HOUSE OF REPRESENTATIVES—*Monday, September 21, 2009*

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. WELCH).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 21, 2009.

I hereby appoint the Honorable PETER WELCH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O Lord, You are faithful to those who are faithful to You. You are even faithful to those who choose to follow their own ways rather than turn to You in prayer. You let them wander in their indecision or confusion until they seek deeper wisdom.

Keep Your people from simple reaction. Afford them time to reflect on their deepest needs and then turn to You in their darkest hour. At that moment give them the strength to fight the battle of justice with truth and overcome all obstacles.

O Lord, give us light and dispel the darkness now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 21, 2009, at 10:05 a.m.:

That the Senate passed with an amendment, requested a conference with the House, and appointed conferees, H.R. 3288.

Appointments:

Senate National Security Working Group

Commission to Study the Potential Creation of a National Museum of the American Latino

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 11, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 11, 2009, at 1:13 p.m.:

Appointments:

United States Senate Caucus on International Narcotics Control.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM RANKING MEMBER, COMMITTEE ON ENERGY AND COMMERCE

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOE BARTON, Ranking Member, Committee on Energy and Commerce:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 18, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that my office has been served with a subpoena, issued by the U.S. District Court for the Northern District of Texas, for documents in a civil case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

JOE BARTON,
Ranking Member.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI: This letter is to inform you that I have sent a letter to New York Secretary of State Lorraine Cortés Vázquez notifying her that I am resigning my position as the United States Representative for the 23rd Congressional District of New York, immediately prior to my appointment as Secretary of the Army. This resignation includes any boards upon which I have served by virtue of my position as a Member of Congress.

On September 16, 2009, I was confirmed by the United States Senate to be Secretary of the Army. It has been a great privilege to serve the residents of New York in the House of Representatives for the past 16 and one-half years. I have served during some of the most trying times in our history and have worked to help build a better future for our nation and my state. I am truly honored that the President and the Senate have provided me the opportunity to help lead the United States Army forward, and I am humbled by their support.

I also want to thank all of my colleagues in the House, and in particular, New York's Congressional delegation, as I have enjoyed working with them during my time in Congress. I look forward to continuing to work with you and our colleagues in my new role as Secretary of the Army.

With best wishes, I am,

Sincerely yours,

JOHN M. MCHUGH,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 2009.

Hon. LORRAINE CORTÉS-VÁZQUEZ,
New York State Secretary of State,
Albany, NY.

DEAR SECRETARY CORTÉS-VÁZQUEZ: On September 16, I was confirmed by the United States Senate to be the Secretary of the Army. I am hereby resigning my position as the United States Representative for the 23rd Congressional District of New York, immediately prior to my appointment as Secretary of the Army.

It has been a great privilege to serve the residents of New York in the House of Representatives for the past 16 and one-half years. I have served during some of the most trying times in our history and have worked to help build a better future for our nation and state. I am truly honored that the President and the Senate have provided me the opporutunity to help lead the United States Army forward, and I am humbled by their support.

I want to thank you and all the State officials for our work together during my tenure in Congress.

With best wishes, I am,

Sincerely yours,

JOHN M. MCHUGH,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from New York (Mr. MCHUGH), the whole number of the House is 433.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 4 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 22, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3529. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami Yacht Club 2007 Conch Cup Regatta, Biscayne Bay, Miami, FL [COTP MIAMI 07-215] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3530. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Columbia River and Tillamook Bay Oregon and Washington Coastal Bars and entrances [CGD13-07-043] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3531. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; President of the United States Visit to Mobile, AL [COTP Mobile-07-027] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3532. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Orange Beach, AL [COTP Mobile-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3533. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live Fire—Gun Exercise, Atlantic Ocean, Miami, Florida [COTP Miami, Florida 07-196] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3534. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-199] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3535. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port of Miami, Miami, Florida [COTP Miami 07-201] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3536. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Pierce, Florida [COTP Miami, Florida 07-210] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3537. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Live-Fire Gun Exercise, Atlantic Ocean, Fort Lauderdale and Miami, Florida [COTP Miami, Florida 07-230] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3538. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Temporary Safety Zone; Biscayne Bay, Miami, Florida [COTP Miami 07-232] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3539. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Washington Township Summerfest, Ottawa River, Toledo, OH [CGD09-07-056] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3540. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; International Freedom Festival Target Fireworks, Detroit River, Detroit, MI [CGD09-07-063] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3541. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ex-TRIPOLI transiting the San Fancisco Bay [COTP San Francisco Bay 07-053] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3542. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Underwater Ordnance Recovery, Monterey Bay, California [COTP San Francisco Bay 08-001] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3543. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Detroit Zone [CGD09-07-064] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3544. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hornblower Cruises Fireworks Display, San Francisco Bay, CA [COTP San Francisco Bay 08-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3545. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving Safety Zone; Barge CASCADE, in San Francisco Bay, California [COTP San Francisco Bay 08-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3546. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rincon Park Restaurant Fireworks Display, San Francisco, CA [COTP San Francisco Bay 08-004] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3547. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Juan Harbor Swim, Bahia de San Juan, San Juan, PR [COTP San Juan 07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3548. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI [Docket No.: COPT San Juan 07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3549. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Veteran's Glass City Skyway Bridge, Maumee River, Toledo, OH [CGD09-07-066] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3550. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Thomas Harbor, Charlotte Amalie, USVI [Docket No.: COTP San Juan 07-070] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3551. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Detroit Zone [CGD09-07-067] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety

Zone; Celebrate Erie, Presque Isle Bay, Erie, PA [CGD09-07-104] (RIN: 1625-AA00 (safety zone)) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Celebrate Americafest water-ski show, Fox River, Green Bay, WI [CGD09-07-068] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sault Ste. Marie 100th Year Celebration Fireworks, St. Marys River, Sault Ste. Marie, MI [CGD09-07-105] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Captain of the Port Buffalo Zone [CGD09-07-070] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cheeseburger Festival Fireworks, Lake Huron, Caseville, MI [CGD09-07-107] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Columbia River Bar and Tillamook Bay Entrance on the Oregon Coast [CGD13-08-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay City Airshow, Saginaw River, Bay City, MI [CGD09-07-111] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Nautical Mile Ventian Festival Fireworks, Lake St. Clair, St. Clair Shores, MI [CGD09-07-112] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-08-004] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Emergency Salvage Operation of Fishing Vessel HAESHIN at the Gray's Harbor and entrance on the Washington Coast [CGD13-08-007] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Tillamook Bay Entrance on the Oregon Coast [CGD13-08-010] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Restriction of the Umpqua River Bar and entrance [CGD13-08-011] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Norfolk International Terminals, Norfolk, VA [CGD05-07-500] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chris Craft Silver Cup Races, St. Clair River, Algonac, MI [CGD09-07-113] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; annual Ft. Lauderdale Air & Sea Show, Ft. Lauderdale, FL [CGD07-07-024] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Antique Boat Show, Niagara River, Grand Island, NY [CGD09-070-AA00] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Recovery Dive Operations, Milwaukee River, Milwaukee, WI [CGD09-07-124] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old Club Cannonage, Lake St. Clair, Harsens Island, MI [CGD09-07-125] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: The Northern waters of the South Jetty of the Chetco River closed for Emergency Army Corps of Engineers Salvage Operations due to removal of Hazards to Navigation [CGD13-07-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Military Cargo, Captain of the Port Zone Puget Sound, WA [CGD13-07-010] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Portland Zone [CGD13-07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tacoma Freedom Fair Air Show, Commencement Bay, Tacoma, Washington [CGD13-07-022] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Puget Sound Zone [CGD13-07-023] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Olympia Harbor Days Tugboat Race, Budd Inlet, Olympia, Washington [CGD13-07-030] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays in the Captain of the Port Puget Sound Zone [CGD13-070-033] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Todd Pacific Shipyards Vessel Launch, West Duwamish Waterway, Seattle, Washington [CGD13-07-034] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Champboat Grand Prix of Savannah; Savannah, GA [Docket No.: CGD07-07-209] (RIN: 1625-AA08) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Marine Mammal Protection, Neah Bay, WA [CGD13-07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; Columbia River, all waters within 100 yards radius around the

