

George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) supports the goals and ideals of “National Purple Heart Recognition Day”;

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) calls upon the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 1813. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

SA 1814. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1815. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1816. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1817. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1818. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1819. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1820. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1821. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1822. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1823. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1824. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1825. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1826. Mr. MCCAIN submitted an amendment intended to be proposed to amendment

SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1827. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1828. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1829. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1830. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1831. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1832. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1833. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1834. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1835. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1836. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1837. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1838. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1839. Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1840. Mr. REED submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

SA 1841. Mr. VOINOVICH (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 1813. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3183, making ap-

propriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

#### TITLE I

#### CORPS OF ENGINEERS—CIVIL

#### DEPARTMENT OF THE ARMY

#### CORPS OF ENGINEERS—CIVIL

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

#### GENERAL INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, \$170,000,000, to remain available until expended.

#### CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); \$1,924,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Chief of Engineers is directed to use \$18,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use \$21,750,000 of funds available for the Marlinton, West Virginia Local

Protection Project to continue engineering and design efforts, execute a project partnership agreement, and construct the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: *Provided further*, That the Federal and non-Federal shares shall be determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: *Provided further*, That the Chief of Engineers is directed to use \$2,750,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use \$4,000,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project.

#### MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$340,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use \$10,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

#### OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,450,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104-303), shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this head-

ing shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

#### REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$190,000,000, to remain available until expended.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, \$140,000,000, to remain available until expended.

#### GENERAL EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers, and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, \$186,000,000, to remain available until expended, of which not to exceed \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

#### OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$5,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISION

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

#### GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

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

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

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

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over \$100,000, reprogramming of 25 percent of the base amount up to a limit of \$150,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$100,000, the reprogramming limit is \$25,000: *Provided further*, That up to \$25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over \$2,000,000, reprogramming of 15 percent of the base amount up to a limit of \$3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than \$2,000,000, the reprogramming limit is \$300,000: *Provided further*, That up to \$3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to \$300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over \$1,000,000, reprogramming of 15 percent of the base amount a limit of \$5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than \$1,000,000, the reprogramming limit is \$150,000: *Provided further*, That \$150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

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

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

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

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

SEC. 103. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

WATER REALLOCATION, LAKE CUMBERLAND,  
KENTUCKY

SEC. 104. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 105. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development shall be used to award any continuing contract that commits additional funding from the Inland Waterway Trust Fund unless or until such time that a permanent solution long-term mechanism to enhance revenues in the fund is enacted.

SEC. 106. Section 592(g) of Public Law 106-53 (113 Stat. 380), as amended by section 120 of Public Law 108-137 (117 Stat. 1837) and section 5097 of Public Law 110-114 (121 Stat. 1233), is further amended by striking “\$110,000,000” and inserting “\$200,000,000” in lieu thereof.

SEC. 107. The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (Public Law 104-303; 110 Stat. 3666), is modified to authorize the Secretary to construct the project at an estimated total cost of \$53,500,000, with an estimated Federal cost of \$37,700,000 and an estimated non-Federal cost of \$15,800,000.

SEC. 108. Section 595(h) of Public Law 106-53 (113 Stat. 384), as amended by section 5067 of Public Law 110-114 (121 Stat. 1219), is further amended by—

(1) striking the phrase “\$25,000,000 for each of Montana and New Mexico” and inserting the following language in lieu thereof: “\$75,000,000 for Montana, \$25,000,000 for New Mexico”; and

(2) striking “\$50,000,000” and inserting “\$100,000,000” in lieu thereof.

SEC. 109. The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines Iowa, authorized by section 1001(21) of the Water Resources Development Act of 2007 (121 Stat. 1053), is modified to authorize the Secretary to construct the project at a total cost of \$16,500,000 with an estimated Federal cost of \$10,725,000 and an estimated non-Federal cost of \$5,775,000.

