

and for other purposes; which was ordered to lie on the table.

SA 1843. Mr. VITTER (for himself and Ms. LANDRIEU) 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 1844. Mr. DORGAN 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 1845. Mr. DORGAN 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 1846. Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1847. 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 1848. Mr. SANDERS 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 1849. Mr. SANDERS 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 1850. Mrs. MCCASKILL 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 1851. Mr. CARDIN 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 1852. Mr. NELSON of Florida 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 1853. Mr. BAUCUS (for himself and Mr. TESTER) 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 1854. Mr. GRAHAM 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 1855. Mr. DORGAN 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 1856. Mr. MENENDEZ 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 1857. Mr. MENENDEZ 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 1858. 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 1859. Mrs. BOXER (for herself and Mrs. FEINSTEIN) 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 1860. Mr. COCHRAN 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 1861. Mr. REED (for himself and Ms. SNOWE) 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 1862. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 1813 submitted by Mr. DORGAN to the bill H.R. 3183, supra.

SA 1863. Mr. ALEXANDER 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 1864. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 3183, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1842.** Mr. TESTER 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 33, between lines 13 and 14, insert the following:

SEC. \_\_\_\_ Section 805(a)(2) of Public Law 106-541 (114 Stat. 2704) is amended by striking “2010” each place it appears and inserting “2013”.

**SA 1843.** Mr. VITTER (for himself and Ms. LANDRIEU) 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 \_\_\_\_ Section 3 of the Act of August 18, 1941 (55 Stat. 642; 121 Stat. 1109) is amended, in the matter under the heading “LOWER MISSISSIPPI RIVER”, in subsection (a), in the second sentence—

(1) by striking “the first section” and inserting “sections 1 and 6”; and

(2) by inserting “and any subsequent Act,” before “shall remain as”.

**SA 1844.** Mr. DORGAN 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 4, strike the proviso starting on line 7 and continuing through the colon on line 16 and insert the following in lieu thereof:

*Provided further*, That the Chief of Engineers is directed to use \$1,500,000 of funds available for the Greenbrier Basin,

Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of 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:

**SA 1845.** Mr. DORGAN 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. \_\_\_\_ Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end of the Title, the following new section 411:

“Section 411.—Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: *Provided*, That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: *Provided further*, That funds set aside under this section shall remain available for obligation until September 30, 2012.”

**SA 1846.** Mr. REID (for himself and Mr. ENSIGN) 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; as follows:

Beginning on page 26, strike line 1 and all that follows through page 32, line 14, and insert the following:

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) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking “(a)(1) Using” and inserting the following:

“(a) ACTION BY SECRETARY.—

“(1) PROVISION OF FUNDS.—

“(A) IN GENERAL.—Using”;

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting “or the National Fish and Wildlife Foundation” after “University of Nevada”;

(ii) in clause (i) (as so redesignated), by striking “, Nevada; and” and inserting a semicolon;

(iii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

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

“(I) under clause (i); and

“(II) in conjunction with willing landowners.”; and

(E) by adding at the end the following:

“(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

“(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

“(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

“(II) as soon as practicable after that date of enactment.

“(ii) REQUIREMENTS.—

“(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

“(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i).”; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “paragraph (1)(A)” and all that follows through “beneficial to—” and inserting “paragraph (1)(A)(i), 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—”; and

(B) in subparagraph (A), by striking “paragraph (1)(B)” and inserting “paragraph (1)(A)(ii)”.

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. (a) 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), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

(1) provide, in accordance with section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268), and subject to subsection (b), \$66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, \$2,000,000, to remain available until expended, for—

(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;

(B) \$5,000,000 to provide grants of equal amounts 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-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101-618; 104 Stat. 3289);

(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; and

(D) \$1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) \$25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

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

(ii) \$25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268).

(iii) \$1,000,000 for activities relating 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 under the program.

(iv) \$10,000,000 for associated conservation and stewardship activities, including 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 Basin Restoration Program.

(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)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109-103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) \$200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon County, Nevada, that pro-

mote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

**SA 1847.** 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 Protection 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.—

(A) IN GENERAL.—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—

(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); and

(ii) 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).

(B) EMERGENCY DESIGNATIONS.—Each amount referred to in subparagraph (A) is

designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(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 1848.** Mr. SANDERS 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 34, line 7, before the period, insert the following: "Provided further, That an additional \$100,000,000 shall be used to make grants for energy efficiency improvement and energy sustainability under subsections (c) and (d) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1); Provided further, That the amount made available for the Nuclear Power 2010 initiative in the matter under the heading 'NUCLEAR ENERGY' shall be reduced by \$100,000,000".