Barge Mauna Loa [CGD13-07-037] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Horry County, SC [Docket No.: CGD07-07-227] received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of the Oregon and Washington Coastal River Bars and Entrances [CGD13-07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-07-104] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone Regulations; Columbia River, all waters within 100 yards radius around the Barge HO'OMAKA HOU [CGD13-07-041] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Miles River, Talbot County, MD [CGD05-07-105] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Weather Forced Closure of the Columbia River, Tillamook Bay, Siuslaw and Umpqua River Bars and Entrances on the Oregon and Washington Coasts [CGD13-07-042] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Washington Channel, Washington, DC [CGD05-07-106] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patapsco River, Northwest Harbor, Baltimore, MD [CGD05-07-110] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayfield Fireworks, Lake Superior, Bayfield, WI [CGD09-06-079] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Potomac River, Dogue Creek and Little Hunting Creek, Charles County, MD and Faifax County, VA [CGD05-07-112] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Duluth Fireworks, Lake Superior, Duluth, MN [CGD09-06-080] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Party Fireworks, Irondequoit Bay, Webster, NY [CGD09-07-022] (RIN: 1625-AA00 (safety zone)) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Intracoastal Waterway, Virginia Beach, Virginia [Docket No.: CGD05-07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Renzi FoodService, Alexandria Bay, NY [CGD09-07-024] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Marys River, Lake Huron, Neebish Island, Michigan [CGD09-07-032] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Village Fireworks Display, Sodus Bay, Sodus Point, NY [CGD09-07-048] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Anacostia River, Sousa Bridge, Washington, DC [CGD05-07-115] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Water Chestnut Relay, Seneca River, Baldwinsville, NY [CGD09-07-049] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3599. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brewerton Fireworks, Brewerton, NY [CGD09-07-053] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3600. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Potomac River, Alexandria Channel, DC [CGD05-07-117] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3601. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River, College and Spa Creeks, Annapolis, MD [Docket No.: GCD05-07-118] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3602. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels in the Captain of the Port Charleston, South Carolina Zone [COTP Sector Charleston, SC 07-112] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3603. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the Captain of the Port Sector Charleston Zone [COTP Sector Charleston 07-114] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3604. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Charleston Harbor, USS Yorktown, Patriots Point, Charleston, South Carolina [COTP Charleston 07-131] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3605. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Moncks Corner, South Carolina, Fireworks Display [COTP Charleston 07-162] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3606. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apra Harbor, GU [COTP Guam 07-002] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3607. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Surrounding U.S. Forces Vessel SBX-1, HI [COTP Honolulu 08-001] (RIN: 1625-AA87) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3608. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Old Fuller Warren Bridge Demolition, St. Johns River, Jacksonville, FL [COTP Jacksonville 07-005] (RIN: 1625-A00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3609. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Veteran's Celebration Fireworks Display — Indian River, New Smyrna Beach, FL [COTP Jacksonville 07-074] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3610. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4th Fireworks Displays within the Captain of the Port Jacksonville Zone [COTP Jacksonville 07-082] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3611. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Moose International Meeting, Fireworks Display, Orange Park, Florida [COTP Jacksonville 07-147] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3612. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Rocket Launch; Port Canaveral, FL [COTP Jacksonville 07-180] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3613. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; NASA Shuttle Launch; Port Canaveral, FL [COTP Jacksonville 07-1811] [COTP Jacksonville 07-181] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3614. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Labor Day Celebration Fireworks Display, Atlantic Ocean, Flagler Beach, FL [COTP Jacksonville 07-186] (RIN:1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3615. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tug Island Fox and Barge U-791, Nassau Terminals, Fernandina, FL [COTP Jacksonville-07-194] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3616. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Patrick Air Force Base 4th of July Freedom Fest Fireworks Display, Banana River, Patrick Air Force Base, FL [COTP Jacksonville 07-217] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3617. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Sea and Sky Spectacular 2007 — Atlantic Ocean, Jacksonville Beach, FL [COTP Jacksonville 07-228] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3618. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; World Space Expo-Banana River, Cape Canaveral, FL [COTP Jacksonville 07-231] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3619. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Liberty Island Conductor Removal, Sacramento River, California [COTP San Francisco Bay 07-003] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3620. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Stockton Fourth of July Celebration, San Francisco Bay, CA [COTP San Francisco Bay 07-028] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3621. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Eureka Fourth of July Fireworks Show, Humboldt Bay, CA [COTP San Francisco Bay 07-032] (RIN: 1628-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3622. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oakland World Music and Jazz Festival Celebration, San Francisco Bay, CA [COTP San Francisco Bay 07-035] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3623. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Diablo Jet Ski Action 2007 Summer Series, San Joaquin River, CA [COTP San Francisco Bay 07-039] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3624. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Delta Thunder Powerboat Race, Pittsburg, CA [COTP San Francisco Bay 07-040] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3625. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Pittsburg Seafood Festival Activities, Pittsburg, CA [COTP San Francisco Bay 07-044] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3626. A letter from the Attorney Advisor, Department of Homeland Securtiy, transmitting the Department's final rule — Safety Zone; July Fourth Fireworks Show, City of Sausalito, Sausalito, CA [COTP San Francisco Bay 07-021] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3627. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Weather-Forced Closure of Quillayute River, Washington Coastal Bar [CGD13-08-005] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3628. A letter from the Attorney Advisor, Dpeartment of Homeland Security, transmitting the Department's final rule — Safety Zone; 2007 Miami Kayak Challenge, Intracoastal Waterway Lummus Island Cut, and Biscayne Bay, Miami, FL [COTP MIAMI 07-241] (RIN: 1625-AA00) received September 11, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 2265. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes (Rept. 111–258). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2522. A bill to raise the ceiling on the Federal share of the cost of the Calleguas Municipal Water District Recycling Project, and for other purposes (Rept. 111–259). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2741. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the City of Hermiston, Oregon, water recycling and reuse project, and for other purposes (Rept. 111–260). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2802. A bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; with an amendment (Rept. 111–261). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3113. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes (Rept. 111–262). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OBERSTAR (for himself, Mr. RANGEL, Mr. MICA, Mr. CAMP, Mr. COSTELLO, and Mr. PETRI):

H.R. 3607. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Mr. NUNES, Mr. RAHALL, Mr. BACA, Ms.

BERKLEY, Mrs. BONO MACK, Mr. BOREN, Mr. COLE, Mr. HERGER, Mr. KILDEE, Mr. KLINE of Minnesota, Mr. LEWIS of California, Mr. LUJÁN, Mr. MCCARTHY of California, Ms. MCCOLLUM, Mr. PALLONE, Mr. POMEROY, Mr. RADANOVICH, and Mr. SHULER):

H.R. 3608. A bill to amend the Internal Revenue Code of 1986 to codify the exclusion from gross income of medical care provided for Indians, and for other purposes; to the Committee on Ways and Means.

By Mr. MELANCON (for himself and Mr. TANNER):

H.R. 3609. A bill to amend the Internal Revenue Code of 1986 to clarify the capital gain or loss treatment of the sale or exchange of mitigation credits earned by restoring wetlands; to the Committee on Ways and Means.

By Ms. EDWARDS of Maryland (for herself, Mr. POE of Texas, Ms. RICHARDSON, Mrs. BACHMANN, Mr. HINCHEY, Ms. SCHAKOWSKY, Mrs. CHRISTENSEN, Ms. WOOLSEY, Mrs. NAPOLITANO, Mr. FRANK of Massachusetts, and Mr. GRIJALVA):

H. Res. 757. A resolution supporting the goals and ideals of a National Day of Remembrance for Homicide Victims; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. ROYBAL-ALLARD, Ms. HARMAN, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, and Ms. RICHARDSON):

H. Res. 758. A resolution commending the Water Replenishment District of Southern California for a job well done on the occasion of its 50th anniversary; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 501: Mr. HASTINGS of Florida.

H.R. 571: Mr. CARNEY and Mr. BRALEY of Iowa.

H.R. 644: Mr. WEXLER.

H.R. 646: Mr. MORAN of Virginia.

H.R. 668: Mr. HILL.

H.R. 678: Mr. POE of Texas.

H.R. 690: Mr. SMITH of Nebraska.

H.R. 1076: Mr. EDWARDS of Texas.

H.R. 1179: Mr. OBERSTAR.

H.R. 1182: Mr. DICKS, Mr. HODES, and Ms. TITUS.

H.R. 1207: Mr. KILDEE.

H.R. 1547: Mr. ROTHMAN of New Jersey.

H.R. 1619: Mr. SESTAK.

H.R. 1670: Mr. ARCURI.

H.R. 1721: Mr. RYAN of Ohio and Mr. SIRES.

H.R. 1770: Mr. SESTAK.

H.R. 1866: Mr. BLUMENAUER.

H.R. 1928: Mr. HOLT.

H.R. 2055: Mr. SABLAN and Mr. BAIRD.

H.R. 2115: Mr. TANNER.

H.R. 2149: Mr. BACHUS.

H.R. 2160: Mr. LATHAM.

H.R. 2262: Ms. LEE of California, Mr. OLVER, Mrs. LOWEY, and Ms. ZOE LOFGREN of California.

H.R. 2329: Mr. WOLF and Mr. GRAVES.

H.R. 2504: Mr. HALL of New York and Mr. LUJÁN.

H.R. 2568: Ms. LEE of California.

H.R. 2583: Mr. NYE.

H.R. 2702: Mr. MAFFEI.

H.R. 2743: Ms. KILPATRICK of Michigan.

H.R. 2931: Mr. LUJÁN, Mr. MASSA, and Mr. ARCURI.

H.R. 2935: Mr. KAGEN, Mr. GRAYSON, Mr. PASTOR of Arizona, Mr. ALEXANDER, Mr. BUTTERFIELD, Mr. SPRATT, Mr. HIGGINS, Ms. MARKEY of Colorado, Mr. CLAY, and Mr. HARPER.

H.R. 2969: Ms. LEE of California.

H.R. 2978: Mr. VAN HOLLEN.

H.R. 3043: Ms. CLARKE.

H.R. 3104: Mr. BURTON of Indiana.

H.R. 3116: Mr. COBLE, Mr. MANZULLO, and Mr. WOLF.

H.R. 3168: Mr. PRICE of North Carolina.

H.R. 3381: Mr. MCMAHON.

H.R. 3382: Mr. PLATTS.

H.R. 3402: Mr. VAN HOLLEN.

H. Con. Res. 138: Mr. GENE GREEN of Texas, Mr. MCCAUL, and Mr. CULBERSON.

H. Con. Res. 151: Mr. CARDOZA, Mr. SHULER, Mr. BARROW, Mr. WALZ, Mr. TANNER, Mr. PAYNE, Ms. MARKEY of Colorado, and Mr. KRATOVIL.