SEC. 110. The project for flood damage reduction, Breckenridge, Minnesota, authorized by section 320 of the Water Resources Development Act of 2000 (Public Law 106-541; 114 Stat. 2605), is modified to authorize the Secretary to construct the project at a total cost of \$39,360,000 with an estimated Federal cost of \$25,000,000 and an estimated non-Federal cost of \$14,360,000.

SEC. 111. Section 122 of title I of division D of the Consolidated Appropriations Resolution, 2003 (Public Law 108-7; 117 Stat. 141) is

amended by striking “\$10,000,000” and inserting “\$27,000,000” in lieu thereof.

SEC. 112. The Secretary of the Army is authorized to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities: *Provided*, That the non-Federal share of any project carried out pursuant to this section shall be no more than 35 percent of the total cost of the project and shall be subject to the ability of the non-Federal interest to pay, as determined in accordance with 33 U.S.C. 2213(m).

SEC. 113. Section 3111(1) of the Water Resources Development Act, 2007 (Public Law 110-114; 121 Stat. 1041) is amended by inserting after the word “before”, the following: “, on and after”.

SEC. 114. The flood control project for West Sacramento, California, authorized by section 101(4), Water Resources Development Act, 1992, Public Law 102-580; Energy and Water Development Appropriations Act, 1999, Public Law 105-245, is modified to authorize the Secretary of Army, acting through the Chief of Engineers, to construct the project at a total cost of \$53,040,000 with an estimated first Federal cost of \$38,355,000 and an estimated non-Federal first cost of \$14,685,000.

(RESCISSION)

SEC. 115. The amount of \$2,100,000 made available in division C, of Public Law 111-8, under the heading “Mississippi River and Tributaries” for site restoration of the St. Johns Bayou-New Madrid Floodway, Missouri, project less any funds needed for contract termination, are hereby rescinded and \$2,100,000 is appropriated under the heading “Mississippi River and Tributaries” for the Mississippi Channel Improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee construction project.

(RESCISSION)

SEC. 116. The amount of \$1,800,000 made available in division C, of Public Law 111-8, under the heading “Construction, General” for site restoration of the St. Johns Bayou-New Madrid Floodway, Missouri, project less any funds needed for contract termination, and are hereby rescinded and \$1,800,000 is appropriated under the heading “Construction, General” for section 206 (Public Law 104-303), Aquatic Ecosystem Restoration, as amended.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$40,300,000, to remain available until expended, of which \$1,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,704,000, to remain available until expended. For fiscal year 2010, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including

the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$993,125,000, to remain available until expended, of which \$53,240,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$17,936,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure by the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$35,358,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$41,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

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

the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

#### ADMINISTRATIVE PROVISION

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

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) initiates or creates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;
- (5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

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

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

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

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

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

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

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

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

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

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106-60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106-382; 114 Stat. 1457) is amended by striking “over a period of 10 fiscal years” each place it appears in subsections (a)(1) and (b) and inserting “through fiscal year 2015”.

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), is amended—

- (1) in paragraph (1)—
  - (A) in the matter preceding subparagraph (A)—
    - (i) by striking “not more than”;
    - (ii) by inserting “or the National Fish and Wildlife Foundation” after “University of Nevada”; and
    - (iii) by inserting “The Secretary may provide funds to the National Fish and Wildlife Foundation in advance without regard to when expenses are incurred. The funds shall be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act, excluding subsection (a) of section 10 of the Act (16 U.S.C. 3709(a)).” at the end;
  - (B) in subparagraph (A), by striking “, Nevada; and” and inserting “; and”;
  - (C) in subparagraph (B), by striking the period at the end and inserting “; and”; and
  - (D) by adding at the end the following:
 

“(C) to design and implement conservation and stewardship measures to address impacts from activities carried out—

“(i) under subparagraph (A); and

“(ii) in conjunction with willing land-owners.”; and
- (2) in paragraph (2), in the matter preceding subparagraph (A), by striking “the University” and all that follows through

“beneficial to—” and inserting “the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University or the Foundation determines to be the most beneficial to—”.