**SA 1849.** Mr. SANDERS 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 34, line 7, before the period, insert the following: "Provided further, That an additional \$15,000,000 shall be used to make technical assistance grants under section 399A(b) of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1(b)); Provided further, That the amount made available for the Strategic Petroleum Reserve in the matter under the heading 'STRATEGIC PETROLEUM RESERVE' shall be reduced by \$15,000,000".

**SA 1850.** Mrs. MCCASKILL 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 2, lines 24 and 25, strike "\$170,000,000, to remain available until expended" and insert "\$164,500,000, to remain available until expended, of which no funds shall be used for the feasibility study for the Missouri River in the States of North Dakota, Montana, South Dakota, Nebraska, Iowa, Kansas, and Missouri, as identified in the committee report accompanying this Act".

**SA 1851.** Mr. CARDIN 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 \_\_\_\_\_. (a) The Federal share of the cost of the project for navigation, Rhodes Point, Smith Island, Maryland, carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), shall be \$7,000,000.

(b) The non-Federal interest for the project described in subsection (a) may provide the remaining share of the total cost of the project through work-in-kind, for which the non-Federal interest shall receive credit towards the share of the project costs of the non-Federal interest, except that the credit may not exceed the actual and reasonable costs of the materials or services provided by the non-Federal interest, as determined by the Secretary of the Army.

**SA 1852.** Mr. NELSON of Florida 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 \_\_\_\_\_. TEN MILE CREEK WATER PRESERVE AREA.

Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking "subclause (II)" and inserting "subclauses (II) and (III)"; and

(2) by adding at the end the following:

"(III) TEN MILE CREEK WATER PRESERVE AREA.—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed \$25,000,000 by an amount equal to not more than \$3,500,000, which shall be used to pay the Federal share of the cost of—

"(aa) the completion of a post authorization change report; and

"(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.".

**SA 1853.** Mr. BAUCUS (for himself and Mr. TESTER) 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 19, line 20, strike "basis." and insert "basis: Provided further, That funds made available for the Milk River/St. Mary Diversion Rehabilitation Project in the State of Montana shall be expended by the Commissioner of Reclamation on a nonreimbursable basis."

**SA 1854.** Mr. GRAHAM 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 23 and 24, strike “until expended” and insert the following: until expended: *Provided*, That, not later than 30 days after the date of enactment of this Act, the President shall certify that the Yucca Mountain site has been selected as, and remains, the site for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel in accordance with section 160 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10172); *Provided further*, That if the President fails to make the certification, \$98,400,000 shall be made available to the States that store defense-related nuclear waste (which is to be transferred to the Yucca Mountain site), to be used by each State to help offset the loss in community investments that results from the continued storage of defense-related nuclear waste in the State and to help mitigate the public health risks that result from the continued storage of the defense-related nuclear waste in the State

**SA 1855.** Mr. DORGAN 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:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . AGENCY ADMINISTRATIVE EXPENSES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATIVE EXPENSES.—The term “administrative expenses” has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term “agency”—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

**SA 1856.** Mr. MENENDEZ 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 agen-

cies 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 \_\_\_\_ .** With respect to the project for ecosystem restoration at Liberty State Park, New Jersey, authorized for construction by section 1001(31) of the Water Resources Development Act of 2007 (121 Stat. 1054), the value of any work performed in furtherance of the recommended plan by the non-Federal sponsor in advance of the execution of a project partnership agreement shall, if the project partnership agreement is executed, be credited against the cash contribution required by the non-Federal sponsor.

**SA 1857.** Mr. MENENDEZ 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, insert the following:

**SEC. \_\_\_\_ .** It is the sense of the Senate that the Senate intends to fund the Energy Efficiency and Conservation Block Grant Program established under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.) through the regular appropriations process after the majority of funds allocated to the Program under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) have been expended.