H. Res. 20: Mr. AL GREEN of Texas.

H. Res. 159: Mr. MURTHA and Mr. BOUCHER.

H. Res. 494: Mr. ELLSWORTH, Mr. GUTHRIE, Mr. NYE, Ms. PINGREE of Maine, Mr. TEAGUE, Ms. TITUS, Mr. DRIEHAUS, Mr. LOEBSACK, Mr. GRIFFITH, and Mrs. HALVORSON.

H. Res. 561: Ms. SLAUGHTER, Mr. MCHUGH, and Mr. ROTHMAN of New Jersey.

H. Res. 562: Ms. SLAUGHTER, Mr. ROTHMAN of New Jersey, and Mr. MCHUGH.

H. Res. 563: Ms. SLAUGHTER, Mr. MCHUGH, and Mr. ROTHMAN of New Jersey.

H. Res. 727: Mrs. MCMORRIS RODGERS and Mr. PASTOR of Arizona.

H. Res. 729: Mrs. HALVORSON, Mrs. KIRKPATRICK of Arizona, and Ms. LORETTA SÁNCHEZ of California.

H. Res. 739: Mr. MCGOVERN, Ms. HERSETH SANDLIN, Mr. BERRY, Mr. BACA, Mr. ENGEL, and Mr. COSTA.

H. Res. 740: Ms. BORDALLO and Mr. PETERSON.

SENATE—*Monday, September 21, 2009*

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of grace, awaken the Members of this body to the opportunities of this new day. Help them to hear Your call to move forward and accomplish great things for Your glory. Lord, enable them to discover unused resources among themselves that they can mobilize dreams that have yet to be dreamed, talents that have yet to be awakened, and commitments that have yet to be made. Lord, kindle a divine light on the altar of their souls that will guide them in the pursuit of Your wisdom and truth. May they confidently face their duties knowing that You are their sufficient shield and defense. Make them willing to listen even to people with whom they expect to differ, united by the desire to represent You with exemplary conduct.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will proceed to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of the Interior appropriations bill. There will be no rollcall votes today. Senators should expect a vote or votes prior to the caucuses tomorrow.

At 3 o'clock, we will, as I have announced, return to the appropriations bill dealing with the interior. At that time, the two managers of the bill, Senator FEINSTEIN and Senator ALEXANDER, will be available to listen to Senators who want to speak on the bill or offer amendments. It is my understanding that Senator BINGAMAN has some amendments he wants to offer.

Senator FEINSTEIN was unable to be here on Friday because of the Jewish holiday. She will be here at 4 p.m. today. Between 3 and 4, whenever she gets here, Senator ALEXANDER, who is managing the bill with her, will be here to accept amendments. They have total trust of one another; that is, FEINSTEIN and ALEXANDER, and her not being here should not in any way alleviate the need for anyone to come and offer an amendment. We have all night tonight to offer amendments, and we have all day tomorrow.

We have to move past this bill, and we are going to do it fairly quickly because we have to move the Defense appropriations bill and other things before the end of the month. We would hope sometime this week the work on the Finance Committee health care bill will be far enough down the road they will report something out. I don't know if they will do it this week. It is anticipated it will be this week, but things always take longer than we expect. The main thing, though, is that in the next 24 hours people should be offering amendments on this Interior bill if they have any to offer.

Would the Chair be good enough to announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

INTERIOR APPROPRIATIONS

Mr. BINGAMAN. Mr. President, I realize we are not on the Interior appropriations bill at this point; we are in morning business, but I wanted to speak briefly about three amendments I plan to offer, when we do go on the Interior appropriations bill, and to alert colleagues about those amendments and, hopefully, persuade them that they are meritorious.

The first amendment incorporates the key provisions of the FLAME Act, which establishes a separate appropriations account to fund Federal emergency wildfire suppression costs in an effort to initiate a more sustainable effort for funding Federal firefighting activities.

We have seen a dramatic growth in the number, the size, and the severity of wildfires in recent years. The trend and the number of acres burned by wildfires each year has tripled over the last 25 years, exceeding 8 million acres in 4 of the last 5 years.

While the agencies consistently have put out about 98 percent of the fires quickly and inexpensively, we have seen many fires that have been so extreme it takes weeks and months of effort and many millions of dollars to get those fires under control. The recent Station fire in southern California is one example. It is now nearly 4 weeks since that fire started. It has burned more than 160,000 acres. It still is not 100 percent contained. At times, there have been over 5,000 personnel assigned to the fire. Fire crews have built more than 130 miles of fire line, with the support of more than two dozen helicopters and airplanes, hundreds of fire engines, and more than 65 bulldozers. The pricetag for these efforts is more than $85 million and still counting.

The Forest Service's costs for fighting wildfires have increased sevenfold over the last 20 years. Yet we still budget for wildfires the same way we did 20 years ago. We take the average of the previous 10 years of fire suppression costs out of the agencies' budgets, and we make that their standard appropriation for each year. Back then, wildfire management accounted for less than 20 percent of the Forest Service's budget. That was 20 years ago. Today, wildfire management accounts for 50 percent of the Forest Service's budget.

Not surprisingly, the Forest Service has exceeded that budget every year for more than a decade—as it is mathematically guaranteed to do with the wildfire trends we have seen. As a result, the agencies have had to borrow and to steal literally billions of dollars from other programs—such as recreation and grazing and wildlife and even fuels reduction—to pay for emergency wildfire suppression.

In sum, our wildfire budgeting practices are broken, and they are steadily breaking the Forest Service and the communities and businesses and natural resources that the Forest Service is committed to serving. These troubling trends are only expected to get worse as a result of continuing climate change and population growth in and around our national forests.

The amendment I plan to offer seeks to establish a new paradigm for funding Federal wildfire suppression activities. Under the amendment, the agencies would continue to rely on their regular appropriations accounts to fund their routine wildfire suppression costs; that is, the approximately 98 percent of fires they can either swiftly put out or can manage for a resource benefit. But when they end up battling a large and extreme wildfire—such as the fire in southern California—they could access a new emergency account to cover the exorbitant costs of fighting those kinds of fires.

If funded as intended, the new emergency account would ensure Congress would not have to raid the rest of the agencies' budgets to make appropriations for wildfire suppression. It also would ensure that the agencies would no longer have to steal funds from the other programs for which Congress has proposed funding in order to pay for unbudgeted costs of fighting the massive fires that require an emergency response.

Thanks to the leadership of the administration, Senator FEINSTEIN, and the Appropriations Committee, for the first time in many years, the underlying bill would provide an appropriate amount of money for wildfire suppression. As a result, the amendment I am offering merely shifts money into a new emergency account. It does not result in any increase in spending.

The amendment will be cosponsored by a number of other Members. I appreciate their support, as well as support of many dozens of interest groups. I would also like to mention that the FLAME Act passed the House of Representatives in March by a vote of 412 to 3. So I believe this is a proposal that has broad support on both sides of the aisle and on both sides of Capitol Hill.

The second amendment I plan to offer simply provides for the funds that are already allocated to the Forest Landscape Restoration Act to be deposited in the special fund that was established to carry out that act. This amendment also will be cosponsored by a number of other Members. I would like to extend my sincere thanks to Chairman FEINSTEIN, who coauthored the Forest Landscape Restoration Act with me, and Senator Domenici and Ranking Member ALEXANDER for including funding for this important program.

Finally, Senator MURKOWSKI and I plan to offer an amendment that would make two technical improvements to the National Forest Foundation Act. Again, I hope these amendments will be adopted. I appreciate the consideration of the two managers of the bill for these three amendments.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HEALTH CARE

Mr. KYL. Mr. President, during the last several months Congress has been engaged in a vigorous debate about how to achieve health care reform. Despite the President's repeated claims to the contrary, we all agree, Republicans and Democrats, that some reforms are necessary.

Costs are too high for families and businesses. Too many Americans lack access to affordable options. We need to make health insurance more affordable and more portable.

There are two basic approaches before Congress: reforms that impose much more government control over health care or reforms that provide consumers with more affordable options and keep control of health care decisions with families and doctors.

I happen to believe that the latter approach is better, that we must empower patients and doctors, not bureaucrats and politicians, to make health care decisions. I think it is clear that after the August recess, a majority of Americans rejected a Washington takeover of health care, along with the mountains of new taxes and debt and bureaucracy it would create.

While I appreciate the hard work of the Finance Committee chairman in trying to write a more acceptable bill, the end result is little better than the others, that is, the government's near total control over health insurance, and therefore the delivery of your health care.

Along the way, it would also spend nearly $1 trillion and cut Medicare benefits by nearly half a trillion. The Finance Committee chairman's bill is a tangled web of federally documented insurance regulations which would control every aspect of health insurance from covered benefits to permissible premiums.

The bill would centralize the power of medical decisions with politicians and bureaucrats, not patients and doctors. It would result in higher health insurance premiums, less consumer choice, and ultimately the rationing of health care.

How would the government take over health care under this bill? There are two key provisions that would result in government-run health care for practically all Americans, and empower bureaucrats at the expense of patients.

The first is a requirement that every American buy an insurance policy. The second is a regulatory entity called the insurance exchange. First, let's talk about this mandate for everyone to buy an insurance policy. The chairman's plan imposes this individual mandate for all individuals to purchase a government-approved policy. To repeat, not just any insurance, but government-approved and therefore government-defined insurance.

Those who do not comply face steep fees—or fines, I should say—ranging from a $750 to a $3,800 per-year fine. The mandate constitutes direct interference in health care with a host of new regulations that control the insurance plans that would become available to consumers.