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) is amended—

- (1) in paragraph (1), by striking “or” at the end;
- (2) in paragraph (2), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:
 

“(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.”.

SEC. 208. Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107-171) (as amended by section 2807 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1818)), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), as amended—

(A) \$66,200,000 to establish the Walker Lake Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in Nevada, consistent with protection of the ecological health of the Walker River and its riparian and watershed resources.

(B) Funds made available under section (1)(A) shall be used to support efforts to preserve Walker Lake while protecting agricultural, environmental and habitat interests in the basin, and be allocated as follows:

(i) \$25,000,000 for—

(I) the implementation of a three-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows;

(II) use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program;

(ii) \$25,000,000 to further the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A) of Public Law 109-103 (119 Stat. 2268), as amended;

(iii) \$1,000,000 for activities related to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to, the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired thereunder;

(iv) \$10,000,000 for associated Walker Lake Basin conservation and stewardship activities, including but not limited to, water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by and to achieve the purposes of the Walker Lake Basin Restoration Program; and

(v) \$5,000,000 to the University of Nevada, Reno and the Desert Research Institute

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(B) of that Act (Public Law 109-103; 119 Stat. 2268) and

(II) to conduct an annual evaluation of the results of the activities carried out under subsections (i) and (ii) for the purposes of maximizing water conveyances to Walker Lake support and inform the above and related acquisition and stewardship initiatives in the Walker Lake Basin; and

(vi) \$200,000 to support alternative crops and alternative agricultural cooperatives

programs in Lyon County, Nevada, that promote significant water conservation in the Walker River Basin.

(C) Funds allocated under section (1)(A) shall be provided to the National Fish and Wildlife Foundation in advance without regard to when expenses are incurred and be subject to the provisions of the National Fish and Wildlife Foundation Establishment Act, excluding subsection (a) of section 10 of the Act (16 U.S.C. 3709(a)).

(2) allocate—

(A) \$2,000,000, acting through a nonprofit conservation organization, acting in consultation with the Truckee Meadows Water Authority, for—

(i)(I) the acquisition of land surrounding Independence Lake; and

(II) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization; and

(ii) with respect to any amounts in excess of the amounts required to carry out clause (i)(I), stewardship purposes, to remain available until expended;

(B) \$5,000,000 to provide grants, to be divided equally, to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee River Settlement Act, Public Law 101-618; and

(C) \$1,500,000, to be divided equally by the City of Fernley, Nevada and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities.

SEC. 209. Notwithstanding the provisions of section 11(c) of Public Law 89-108, as amended by section 9 of Public Law 99-294, the Commissioner is directed to modify the April 9, 2002, Grant Agreement Between Bureau of Reclamation and North Dakota Natural Resources Trust to provide funding for the Trust to continue its investment program/Agreement No. 02FG601633 to authorize the North Dakota Natural Resources Trust Board of Directors to expend all or any portion of the funding allocation received pursuant to section 11(a)(2)(B) of the Dakota Water Resources Act of 2000 for the purpose of operations of the Natural Resource Trust whether such amounts are principal or received as investment income: *Provided*, That operational expenses that may be funded from the principal allocation shall not exceed 105 percent of the previous fiscal year's operating costs: *Provided further*, That the Commissioner of Reclamation is authorized to include in such modified agreement with the Trust authorized under this section appropriate provisions regarding the repayment of any funds that constitute principal from the Trust Funds.

SEC. 210. Title I of Public Law 108-361 is amended by striking "2010" wherever it appears and inserting "2015" in lieu thereof.

