 BONNEVILLE POWER ADMINISTRATION FUND

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

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

3 OPERATION AND MAINTENANCE, SOUTHEASTERN POWER
4 ADMINISTRATION

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

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

9 OPERATION AND MAINTENANCE, SOUTHWESTERN

10 POWER ADMINISTRATION

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

1 available until expended, for the sole purpose of funding
2 the annual expenses of the Southwestern Power Adminis-
3 tration: *Provided further*, That the sum herein appro-
4 priated for annual expenses shall be reduced as collections
5 are received during the fiscal year so as to result in a final
6 fiscal year 2012 appropriation estimated at not more than
7 \$11,892,000: *Provided further*, That, notwithstanding 31
8 U.S.C. 3302, up to \$40,000,000 collected by the South-
9 western Power Administration pursuant to the Flood Con-
10 trol Act of 1944 to recover purchase power and wheeling
11 expenses shall be credited to this account as offsetting col-
12 lections, to remain available until expended for the sole
13 purpose of making purchase power and wheeling expendi-
14 tures: *Provided further*, That for purposes of this appro-
15 priation, annual expenses means expenditures that are
16 generally recovered in the same year that they are in-
17 curred (excluding purchase power and wheeling expenses).

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

21 For carrying out the functions authorized by title III,
22 section 302(a)(1)(E) of the Act of August 4, 1977 (42
23 U.S.C. 7152), and other related activities including con-
24 servation and renewable resources programs as author-
25 ized, including official reception and representation ex-

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

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

10 FALCON AND AMISTAD OPERATING AND MAINTENANCE
11 FUND

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

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

10 FEDERAL ENERGY REGULATORY COMMISSION

11 SALARIES AND EXPENSES

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

1 are received during fiscal year 2012 so as to result in a
2 final fiscal year 2012 appropriation from the general fund
3 estimated at not more than \$0.

4 GENERAL PROVISIONS, DEPARTMENT OF
5 ENERGY
6 (INCLUDING TRANSFERS OF FUNDS)

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

16 (b)(1) Except as provided in paragraph (2), the De-
17 partment of Energy may not, with respect to any program,
18 project, or activity that uses budget authority made avail-
19 able in this title under the heading “Department of En-
20 ergy—Energy Programs”, enter into a contract, award a
21 grant, or enter into a cooperative agreement that obligates
22 the Government in excess of the budget authority available
23 under such heading for such purpose, or that is properly
24 chargeable to budget authority of a future fiscal year be-
25 fore such budget authority is available, regardless of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 TITLE IV—INDEPENDENT AGENCIES

2 APPALACHIAN REGIONAL COMMISSION

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

11 DEFENSE NUCLEAR FACILITIES SAFETY BOARD

12 SALARIES AND EXPENSES

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

18 DELTA REGIONAL AUTHORITY

19 SALARIES AND EXPENSES

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

1 DENALI COMMISSION

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

17 NORTHERN BORDER REGIONAL COMMISSION

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

1 SOUTHEAST CRESCENT REGIONAL COMMISSION

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

6 NUCLEAR REGULATORY COMMISSION

7 SALARIES AND EXPENSES

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

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

13 OFFICE OF INSPECTOR GENERAL

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

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

3 NUCLEAR WASTE TECHNICAL REVIEW BOARD

4 SALARIES AND EXPENSES

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

9 OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA

10 NATURAL GAS TRANSPORTATION PROJECTS

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

19 GENERAL PROVISION, INDEPENDENT

20 AGENCIES

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

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

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

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

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

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

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

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

8 TITLE V—EMERGENCY SUPPLEMENTAL

9 FUNDING FOR DISASTER RELIEF

10 (INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

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

23 (1) “Construction”, \$376,000.

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

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

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

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

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

16 TITLE VI—GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

16 SPENDING REDUCTION ACCOUNT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives July 15, 2011.

Attest:

Clerk.

112TH CONGRESS
1ST SESSION

H. R. 2354

AN ACT

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