Michael Cannon, a health policy expert at the Cato Institute, says that the individual mandate would be the ''most sweeping and dangerous measure in any of the bills before Congress.''

He goes on to say: ''Compulsory health insurance is nationalized health insurance, with all that implies for health costs and quality.''

The second control mechanism is an insurance exchange through which all small business and individual market policies must be sold, and eventually large plans would participate as well.

The exchange's core function is to impose a new set of Federal rules that literally control everything the companies can and must do. Here are some examples. All companies must offer two government-specified benefit options—they define it as a silver and gold plan—or else the insurer cannot offer any insurance at all. So they have to offer two specifically defined insurance plans. But they can't offer more than four specific types regardless of consumer needs or preferences. It is like telling the car companies they each have to make two kinds of cars and they can't make any more than four kinds of cars. That is exactly what we are talking about, the Federal Government telling the insurance companies: This is the way you have to offer it—you have to offer at least two and you can't offer any more than four.

All of the plans must comply with new Federal rating rules. That is how limits on premiums are established.

They have to issue coverage to everyone regardless of health status and not cap total coverage regardless of cost. They have to comply with mandatory limits on copays and deductibles. They have to cover a broad range of medical benefits in addition to State-mandated benefits regardless of whether consumers want them.

All of this is subject to change from Washington depending on what politicians or bureaucrats believe you need. Remember, it will be illegal for you not to buy this insurance. You will notice that all of these things are required, and it is Washington that is doing the requiring.

Under this plan, insurers would no longer retain the flexibility to design insurance products that would satisfy specific consumer preferences. The Federal Government would dictate that all policies must offer the same package of benefits, the same types of plans.

Rather than having the freedom to compete, insurers would in essence become prepaid health payment utilities since the Federal Government would, as the Wall Street Journal editorialized last Thursday, essentially be writing all insurance contracts. Since every aspect of insurance coverage would be controlled by Washington and everyone would have to buy the insurance, the government would control how your health care is paid for and therefore how it is delivered.

A final point about this insurance exchange. Since it will change the kind of insurance that can be sold, if you lose your current insurance, regardless of whether you bought the policy yourself or you got it through an employer, you will likely not be able to find that similar policy in the future. They will all be different. Insurers will have to comply with the new Federal rules, and that will change the coverage. This is one of the reasons the President was wrong when he repeatedly said: If you like your insurance, you get to keep it. That insurance simply is not going to be around anymore once the companies have to comply with the requirements of the exchange. There will be all new insurance policies written at that point.

The proponents of this radical change justify it on the assertion that it will bend the cost curve. In other words, it will reduce costs. But the problem is that massive new regulations will actually increase costs. The Council for Affordable Health Insurance found that mandating universal coverage and regulations in the bill, such as guaranteed issue and modified community rating, will increase the cost of health insurance between 75 and 95 percent.

In addition, note that the chairman's plan does not grandfather insurance plans currently offered by small businesses, so they would have to comply with these new Federal rating rules over a 5-year period, so that in short order premiums would rise for many small businesses and their employees as well. Of course, the newly established mandated benefits would also add to the increased cost.

Suppose, for example, a healthy individual or family prefers to have a less comprehensive package with a higher deductible. Say a young family of four with two children and two 35-year-old parents wants to buy a CIGNA PPO plan from the individual market with a $2,000 deductible. In my hometown of Phoenix, that plan currently costs $512 a month. If the reforms included in the chairman's plan were implemented, the price of that plan would nearly double to $998 per month.

The experts who said the cost of health insurance premiums would rise between 75 and 95 percent are right on the mark with regard to this real-life example I gave with a real-life insurance policy for a family of four in Phoenix. Instead of purchasing health care coverage that is personalized to their needs and budget, this family would be forced to purchase coverage they may not want for routine care that can be paid out of pocket or coverage for diseases and conditions that tend not to afflict their age group. Since insurers would not be allowed to charge according to risk, a low-risk family such as this one would have to pay more to make up for coverage needed by high-risk individuals.

Of course, I am not suggesting we turn a blind eye to the needs of Americans, for example, suffering from preexisting health conditions. They struggle to purchase affordable health insurance. We have to address that issue. But that does not require a total Washington takeover of all insurance policies, and it doesn't require raising insurance premiums for millions of other Americans and small businesses.

In my view, despite all of these other problems I have discussed, the most damaging impact of this takeover by the Federal Government is the inevitable rationing, the delay and denial of health care to American citizens. Since new Federal mandates and requirements would raise health care costs, politicians will have to search for ways to control spiraling premiums. When traditional cost-containment measures fail, such as reducing provider reimbursements or reducing how much doctors get paid, the government's only option is to control how much health care everyone receives. That means rationing.

For a preview of how this plan would lead to rationing, we need only look to the State of Massachusetts where a law was passed in 2006 requiring all residents to obtain health insurance. In fact, the State insurance market now looks like the market that would be created by the chairman's bill, with its guaranteed issue and modified community rating, State-approved plan types and benefit mandates.

Massachusetts health care spending is consuming an increasing share of the State's budget. The State passed a $1-per-pack increase in the State's cigarette tax, $89 million in fees and assessments on health care providers and insurers, and cost-sharing increases. It has even ordered insurers to cut provider reimbursements by 3 to 5 percent. But these measures still do not produce enough revenue to cover costs, leaving the State with few options. As a result, a special commission was created by the State legislature which developed a list of options to control costs, such as "exclud[ing] coverage of services of low priority/value" and "limit[ing] coverage to services that produce the highest value when considering both the clinical effectiveness and cost"—in other words, rationing. You ration health care when you say: We will figure in here how much it costs, how much we have available, and therefore how much we can afford to provide. People who have to have that care are therefore going to be the ones who suffer.

This is exactly what happens under the chairman's proposal as well. It would establish a panel of health care stakeholders to identify physician services that are overvalued in the Medicare physician fee schedule and create a Medicare commission that would propose automatic Medicare cuts, even if Congress fails to adopt them. Our constituents rely upon us to protect the benefits we have promised them, but what we are going to do in this legislation is establish a commission which would provide for automatic Medicare cuts. If Congress doesn't act affirmatively to somehow stop that from going into effect, it goes into effect. That is abdicating our responsibility to act as their representatives and, worse, putting somebody else in charge of deciding what is best for our Medicare constituents.

So when costs grow out of control, the government will adjust the volume of care provided based on how much it is willing to spend; that is to say, to ration your health care.

The fact that the Baucus bill does not include the so-called public option, the government-run insurance company, does not mean it does not otherwise totally regulate health care delivery. Together, an individual mandate to buy particular insurance and the regulatory insurance exchange, the two key provisions in the plan, facilitate the government's takeover of health care—some of it government run, all of it government controlled. No longer would families and doctors have the final say. It is almost unthinkable that this could happen in the United States.

Republicans have proposed ideas that would improve access and lower the cost of care, including real medical liability reform, allowing people to buy lower cost insurance across State lines, making the tax treatment of health care more fair for those who purchase insurance on their own, and removing barriers to health savings accounts.

These are better alternatives than the entire takeover of the system as proposed in the chairman's bill. We all favor health care reform. Republicans favor measures that lower costs and improve access and, importantly, empower patients, not government bureaucrats.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, we are back on the fiscal year 2010 Interior appropriations bill, which we started on Thursday of last week. Chairman FEINSTEIN will be joining us shortly, but she asked me to say there is no reason why Members cannot come to the floor now and offer their amendments for the purposes of debate.

We have a busy schedule ahead of us and want to try to complete action on this bill and the remaining appropriations bills for fiscal year 2010, so I ask my colleagues to please come and offer your amendments and work with our respective staffs so we can get as much done today as possible.

Mr. President, I see no other Senator on the floor, so I ask unanimous consent to speak as in morning business.

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

Mr. ALEXANDER. But what I plan to do is, if a Senator comes with an amendment for the appropriations bill, I will yield to that Senator, and then after that I will resume my remarks if I am not finished.

NUCLEAR POWER

Mr. President, if health care were not our first concern today, energy and climate change would be. It is lurking in the shadows, having had a lot of work done in the House, and it is about to come before the Senate. So as to the remarks I wish to make today, if I had to put a title on them, I would choose this: What the United States should really fear about nuclear power.

Communications experts say fear is the best way to get attention when you are trying to win an argument. Groups who oppose nuclear power have certainly mastered that technique by playing to economic, environmental, and safety fears.

So I wish to introduce a little element of fear into my argument here. I want to suggest what could happen if we do not adopt nuclear power as a more important part of our energy future, if Russia and China and India and a lot of other countries go with nuclear—as they are now—while we get left behind. Are we going to be able to compete with countries that have cheap, clean, reliable nuclear power while we are stuck with a bunch of windmills and solar farms, producing expensive, unreliable energy or, more likely, not much energy at all? The whole prospect of the United States ignoring this problem-solving technology that we invented is what I fear most about nuclear power.

Let me give you an idea of what I am talking about. A few years ago, in January 2006, the Chinese sent a delegation of nuclear scientists and administrators to the United States on a fact-finding mission. They toured the Idaho National Laboratory, the Argonne National Laboratory, and they visited GE and Westinghouse, trying to decide which technology to choose for their nuclear program.

Now you might wonder why anyone would be seeking our advice about nuclear power when we haven't issued a construction permit to build a new reactor in the past 30 years. But as Kathryn McCarthy, deputy director of the Idaho National Laboratory, said at the time:

The world still looks to us for leadership in this technology. They'd prefer to copy what we've already done. They don't like being on the cutting edge.