**SA 1858.** 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 \_\_\_\_ .** (a) In carrying out the construction of the project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana, authorized by section 1001(24) of the Water Resources Development Act of 2007 (121 Stat. 1053), the Secretary of the Army (referred to in this section as the “Secretary”) shall—

(1) give priority to each element of the project that provides hurricane and storm damage reduction benefits to the most populated areas;

(2) consider, and if appropriate design, build, and use, adaptive management techniques and other execution techniques to expedite the completion of the works;

(3) to the maximum extent practicable, implement the project in a manner compatible with the long-term restoration of coastal wetlands, including the beneficial capture and reuse of precipitation runoff as a part of the restoration;

(4) after the completion of any portion of the project, determine and make publicly available a calculation of the residual risk of—

- (A) hurricane and storm damage; and
- (B) the loss of human life and human safety; and

(5) immediately initiate the design of the Houma Navigation Canal Lock.

(b) The non-Federal interest for the project described in subsection (a) may initiate—

(1) the construction of any authorized portion of the project; and

(2) efforts to provide interim protection for any portion of the project area.

(c) In accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), the Secretary shall credit towards the non-Federal share of the cost of the project, or provide reimbursement for the cost of design and construction, work carried out by the non-Federal interest if the Secretary determines that the work—

(1) is integral to the project; or

(2) would provide interim protection for the project area.

(d) The Secretary shall allocate the amount to be credited under subsection (c) towards the non-Federal share of the cost of the project, or each element of the project, as requested by the non-Federal interest.

**SA 1859.** Mrs. BOXER (for herself and Mrs. FEINSTEIN) 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 33, between lines 13 and 14, insert the following:

**SEC. \_\_\_\_ .** (a) Section 3405(a)(1)(M) of Public Law 102-575 (106 Stat. 4711) is amended by striking “countries” and inserting “countries”.

“(b) During a two-year period beginning on date of enactment of this Act, any approval of a transfer between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor shall be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102-575 (106 Stat. 4709), if the transfer under this clause (1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111-11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act); and (2) is completed by September 2012.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (*Thamnophis gigas*).

**SA 1860.** Mr. COCHRAN 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 2, line 25, strike “expended.” and insert the following:

expended, of which \$600,000 shall be made available to the Secretary of the Army, acting through the Chief of Engineers, to initiate a study for the deepening and widening of the Port of Gulfport.

**SA 1861.** Mr. REED (for himself and Ms. SNOWE) 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 34, line 7, before the period, insert the following: “: *Provided further*, That none of the funds made available under this Act may be used to carry out a pilot project to demonstrate energy savings through the use of improved insulating and sealing in homes built prior to 1980: *Provided further*, That, not later than 120 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the plan of the Department of Energy for carrying out the Weatherization Assistance Program, including strategies to sustain the number of low-income units weatherized at levels comparable to the number of units weatherized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5)”.

**SA 1862.** Mr. ALEXANDER 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. \_\_\_\_ . RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.**

(a) **SHORT TITLE.**—This section may be cited as the “Auto Stock for Every Taxpayer Act”.

(b) **PROHIBITION ON FURTHER TARP FUNDS.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) **FIDUCIARY DUTY TO SHAREHOLDERS.**—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), shall have a fiduciary duty to each eligible taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) **REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.**—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall direct the designated automobile manufacturer to issue through the Secretary a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer’s per capita share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) **CIVIL ACTIONS AUTHORIZED.**—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) **DEFINITIONS.**—As used in this section—  
(1) the term “designated automobile manufacturer” means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term “eligible taxpayer” means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

**SA 1863.** Mr. ALEXANDER 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 \_\_\_\_ .** Funding for the construction of the Chickamauga Lock and Dam shall be exempt from any requirement that limits the source of the funds made available for the construction of the Chickamauga Lock and Dam to funds made available out of the Inland Waterways Trust Fund.

**SA 1864.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her 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:

At the appropriate place, insert the following:

The National Renewable Energy Laboratory has determined the need to evolve a more comprehensive physical understanding of the casual relationships between atmospheric inflow phenomena and wind farm interaction and has identified the need to better understand the relationship as the key remaining science issue before new technology and microclimatology could be addressed.

Of the \$85,000,000 provided for wind energy under Energy Efficiency and Renewable Energy account, \$8 million shall be directed to the National Wind Resource Center for turbine and equipment purchase specifically for the purpose of operations research, turbine to turbine wake interaction, and the need to provide a demonstration platform for new turbine technology accelerating acceptance and adoption by the commercial industry.

## NOTICE OF HEARING

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, July 30, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing to examine the increase of gang activity in Indian country.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 28, 2009 at 9:30 a.m. to conduct a hearing entitled “Regulatory Modernization: Perspectives on Insurance.”

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, July 28, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 9:30 a.m.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, 2009, at 2:15 p.m.

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

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to