### TITLE III

#### DEPARTMENT OF ENERGY

##### ENERGY PROGRAMS

###### ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,233,967,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph,

\$148,075,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Energy Efficiency and Renewable Energy Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

###### ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$179,483,000, to remain available until expended: *Provided*, That, within the funding available funding the Secretary shall establish an independent national energy sector cyber security organization to institute research, development and deployment priorities, including policies and protocol to ensure the effective deployment of tested and validated technology and software controls to protect the bulk power electric grid and integration of smart grid technology to enhance the security of the electricity grid: *Provided further*, That within 60 days of enactment, the Secretary shall invite applications from qualified entities for the purpose of forming and governing a national energy sector cyber organization that have the knowledge and capacity to focus cyber security research and development and to identify and disseminate best practices; organize the collection, analysis and dissemination of infrastructure vulnerabilities and threats; work cooperatively with the Department of Energy and other Federal agencies to identify areas where Federal agencies with jurisdiction may best support efforts to enhance security of the bulk power electric grid: *Provided further*, That, of the amount appropriated in this paragraph, \$6,475,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Electricity Delivery and Energy Reliability Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

###### NUCLEAR ENERGY

###### (INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 36 passenger motor vehicles, including one ambulance, all for replacement only, \$761,274,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$2,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Nuclear Energy Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

###### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant

or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$699,200,000, to remain available until expended: *Provided*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: *Provided further*, That, of the amount appropriated in this paragraph, \$27,300,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

###### NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$23,627,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

###### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$259,073,000, to remain available until expended.

###### NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$11,300,000, to remain available until expended.

###### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$110,595,000, to remain available until expended.

###### NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$259,829,000, to remain available until expended.

###### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$588,322,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

###### SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition,

construction, or expansion, and purchase of not to exceed 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, \$4,898,832,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$41,150,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Science Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

#### NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the "NWPAct"), \$98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 2.54 percent shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPAct: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPAct, 0.51 percent shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of the NWPAct: *Provided further*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 4.57 percent shall be provided to affected units of local government, as defined in the NWPAct, to conduct appropriate activities and participate in licensing activities under Section 116(c) of the NWPAct: *Provided further*, That of the amounts provided to affected units of local government, 7.5 percent of the funds provided for the affected units of local government shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada affected units of local government: *Provided further*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 0.25 percent shall be provided to the affected Federally-recognized Indian tribes, as defined in the NWPAct, solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPAct: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That 4.57 percent of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities shall be provided to Nye County, Nevada, as payment equal to taxes under section 116(c)(3) of the NWPAct: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada, each affected Federally-recognized Indian tribe, and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the

NWPAct and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPAct, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

#### TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$43,000,000 is appropriated, to remain available until expended: *Provided further*, That \$43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than \$0.

#### ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$20,000,000, to remain available until expended.

#### DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for Departmental Administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$293,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$119,740,000 in fiscal year 2010 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 2010, and any related appropriated receipt ac-

count balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$173,944,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$51,927,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES

##### NATIONAL NUCLEAR SECURITY

##### ADMINISTRATION

##### WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance; \$6,468,267,000, to remain available until expended.

##### DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,136,709,000, to remain available until expended.

##### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$973,133,000, to remain available until expended.

#### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$420,754,000, to remain available until expended.

#### ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

##### DEFENSE ENVIRONMENTAL CLEANUP

##### (INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, \$5,763,856,000, to remain available until expended, of which \$463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund": *Provided*, That, of the amount appropriated in this paragraph, \$4,000,000 shall be used for projects specified in the table that appears

under the heading "Congressionally Directed Defense Environmental Cleanup Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

#### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, \$854,468,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, \$2,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the report of the Committee on Appropriations of the United States Senate to accompany this Act.

#### DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$98,400,000, to remain available until expended.

#### POWER MARKETING ADMINISTRATIONS

##### BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2010, no new direct loan obligations may be made.

##### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,638,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southeastern

Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$44,944,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$13,076,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500,000; \$256,711,000 to remain available until expended, of which \$245,216,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this

account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$109,181,000, of which \$97,686,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, \$7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That of the amount herein appropriated, up to \$18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: *Provided further*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

##### FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to \$2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$220,000: *Provided further*, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended, and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this

account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$298,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS, DEPARTMENT OF  
ENERGY

SEC. 301. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. None of the funds appropriated by this Act may be used—

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

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

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

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

SEC. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a univer-

sity or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. Of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. Not to exceed 5 per centum, or \$100,000,000, of any appropriation, whichever is less, made available for Department of Energy activities funded in this Act or subsequent Energy and Water Development Appropriations Acts may hereafter be transferred between such appropriations, but no such appropriation, except as otherwise provided, shall be increased or decreased by more than 5 per centum by any such transfers, and request of such transfers shall be submitted promptly to the Committees on Appropriations of the House and Senate.