Well, that may have been true in 2006, but it's not anymore. The Chinese eventually chose Westinghouse technology for their first reactors. At the time, Westinghouse was an American company. In 2007, Toshiba bought Westinghouse, so now it is a Japanese-based company. Then when the Chinese got their Westinghouse reactor, they insisted on having all the specifications so they could see how it was put together. That is what we call ''reverse engineering.'' As you might guess, China's next wave of reactors is going to be built with Chinese technology.

By 2008, the Chinese had shovels in the ground. The first four Westinghouse reactors are scheduled for completion by 2011. They also bought a pair of Russian reactors, which should be finished around the same time. They started talking about building 60 reactors over the next 20 years and just recently raised it to 132. They're in the nuclear business.

What have we accomplished in the meantime? Well, people in the United States have been talking about a ''nuclear renaissance'' in this country since the turn of the century. In 2007, NRG, a New Jersey company, filed the first application to build a new reactor in 30 years. They're still at the beginning of what promises to be at least a 5-year licensing process before the Nuclear Regulatory Commission. No one really knows how long this will take, since as soon as the licenses are issued, opponents will file lawsuits and the whole thing will move to the courts. If they are lucky, they might have a reactor up and running by 2020. Other companies have followed suit, and there are now 34 proposals before the Nuclear Regulatory Commission, but nobody in the United States has yet broken ground. So it is not likely the Chinese will be coming to us any time soon for more tips on how to build reactors. In fact, we will probably be going to them.

That is one aspect of what is going on in the world today. Here is another. As countries began constructing new reactors, it quickly became clear that the bottleneck would be in forging the steel reactor vessels. These are the huge, three-story-high, forged steel units that hold the fuel assembly—the reactor core. That means forging steel parts that may weigh as much as 500 tons.

In 2007, the only place you could order a reactor vessel was at the Japan Steel Works, and they were backed up for 4 years. Everyone started saying: This is going to be what holds up the world's nuclear renaissance. They will never be able to produce enough of those pressure vessels.

So what happened? Well, first, Japan Steel Works invested $800 million to triple its capacity. They are going to be turning out 12 pressure vessels a year by 2012. Then the Chinese decided to build their own forge. In less than 2 years, they put up a furnace that can handle 320-ton parts. They turned out their first components in June. Now they are building two more forges. So, you see, the Chinese will not be standing in line in Japan any time soon. The Russians are doing the same thing. They are in the midst of a big revival, planning to double the production of electricity from nuclear power by 2020. They are also building a forge and just cast their first 600-ton ingot in June. France, Britain, South Korea, and India are all following suit. Very soon, every major nuclear country in the world is going to be able to forge its own reactor vessels, except one—and that is us, the United States.

No steel company in America is capable of forging ingots of more than 270 tons. We are still stuck in the 1960s. That means when it comes to building reactors, we will have to stand in line in Japan or somewhere else. In fact, just about everything in our first new reactors is going to be imported. The nuclear industry tells us that at least 70 percent of the materials and equipment that go into these first few reactors will come from abroad. That is because we have let our nuclear supply industry wither on the vine. In 1990, there were 150 domestic suppliers making parts for nuclear reactors. Today, there are only 40, and most of them do their business overseas. Of the 34 proposals before our Nuclear Regulatory Commission, 20 are designed by Westinghouse, now a Japanese company, and nine are from AREVA, the French giant. General Electric, the only American company left on the field, has partnered with Hitachi. They together sold five reactors to American utilities but fared poorly in the competition for Federal loan guarantees. Two utilities have now canceled those projects, and there are rumors that GE may quit the field entirely. They do not seem very enthusiastic anymore about nuclear anyway. Have you seen those GE ads for windmills? They are all over the place. Have you seen their ad for the smart grid, where a little girl says: ''The sun is still shining in Arizona''? That was pretty good too. Now have you seen any GE ads, in this day of concern about climate change, that say that 70 percent of our carbon-free electricity comes from nuclear power? I certainly haven't.

Babcock & Wilcox is the one American company that stirred some interest recently when it announced plans for a new ''mini reactor.'' This is a 125-megawatt unit that can be manufactured at the factory and shipped by rail to the site, where several units can be fit together like Lego blocks. This left the impression that America might be innovating again, forging back into the lead. But the complete prototype for the Babcock & Wilcox reactor is still 2 years away, and then it may take another 5 years to get the Nuclear Regulatory Commission's design approval. Meanwhile, the Russians are already building a mini reactor that will be floated into a Siberian village on a barge to produce power. The Russians have already got orders for mini reactors from 12 countries. So in spite of Babcock & Wilcox's fine effort—and I am certainly proud of them—the Russians are considerably ahead of us.

Let's take stock. There are 40 reactors now under construction in 11 countries around the word—not one of them in the United States of America. In fact, only two are in Western Europe: one in Finland and the other in France, both built by AREVA. All the rest are in Asia. Although we have not gotten used to it, Asia may soon be leading the world in nuclear technology.

Japan has 55 reactors and gets 35 percent of its electricity from nuclear energy, almost double the 19 percent we get here in the United States. The Japanese have two reactors under construction and plans for 10 more by 2018. The Japanese are finding they can build a reactor, start to finish, in less than 4 years. That is less time than it takes to get one American reactor through licensing at the Nuclear Regulatory Commission.

South Korea gets nearly 40 percent of its electricity from nuclear—that is twice as much as we do—and is planning another 8 reactors by 2015. So far, they have bought their reactors from the Japanese, but now they have their own Korean next-generation reactor—a 1,400-megawatt giant evolved from an American design. They plan to bring two of these on line by 2016. Taiwan also gets 18 percent of its electricity from nuclear and is building two new reactors.

In September, Bloomberg News reported that Japan Steel Works' stock had risen 8 percent on the Tokyo Stock Exchange because of China's decision to double future construction from 60 to 132 new reactors. They figure they will get some of the action at Japan Steel Works. Much of China's $586 billion stimulus package is going toward developing nuclear power. ''While China had been focusing on building new coal plants,'' said Bloomberg, ''it has now shifted its focus to nuclear because of the environmental issue,'' said Ikuo Sato, president of Japan Steel Works, in Bloomberg.

Meanwhile, India is embracing thorium, a technology a lot of people think may eventually replace uranium as nuclear fuel. Thorium is twice as abundant as uranium and doesn't produce the plutonium everybody worries will be used to make a bomb. There is a lot of enthusiasm for thorium among scientists in our country. But it is India that is going ahead, with 6 reactors under construction and 10 more planned. They began with a Russian design, but they are also trying some American technology they acquired in signing their 2005 agreement with the Bush administration.

What about Chernobyl. Well, just like everybody else, Russia stopped all construction on new nuclear reactors after that horrible accident. But they learned their lesson and started constructing much safer reactors in the 1990s, completing the first in 2001. Now they have plans to expand along the lines of France, building two reactors every year from now through 2030. They have a very good reason. Russia has huge natural gas supplies, but it is wasting them by using one-third of it to produce electricity. They could get six times the price by selling natural gas to Western Europe. So they are replacing gas generation with nuclear—which is exactly the opposite of what we are doing here. Since 1990, every major power plant built in this country burns natural gas. We now get 20 percent of our electricity from natural gas—more than nuclear's 19 percent, and the natural gas percent is still going up.

And be aware, all these countries that are developing nuclear just aren't building them for themselves. They are selling to the rest of the world as well. AREVA is building reactors in Finland, China, Italy, Brazil, and Abu Dhabi. The Russians have signed deals with China, Iran, India, Nigeria, and Venezuela. They are even selling to us. In July, Tenex, Russia's uranium corporation, signed a long-term contract to supply fuel to Constellation Energy, which has reactors in Maryland and upstate New York. It was the sixth contract Tenex signed with an American utility in the past 2 months.

How did the Russians end up supplying us with uranium? It is a long, interesting story and the most important players stood and worked on this Senate floor. In 1996, Senator Sam Nunn, Senator Pete Domenici, and Senator RICHARD LUGAR pioneered a remarkable deal with the post-Soviet Government, in which we would buy highly enriched uranium from old Soviet bomb stocks. The uranium would be sent to France, where it would be ''blended down'' from 90 percent fissionable material to 3 percent to be used in American reactors. For the last two decades, old Soviet stockpiles have supplied half our nuclear fuel. One out of every ten light bulbs in America is now powered by a former Soviet weapon—one of the greatest swords-into-plowshares efforts in history, although few people seem to know about it. Now the Russians have learned to do de-enrichment themselves. They have decided they don't need France. They say: Hey, we don't have to import this stuff anymore; we will produce it here. Of course, producing things is one way countries get rich and its citizens improve their standard of living.

Once upon a time we were pioneers in nuclear technology. Forty years ago, we were the only people in the world who knew how to deal with the atom. That is not true anymore. We have shied away from the technology while everyone else has forged ahead. Even Europe is coming back. The British have announced they are going nuclear. They have hired the French national electric company to help. Italy closed all its nuclear reactors right after Chernobyl but ended up importing 80 percent of their electricity at a huge cost. Now they have announced they are going back to nuclear as well. France already gets 80 percent of its power from nuclear and has the cheapest electricity in Europe, not to mention the second lowest carbon emissions, behind Sweden, which is half nuclear. France also sells $80 billion worth of electricity to the rest of Europe each year. Notice how well France did in the last turndown—it barely went into recession at all. That is not because the French spend less on government or work harder than us or take fewer vacations. It is because nuclear power is helping to keep their whole economy afloat.

So does that mean we have fallen completely behind? Not at all. In fact, there is a great irony to all this. We still know how to run reactors better than anyone else in the world. Our fleet of 104 plants is up and running 90 percent of the time. No one else even comes close. France, for all its experience, is still at 80 percent. Other countries are even lower. We still understand the technology better than anyone else in the world. But because we have placed so many obstacles in our path, we aren't allowed to build reactors anymore. And that is what scares me. We are gradually losing our economic place in the world.

Now a lot of people say: Well, what is the difference? So what if we fall behind on nuclear technology. We will forge ahead with something else. Well, there are several reasons to be concerned:

First, there is energy security. America already spends $300 billion a year importing two-thirds of our oil from other countries. If we remain on the current path of no new nuclear power or start depending on other countries to build our reactors and supply us with fuel, we are going to be even more vulnerable than we are today. The best way to reduce imported oil, aside from ramping up domestic production, will be to use electricity to power cars and trucks. At first, we can plug our electric vehicles in at night when there is much unused electricity. After that, we should be using nuclear. We can't have Americans going to bed every night hoping the wind will blow so they can start their cars in the morning.

Second, there is the matter of technological leadership. Americans produce, year in and year out, 25 percent of all the wealth in the world. Most of that wealth has been driven by new technologies. We were the birthplace of the telephone, the electric light, the automobile, the assembly line, radio, television, and the computer. But nuclear energy—perhaps the greatest scientific advance of the 20th century—is passing us by. The 21st century is going to run on clean, cheap, greenhouse-gas-free nuclear power. And, how can we criticize India and China for not reducing their carbon emissions when we refuse to adopt the best technology ourselves?

Then there is weapons proliferation. In the 1970s, we gave up on nuclear reprocessing in the hope that by not dealing with plutonium, we would prevent nuclear weapons from spreading around the world. That has turned out to be an unwise decision. France, Britain, Russia, Canada, and Japan went right on reprocessing and no one has stolen plutonium from them. Instead, rogue countries, such as North Korea and Pakistan, have found their own ways to develop nuclear weapons. The technology of bomb making is no big secret anymore. The real problem is that by reneging on world leadership, we have left the field to others. For instance, right now the Russians are building a commercial reactor for Hugo Chavez in Venezuela. He is not exactly friendly toward the United States. To make things more interesting, Manhattan District Attorney Morganthau recently wrote in the Wall Street Journal that his office has recently uncovered evidence that Iran may be providing Venezuela with missile technology.

But what worries me are these two issues: First, if we do decide to move toward a nuclear-based economy and we have to import 70 percent of the technology and equipment, how are we any better off than when we were importing two-thirds of our oil? We will just be creating jobs for steelworkers in Japan and China instead of the United States. Second, if we don't move toward a nuclear-powered economy but try to do everything with conservation and wind and solar, we are going to be sending American jobs overseas looking for cheap energy.

So to ensure we have enough cheap, clean, reliable, no-carbon electricity in this country to create good, high-quality, high-tech jobs, here is what I believe we have to do. The United States should double its production of nuclear power by building 100 nuclear reactors in 20 years. Nuclear today provides 70 percent of our carbon-free electricity. Wind and solar provide 4 percent. Nuclear plants operate 90 percent of the time. Wind and solar operate about one-third of the time.

The Obama administration's Nobel Prize-winning Energy Secretary, Steven Chu, says nuclear plants are safe and that used nuclear fuel can be safely stored onsite for 40 to 60 years while we figure out the best way to recycle it. Producing 20 percent of electricity from wind, as the Obama administration proposes, will require building 186,000, 50-story turbines—enough to cover an area the size of West Virginia—plus 19,000 miles of new transmission lines to carry electricity from remote to populated areas. One hundred new nuclear plants could be built mostly on existing sites.

To produce 3 percent to 6 percent of our electricity, the taxpayers will be subsidizing wind to the tune of $29 billion over the next 10 years. The 104 nuclear reactors we have today were built basically without taxpayer subsidies. It will cost roughly the same to build 100 new nuclear plants, which will last 60 to 80 years, as it would to build 186,000 wind turbines, lasting 20 to 25 years. And this doesn't count the cost of transmission lines for wind. Finally, there will be twice as many green jobs created building 100 nuclear reactors as there would be created building 186,000 wind turbines.

An America stumbling along on expensive, unreliable renewable energy, trying to import most of our energy from overseas, is going to be an America with fewer jobs and a lower standard of living.

Nuclear opponents continue to prey on fear of nuclear power. The truth is, if we want safe, cost-effective, reliable, no-carbon electricity, we can no longer ignore the wisdom of the rest of the world. The real fear is that we Americans are going to wake up on one cloudy, windless day, when the light switch doesn't work, and discover we have forfeited our capacity to lead the world in creating jobs because we ignored nuclear power, a problem-solving technology we ourselves invented.

Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALEXANDER. Mr. President, I want to repeat for our colleagues and their staffs that the Interior appropriations bill, one of the most interesting pieces of legislation before the Congress, is before the Senate right now. We know some of our colleagues have amendments to offer. We have already received some of them.

If any Senator would like to come to the floor to speak on those amendments this afternoon, there is time for him or her to do that. If they have not offered their amendments, I encourage them to do that because we would like to move the bill along.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. LANDRIEU.) Without objection, it is so ordered.

AMENDMENT NO. 2460

Mrs. FEINSTEIN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. LEVIN, Mr. SCHUMER, Mr. ALEXANDER, Mr. COCHRAN, and Mr. BENNETT, proposes an amendment numbered 2460:

The amendment is as follows:

AMENDMENT NO. 2460

On page 219, line 5, before ''and including'' insert the following: ''of which $250,000 shall be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended;''.

Mrs. FEINSTEIN. Madam President, this amendment is cosponsored by the ranking member of this committee, Senator ALEXANDER, Senators BENNETT, COCHRAN, LEVIN, and SCHUMER. Representative CAROLYN MCCARTHY has been the leader in the House. I thank her for her leadership in enacting the Civil Rights History Project Act into law.

This is an amendment that would direct $250,000 in salaries and expenses at the Smithsonian Institution to be used for the Civil Rights History Project. This is a project that was authorized by law in May of this year. It will give us a permanent historical record of the firsthand stories of the individuals who risked and sacrificed in the civil rights movement. The project is modeled after the Veterans History Project and will be housed in the Smithsonian's National Museum of African American History and the Library of Congress. So for generations to come, historians, students, and the public will be able to listen to civil rights pioneers tell their stories and describe a time that is quickly receding into history. If you think about it, this could be a very exciting teaching tool for future generations.

I am very pleased to support this amendment, along with the ranking member of this committee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from California for thinking of this. The late Alex Haley, the author of ''Roots,'' used to say: When an older person dies, it is like a library burning down. And many who participated in it or many who even saw the major events of the civil rights movement are growing older and their stories need to be told. So this is an important amendment with bipartisan support. I am glad the Senator from California so thoughtfully offered it.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. I thank the ranking member. I agree with him strongly. I believe it is important to hear the voices of the actual people so the students 20, 50, 75 years from now can really listen to what happened from the mouths of the people who were actually there and participated.

You should, once again, know this has been authorized, and it is simply coming right out of salaries and expenses of the Smithsonian.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, are we in a quorum call?

The ACTING PRESIDENT pro tempore. We are not.

MCCHRYSTAL COUNTERINSURGENCY PLAN

Mr. MCCONNELL. Mr. President, eight years ago America was attacked at home by an enemy that we had underestimated for too long. As a result of this single planned attack, thousands of innocent people were killed, the Twin Towers were left in ruins, and our long-held confidence as a Nation in the security of our homeland was seriously shaken.

The horror of that day brought our country together, including lawmakers of every ideological stripe. And it was in this context of unity that we resolved to do everything in our power to ensure that America never experienced a day like September 11 again.

At the heart of that resolve was a recognition that al-Qaida and affiliated terrorist groups had been at war with the United States long before September 11, 2001. September 11 may have been the day that we saw the terrible consequences of inaction, but the pattern of smaller-scale attacks leading up to that day was also suddenly, undeniably clear. On 9/11, we saw that this was a war not of choice but a war of necessity that would take time and require great sacrifice, and that war continues.

From the very start, the centerpiece of our strategy has been the same: to deny al-Qaida and its affiliates sanctuary, and, crucially, to deny them a staging ground from which they can plan, prepare, or launch another attack on U.S. soil. We have carried out this strategy using the vast tools of intelligence, diplomacy, and force at our disposal, and our future success depends on our continued use of all these tools.

We have also recognized from the first moments of this fight that we can't succeed alone. America is not al-Qaida's only target, and we are not capable of defeating al-Qaida without the cooperation of many allies and friends, many of whom have experienced terrorism firsthand. The fight against al-Qaida is a global fight, and its success will continue to depend on a division of labor among many nations.

Nowhere is our reliance on partners and allies more apparent at the moment than in Afghanistan and Pakistan. Just as progress in Iraq depended on the training of an indigenous security force, so too does our progress in Afghanistan depend on the training of security forces there; and so too does our success in Pakistan depend upon the ability of the Pakistani Army to fight terrorists in the tribal areas.

Still, while Afghanistan and Pakistan may now be at the center of the fight, it's important to realize that our success will mean continued reliance on the cooperation of other friends and allies across the globe, from our own borders to other distant places where our forces can not go or where our presence is of limited use.