SEC. 309. (a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 140) under a funding account, sub-account, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting any applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 310. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an

award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of the Department of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued.

SEC. 311. (a) In any fiscal year in which the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent from each appropriation made available in this and subsequent Energy and Water Development Appropriation Acts to any other appropriation available to the Secretary in the same Act for such reimbursements.

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

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

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

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

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$76,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy

Act of 1954, as amended by Public Law 100-456, section 1441, \$26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY  
SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, \$11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,061,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$29,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$902,402,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$158,598,000: *Provided further*, That of the amounts appropriated, \$10,000,000 is provided to support university research and development in areas relevant to their respective organization's mission, and \$5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,774,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR  
ALASKA NATURAL GAS TRANSPORTATION  
PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas

Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$4,466,000 until expended: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2010 in excess of \$4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISION

SEC. 401. Section 382B of the Delta Regional Authority Act of 2000 is amended by deleting (c)(1) and inserting in lieu thereof the following: “(1) IN GENERAL—VOTING.—A decision by the Authority shall require the affirmative vote of the Federal cochairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.”.

TITLE V

GENERAL PROVISIONS

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

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2010”.

**SA 1814.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ (a) None of the funds appropriated under this Act may be used to carry out—

(1) any project or site-specific location identified in the committee report accompanying this Act unless the project is specifically authorized; or

(2) an unauthorized appropriation.

(b)(1) In this section, the term “unauthorized appropriation” means a “congressionally directed spending item” (as defined in rule XLIV of the Standing Rules of the Senate)—

(A) that is not specifically authorized by law or Treaty stipulation (unless the appropriation has been specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law); or

(B) the amount of which exceeds the amount specifically authorized by law or Treaty stipulation (or specifically authorized by an Act or resolution previously passed by the Senate during the same session or proposed in pursuance of an estimate submitted in accordance with law) to be appropriated.

(2) For purposes of paragraph (1), an appropriation is not specifically authorized if the appropriation is restricted or directed to, or authorized to be obligated or expended for the benefit of, an identifiable person, program, project, entity, or jurisdiction by earmarking or other specification, whether by

name or description, in a manner that is so restricted, directed, or authorized that the appropriation applies only to a single identifiable person, program, project, entity, or jurisdiction, unless the identifiable person, program, project, entity, or jurisdiction to which the restriction, direction, or authorization applies is described or otherwise clearly identified in a law or Treaty stipulation (or an Act or resolution previously passed by the Senate during the same session or in the estimate submitted in accordance with law) that specifically provides for the restriction, direction, or authorization of appropriation for the person, program, project, entity, or jurisdiction.

**SA 1815.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, lines 12 through 18, strike “: *Provided further*,” and all that follows through “accompany this Act”.

**SA 1816.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, lines 6 through 11, strike “: *Provided*,” and all that follows through “accompany this Act”.

**SA 1817.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, lines 3 through 8, strike “: *Provided further*,” and all that follows through “accompany this Act”.

**SA 1818.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, lines 14 through 20, strike “: *Provided*,” and all that follows through “accompany this Act”.

**SA 1819.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, lines 12 through 18, strike “: *Provided*,” and all that follows through “accompany this Act”.