This is why I and others have pointed out that our success in preventing inmates from Guantanamo from returning to the fight depends on cooperation from political leaders in places like Yemen and Saudi Arabia. And this is why many of us have pointed out that al-Qaida's presence is growing in Yemen and threatens Saudi Arabia, where al-Qaida claimed credit just last month for the first terrorist attack on a member of the Saudi royal family in recent memory.

Many countries are engaged in the same fight that we are. As the war on terror continues, these countries need to be assured of our cooperation just as much as we need to be assured of theirs.

So far on Afghanistan, the President has shown admirable consistency. He has not lost sight of the need to pressure al-Qaida's senior leadership; he has stated, rightly, in my view, that the core goal of the war there is the disruption, dismantling, and defeat of al-Qaida and the prevention of safe havens for terrorists. And he was wise earlier this year to appoint General Stanley McChrystal to command our forces in Afghanistan in pursuit of these goals.

By now, General McChrystal has had time to develop an initial assessment of the situation. That assessment, elements of which are now public, calls for a genuine counterinsurgency. Soon, he will make a formal request for the resources he needs to carry this strategy out. We don't know all the details yet, but we do know that much more hard work lies ahead. And we also know that, according to General McChrystal, ''failure to provide adequate resources . . . risks a longer conflict, greater casualties, higher overall costs, and ultimately, a critical loss of political support . . . [and that] any of these risks, in turn, are likely to result in mission failure.''

Looking back, we can see that the work of fighting terrorism at home and abroad has been difficult, it has been long, and it has tested our resolve. But here is the good news: It has been a success. By searching out terrorists where they are, keeping up the pressure, and remaining flexible, our Armed Forces, intelligence professionals, and the help of our allies and friends has achieved something few people thought possible on September

11, 2001. America has not been attacked at home since.

But this much is also clear: al-Qaida remains intent on attacking the United States. Its terror network is lethal, resilient, determined, and mobile, and the day we lose sight of this is the day that our good fortune in preventing another attack may run out.

The President, to his credit, has not lost sight of this sobering reality. But any failure to act decisively in response to General McChrystal's request could serve to undermine the other good decisions the President has made.

General McChrystal has made clear that more forces are necessary. But even that won't be enough. Even with the best strategy and the finest implementation, our efforts in Afghanistan will not succeed without the support of the American people. This is why, in my view, the President must soon explain to the American people his reasons either for accepting the McChrystal Plan or, if he chooses an alternative, explain why he believes the alternative is better.

As the President has noted, any commitment of additional forces is a decision of the gravest importance. No President takes a decision like this lightly. And this is why General McChrystal and General Petraeus should also come to Washington to explain to Congress and to the American people how their strategy will work.

Despite our best efforts to defeat al-Qaida and deny them sanctuary in Afghanistan and Pakistan, they remain a serious threat. The Taliban is gaining ground. But if our recent experience with Iraq shows us anything, it is that our commanders in the field are in the best position to tell us what will work. General McCyrstal says that without adequate resources, we will fail. In my view, we should listen to that advice.

Leading up to and during the surge in Iraq, many voices in Washington had given up hope of success. One prominent Senator said that a surge of American forces would do nothing. One of the Nation's top newspapers said that staying the course in Iraq would only make the situation more bloody and frightening, and that there was nothing ahead for Iraq but even greater disaster.

But we know what happened. By listening to our commanders in the field, the tide in Iraq began to turn. We salvaged our chances. And nearly 3 years later, a country and a war that many had given up for lost is showing strong signs of stability.

At the time, America was fortunate that in its moment of need, GEN David Petraeus came forward with a plan to secure Iraq and implemented it with the help of brave soldiers and marines in Baghdad and Anbar Province. General McChrystal has now sent his recommendation for a counterinsurgency strategy to protect the population and defeat the Taliban in Afghanistan. Congress should support it.

The war ahead in Afghanistan would not be easy. Counterinsurgency is very demanding in terms of people, resources and vigilance. But the consequences of withdrawal, or even of a plan that is more narrowly focused on developing Afghan security forces, would likely be worse, since neither plan will lead to the defeat of al-Qaida or reverse the gains that the Taliban has made in Afghanistan and Pakistan.

By ceding Afghanistan to the Taliban and al-Qaida, we would all but ensure that the terrorists have the ability to plan and carry out another attack from the very same place that they plotted and carried out the attacks of 9/11; al-Qaida in Pakistan would serve as a magnet to every young man wishing to enter the jihad; and our ability to stop either of these frightening developments would be severely diminished.

The President has said he will not allow these things to happen: For the sake of our long-term security, we should support the McChrystal Plan. Anything less would confirm al-Qaida's view that America lacks the strength and the resolve to endure a long war. We have proved them wrong before. Let's prove them wrong again.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Delaware.

AMENDMENT NO. 2456

Mr. CARPER. I ask unanimous consent that the pending amendment be set aside in order to call up amendment No. 2456.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. CARPER], for himself, Mr. MERKLEY, and Ms. KLOBUCHAR, proposes an amendment numbered 2456.

The amendment is as follows:

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions)

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, shall carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading "ENVIRONMENTAL PROGRAMS AND MANAGEMENT" for operations and administration, the Administrator shall use up to $2,000,000 to carry out this section.

Mr. CARPER. Mr. President, I would like to take the next several minutes to speak about an amendment that Senators MERKLEY and KLOBUCHAR and I have to the Interior and Environment appropriations bill. With this amendment, we are asking the Environmental Protection Agency to conduct a comprehensive study on something called black carbon emissions. This is very similar to a bipartisan bill I worked on with Senators INHOFE, BOXER, and KERRY that actually passed the Senate EPW Committee. Taking steps to reduce black carbon emissions is a win/win situation. We can lessen the threat of global warming, and at the same time we can improve global public health.

Black carbon emissions, sometimes called soot, are the dark particles emitted when fossil fuels, biomass, and biofuels are burned. In the United States we see mainly black carbon from old, dirty diesel engines. Internationally, black carbon comes from old cook stoves, inefficient industrial processes, and also dirty diesel engines. Black carbon contributes to serious global respiratory and cardiovascular health problems and even to death. Scientists also believe black carbon emissions contribute to global warming. In fact, it is estimated to be the second largest contributor to global warming after carbon dioxide. However, there is still a lot we don't know about black carbon.

Our amendment asks EPA to do several things: One, to identify global black carbon sources and cost-effective reduction technologies; two, to identify the public health, economic, and climate impacts of black carbon; three, to identify opportunities for current and possible international funding for mitigation; and four, to identify opportunities for future research and development.

We ask the EPA to use funds already allocated to them from their operations budget to fund this study.

Here in the United States we have made great progress in reducing black carbon by regulating the new diesel engines and through a voluntary national diesel retrofit program. We still have over 11 million old diesel engines without proper emission control technology. There is good news and bad news about diesel engines. One is they last a long time. That is the good news. The bad news is they last a long time.

Black carbon remains a problem worldwide. This amendment will enable us to build on the progress we have already made and to use our resources wisely to reduce black carbon emissions at home and abroad.

I thank the managers of the bill for their interest in working with us on this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Senator WARNER of Virginia be added as a cosponsor on the civil rights oral history project amendment, amendment No. 2460, which is before this body.

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

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Mr. President, I believe the ranking member will concur with this. I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 2460, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I send to the desk a modification of the amendment on the Smithsonian Civil Rights History Project, amendment No. 2460. What this amendment does is simply on line 2 change the word ''shall'' to ''may.''

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To support the participation of the Smithsonian Institution in activities under the Civil Rights History Project Act of 2009)

On page 219, line 5, before ''and including'' insert the following: ''of which $250,000 may be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended;''.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that at 12 noon Tuesday, September 22, the Senate proceed to vote in relation to amendment No. 2460, as modified, with no amendment in order to the amendment prior to the vote, with the time until 12 noon equally divided and controlled between Senators FEINSTEIN and ALEXANDER or their designees.

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

Mr. INHOFE. Mr. President, Jones Academy was founded over 100 years ago, in 1891, on the site of an earlier school operated by the Choctaw Nation. Its sister institution was the Wheelock Academy for Girls, founded earlier than Jones and providing an academic curriculum for girls. Both programs were federally funded through the Office of Indian Affairs—later renamed the Bureau of Indian Affairs—with many private and tribal donations.

Until 1950, the situation worked. While the Bureau of Indian Affairs technically ran the school, the relative isolation of the school and the constant presence of a large Indian Tribe meant that the children at Jones Academy received an education adequate for their academic and personal needs. In 1952, the Federal Government instituted the termination policy. In 1953, the BIA approached the Public School District of Hartshorne, OK. They offered to close the academic programs for Jones Academy and totally close Wheelock Academy. The children were to be bused to Hartshorne School District, in exchange for local public education of these children. The school district agreed, provided they continued to receive Johnson-O'Malley payments as well as impact aid payments for Indian students. Over tribal objections, this arrangement was instituted and Jones Academy became a dormitory-only program. It has remained such for 45 years.

An agreement between the Choctaw Nation and the Hartshorne School District was reached in 2003 to allow children in the lowest grades, 1–6, to attend classes on campus, at Jones Academy, thus receiving better support and avoiding lengthy busing. As part of this agreement, and to assist the children through better programs, the Choctaw Nation has constructed and equipped state-of-the-art facilities, and it did so without any Federal assistance. In recent years, the programs at Jones Academy School site have won numerous awards for being one of Oklahoma's highest achieving schools.