**SA 1820.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Fort Peck Dry Prairie Rural Water System identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1821.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for algae to ethanol research and evaluation in the State of New Jersey identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1822.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Vermont Energy Investment Corporation in the State of Vermont identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1823.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the New School Green Building in the State of New York identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1824.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010,

and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Alternative Energy School of the Future in the State of Nevada identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1825.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Hydrogen Fuel Dispensing Station in the State of West Virginia identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1826.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Lewis and Clark Rural Water System identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1827.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Hawaii Energy Sustainability Program in the State of Hawaii identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1828.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project relating to the long-term environ-

mental and economic impacts of the development of a coal liquefaction sector in China in the State of West Virginia identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1829.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Pick-Sloan Missouri Basin-Garrison Diversion identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1830.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Hawaii Renewable Energy Development Venture in the State of Hawaii identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1831.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Alaska Climate Center in the State of Alaska identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1832.** Mr. McCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Rocky Boys/North Central Montana Rural Water System identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1833.** Mr. McCAIN submitted an amendment intended to be proposed to

amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Montana Bio-Energy Center of Excellence in the State of Montana identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1834.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for computing capability in the State of North Dakota identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1835.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for algae biofuels research in the State of Washington identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1836.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Sustainable Energy Research Center in the State of Missouri identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1837.** Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 15 and 16, insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to carry out any project for the Performance Assessment Institute in the State of Nevada identified in the committee report accompanying this Act unless the project is specifically authorized in this Act.

**SA 1838.** Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, lines 11 and 12, strike "\$1,924,000,000, to remain available until expended" and insert "\$1,926,000,000, to remain available until expended; of which \$2,500,000 shall be made available for the Acequias Irrigation System, New Mexico".

On page 6, lines 9 and 10, strike "\$2,450,000,000, to remain available until expended," and insert "\$2,448,000,000, to remain available until expended, of which \$2,188,000 shall be made available for the Upper Rio Grande Water Operations Model Study, New Mexico";.

**SA 1839.** Ms. LANDRIEU (for herself and Mr. VITTER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

**SEC. 1 . PERMANENT PROTECTION SYSTEM IN NEW ORLEANS, LOUISIANA.**

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term "project" means the project for permanent pumps and canal modifications that is—

(A) authorized by the matter under the heading "GENERAL PROJECTS" in section 204 of the Flood Control Act of 1965 (Public Law 89-298; 79 Stat. 1077); and

(B) modified by—

(i) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454);

(ii) section 7012(a)(2) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1279); and

(iii) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(2) REPORT.—The term "report" means the report—

(A) entitled "Report to Congress for Public Law 110-252, 17th Street, Orleans Avenue and London Avenue Canals Permanent Protec-

tion System, Hurricane Protection System, New Orleans, Louisiana";

(B) prepared by the Secretary;

(C) dated September 26, 2008; and

(D) revised in December 2008.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

(4) STATE.—The term "State" means the State of Louisiana.

(b) PROJECT MODIFICATION.—The project is further modified to direct the Secretary—

(1) to construct a pump station and optimized diversion from the 2,500-acre area known as "Hoey's Basin" to the Mississippi River to help reduce storm water flow into the 17th Street canal;

(2) to construct an optimized diversion through the Florida Avenue canal for discharging water into the Inner Harbor Navigation Canal;

(3) to construct new, permanent pump stations at or near the lakefront on the 17th Street, Orleans Avenue, and London Avenue canals to provide for future flow capacity;

(4) to deepen, widen within each right-of-way in existence as of the date of enactment of this Act, and line the bottom and side slopes of the 17th Street, Orleans Avenue, and London Avenue canals to allow for a gravity flow of storm water to the pump stations at the lakefront;

(5) to modify or replace bridges that are located in close proximity or adjacent to the 17th Street, Orleans Avenue, and London Avenue canals;

(6) to the extent the Secretary determines the action to be consistent with the safe operation of the project, to remove the levees and floodwalls in existence as of the date of enactment of this Act that line each side of the canals described in paragraph (5) down to the surrounding ground grade;

(7) to decommission or bypass the interior pump stations of the Sewerage and Water Board of New Orleans that are located at each canal described in paragraph (5) to maintain the water surface differential across the existing pumping stations until all systems and features are in place to allow for a fully functional system at a lowered canal water surface elevation; and

(8) to decommission and remove the interim control structures that are located at each canal described in paragraph (5).

(c) IMPLEMENTATION REQUIREMENTS.—

(1) DUTIES OF SECRETARY.—In carrying out subsection (b), the Secretary shall—

(A) provide for any investigation, design, and construction sequencing in a manner consistent with the options identified as "Option 2" and "Option 2a", as described in the report; and

(B) notwithstanding any other provision of law, use continuing contracts and other agreements to the extent that the contracts or other agreements would enable the Secretary to carry out subsection (b) in a shorter period of time than without the use of the contracts or other agreements.

(2) FUNDING.—In carrying out subsection (b), the Secretary shall use amounts made available to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront in the first proviso in—

(A) the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES (INCLUDING RESCISSION OF FUNDS)" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 454); and

(B) the second undesignated paragraph under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE—CIVIL" of chapter 3 of title III of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2349).

(3) NON-FEDERAL SHARE; LIABILITY OF STATE.—As a condition for the Secretary to initiate the conduct of the project, the State shall enter into an agreement with the Secretary under which the State shall agree—

(A) to pay 100 percent of the costs arising from the operation, maintenance, repair, replacement, and rehabilitation of each completed component of the project; and

(B) to hold the United States harmless from any claim or damage that may arise from carrying out the project except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

**SA 1840.** Mr. REED submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 16 and 17, insert the following:

**SEC. 1 . CHARLESTOWN, RHODE ISLAND.**

The Secretary of the Army is directed to use such sums as are necessary from amounts appropriated in this Act or any prior Act for prosecuting projects pursuant to the authority provided by section 107 of the River and Harbor Act of 1960 as amended (33 U.S.C. 577) to initiate and complete construction of a project to remove boulders from the breachway at Charleston Breachway and Inlet, Charlestown, Rhode Island, notwithstanding the cost-benefit ratio of the project.

**SA 1841.** Mr. VOINOVICH (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, after line 23, add the following:  
**SEC. 3 . AUTHORITY OF NUCLEAR REGULATORY COMMISSION.**

The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commis-

sion for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading "SALARIES AND EXPENSES" under the heading "NUCLEAR REGULATORY COMMISSION" under the heading "INDEPENDENT AGENCIES" of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 629).

**PRIVILEGES OF THE FLOOR**

Mr. DORGAN. Mr. President, I ask unanimous consent that Barry Gaffney, a detailee to the Energy and Water Subcommittee, be granted the privilege of the floor during the consideration of this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent that Alec Schierenbeck and Matthew Steffen, of my staff, be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

**ORDERS FOR TUESDAY, JULY 28, 2009**

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 o'clock tomorrow morning, Tuesday, July 28; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of Calendar No. 104, H.R. 3183, the Energy and Water Appropriations Act; finally, that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. WHITEHOUSE. Madam President, I am informed that rollcall votes are possible throughout the day tomorrow as we work through any amendments to the Energy and Water appropriations bill.

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

Mr. WHITEHOUSE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:37 p.m., adjourned until Tuesday, July 28, 2009, at 10 a.m.

**NOMINATIONS**

Executive nominations received by the Senate:

**FARM CREDIT ADMINISTRATION**

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR THE REMAINDER OF THE TERM EXPIRING MAY 21, 2010, VICE DALLAS TONSAGER.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2016. (REAPPOINTMENT)

**DEPARTMENT OF HOMELAND SECURITY**

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE JEFFREY WILLIAM RUNGE.

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED.

**WITHDRAWALS**

Executive Message transmitted by the President to the Senate on July 27, 2009 withdrawing from further Senate consideration the following nominations:

ALEXANDER G. GARZA, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY, VICE JEFFREY WILLIAM RUNGE, WHICH WAS SENT TO THE SENATE ON JULY 7, 2009.

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR AND CHIEF OPERATING OFFICER, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED, WHICH WAS SENT TO THE SENATE ON JULY 15, 2009.

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING MAY 21, 2014, VICE NANCY C. PELLETT, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JULY 16, 2009.