However, the Choctaw Nation is not able to implement control over the Jones Academy program or exercise self determination as other tribes do. They wish to do so, as a normal extension of Jones' recent success and the Choctaw Nation's desire to improve continuously. This can only be done if the tribe is allowed to actually operate Jones Academy academic program under its own policies and programs, reflecting its push for excellence.

Because of a moratorium enacted in 1995, which prevents any tribal school from receiving Federal academic program support for any program not operated at that school, the Jones Academy is prevented from reestablishing their programs and entering the Federal grant schools system. This moratorium was originally enacted as a ''temporary'' halt to changes to allow the BIA time to develop and institute a new construction and facilities system. However, the moratorium has been continued as a provision of the law.

My Oklahoma colleague in the House, Mr. BOREN, has been working on this issue, and the House committee report accompanying the proposed fiscal year 2010 Interior appropriations bill contains language to address the issue in the form of a BIA study. I support the inclusion of this language and support the prompt completion of the study. I support the Choctaw Nation of Oklahoma and Chief Pyle on this issue.

MORNING BUSINESS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RECOGNIZING NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today in recognition of the 16th annual National Public Lands Day, which will be celebrated on Saturday, September 26. I am pleased to acknowledge the efforts of volunteers across our Nation who will come together to improve and restore one of America's most valuable assets, our public lands.

National Public Lands Day started in 1994 with 700 volunteers working in just a few locations. This year, over 130,000 volunteers will come together to work at more than 2,000 locations across all 50 States. These people come from all walks of life, holding a shared interest in protecting our public lands for the enjoyment of future generations.

Our Nation has a grand tradition of conservation. When Yellowstone National Park was established in 1872, it was the world's first national park. The idea of a national park was an American invention of historic proportions that led the way for global conservation efforts. President Teddy Roosevelt, one of our earliest and most energetic conservationists, dedicated 194 million acres of national parks and national preserves over the course of his Presidency. America has continued to build on this tradition with endeavors such as the operation of the Civilian Conservation Corps in the 1930s and 1940s, passage of the Wilderness Act in 1964, establishment of Earth Day in 1970, enactment of the National Wildlife Refuge Improvement Act in 1997, and the signing into law of this year's Omnibus Public Land Management Act, to name just a few examples. National Public Lands Day provides an annual opportunity for the American public to devote a day to conservation and to give back to the public lands that give so much to us.

Public lands make up over one-third of our country and are places of continuous discovery, where we go to find ourselves, to uncover our history, and to explore for new resources. Our public lands provide wide open spaces, deep forests, dramatic vistas, and opportunities for solitude that not only fulfill us individually but form a fundamental part of the American character. Our public lands are part of who we are and the diversity of their uses, like the diversity of their landscapes, reflects our identity. In many areas, they provide timber, ore, and forage that are the economic bedrock of rural America. In other areas, Congress has designated them as wilderness, places ''untrammeled by man, where man is a visitor who does not remain.''

I recognize and thank the thousands of Federal employees who manage these lands year-round. The Bureau of Land Management, Forest Service, Fish and Wildlife Service, National Park Service, and other Federal land management agencies ensure that public lands in Nevada and across the Nation meet the changing needs of our communities. They provide a vital, though rarely reported, service to our nation.

I would also like to acknowledge and thank the many Nevadans who will spend September 26 improving our public lands. Volunteers across northern Nevada will be working to improve our public lands in places like the Carson and Truckee Rivers, Cain Spring, the East Fork of the Walker River, Eight Mile Creek, Dry Mountain, and Sacramento Pass. At the same time, southern Nevada volunteers will work in sites like Ash Springs, Gold Butte, Lake Mead, Pittman Wash, Red Rock Canyon, and the Great Unconformity.

The focus of National Public Lands Day this year is water on the public lands. Clean water is essential to the health of our environment and the health of our citizens. Many parts of our Nation have faced severe droughts in recent years, and caring for our water resources is as important as it has ever been. In Nevada, as the driest State in our Nation, we are particularly aware that water is a precious resource.

The preservation of our public lands is a priority for me. Mr. President, our public lands are part of what makes the United States a great nation. I voice my gratitude to all who will participate in National Public Lands Day this year.

WORLD ALZHEIMER'S DAY

Mrs. BOXER. Mr. President, today is World Alzheimer's Day, a day to raise awareness about this neurodegenerative disease that afflicts over 5 million Americans, including about 600,000 people in my home State of California.

It has been 100 years since Alzheimer's was first identified, yet there is still no cure and no proven way to prevent the disease. In fact, every 70 seconds another American develops Alzheimer's, this is alarming.

People who suffer from Alzheimer's disease experience symptoms that take an extreme toll on both those afflicted with this disease, and their loved ones.

Certainly the most well-known symptom of Alzheimer's is amnesia, or loss of memory, but Alzheimer's can also disrupt a person's ability to communicate or accomplish daily tasks. These debilitating symptoms create large challenges for Alzheimer's sufferers, their caretakers, and their loved ones.

Unfortunately these symptoms tell only half the story. Those afflicted may also suffer from psychiatric symptoms like personality changes, depression, hallucinations, and delusions. These terrible symptoms may cause people with Alzheimer's not to recognize familiar faces, including their own children and grandchildren. They may also become fearful, paranoid, irritable or withdrawn.

The number of people living with Alzheimer's disease is expected to triple by 2050. If nothing is done, Alzheimer's will cost Medicare and Medicaid $19.89 trillion between 2010 and 2050. Already, Alzheimer's disease costs the nation $175 billion annually, and caregivers spend 10 percent of their household income caring for a loved one who is suffering from this horrible disease.

That is why I have joined 29 of my colleagues in cosponsoring the Alzheimer's Breakthrough Act of 2009, which responds to this crisis by helping us learn more about Alzheimer's disease, develop better treatments, and prevent this disease. This legislation will help advance the study and treatment of Alzheimer's to make a difference in the lives of millions of Americans by equipping caregivers with the resources and support services they need to care for their loved ones.

This bill would double funding for Alzheimer's research at the National Institutes of Health, create the National Summit on Alzheimer's, support public education campaigns, and expand the Alzheimer's 24/7 call center, which provides assistance to caregivers.

I am also pleased to be joined by Senator COLLINS in sponsoring the Caring for an Aging America Act. This legislation would make critical investments in the workforce specially trained to care for older Americans, many of whom suffer from this disease. By working to train more of these essential health professionals, I am hopeful that we can not only improve the quality of care for Alzheimer's patients, but also provide their caregivers and family with better resources to meet the needs of their loved ones.

On this World Alzheimer's Day I am happy to join the millions of people coming together across the globe to raise awareness about this devastating disease, and to support these two bipartisan bills, which are critical in the fight of our Nation, our Nation's citizens, and our families against this terrible affliction.

Mr. WHITEHOUSE. Mr. President, on World Alzheimer's Day, it is important that we pause to consider the devastating impact of this debilitating disease and the importance of scientific research into its causes, effects, and treatment.

More than 5 million Americans are affected by Alzheimer's, and it is estimated that this number will increase to between 11.3 and 16 million by the year 2050. One in 10 individuals has a family member with the disease.

I am a proud cosponsor of S. 1492, which would increase National Institutes of Health funding for Alzheimer's research to $2 billion for fiscal year 2010 and provide grants for research designed specifically to help caregivers. This bill would establish a National Summit on Alzheimer's to examine promising research programs and raise awareness.

We must find ways to prevent this disease before it starts. The vital investments made by this bill will put us ahead of the curve, both in terms of research and increasing public understanding of the disease. On this day, when we remember those suffering from Alzheimer's disease and those who have succumbed to it, let us recommit ourselves to meet the challenge posed by this disease and do everything we can to alleviate the suffering it causes.

Mr. BOND. Mr. President, I rise today to increase awareness of a debilitating and ultimately fatal disease that right now, more than 5 million Americans and 35 million people worldwide live with—Alzheimer's.

Today is World Alzheimer's Day, a day when the individuals and families affected by this devastating disease around the globe unite to increase understanding about the disease and its impact. Unfortunately, as this disease continues to steal an ever growing number of memories and ultimately lives, this global recognition continues to grow in importance.

According to new data released in the 2009 World Alzheimer Report, the 35 million people worldwide suffering from Alzheimer's and dementia is a startling 10 percent increase over the 2005 number. This devastating number is only expected to grow. In fact, according to the newly released report, the number of people with Alzheimer's is expected to nearly double every 20 years, to 65.7 million in 2030 and 115.4 million in 2050.

For too many years the millions of Americans living with this disease and their families suffered silently in a nation that misunderstood the tragedy of Alzheimer's and dementia. In 1994, the courage of one family changed the public face of Alzheimer's when in a letter to the American people Ronald Reagan announced he was one of the millions of Americans living with the disease. With this selfless act, the former President and his wife Nancy increased the public awareness of Alzheimer's and increased the awareness of the need for research into its causes and prevention.

Public awareness is a key part of the fight against this disease, which is why I thank actor David Hyde Pierce for being a vocal champion in the fight against Alzheimer's and Lisa Genova who wrote the moving book, ''Still Alice,'' about a brilliant woman blindsided by the disease.

In 2004 Senator MIKULSKI and I first introduced legislation in honor of Ronald Reagan, who took public awareness of Alzheimer's to the national stage. This legislation—a living tribute to the courage of our 40th President— made a Federal commitment to increase research for Alzheimer's and increase assistance to Alzheimer patients and their families.

Today, Senator MIKULSKI and I are still leading the fight in the Senate to pass this critical legislation. This year we reintroduced the Alzheimer's Breakthrough Act. This bipartisan legislation strengthens our nation's commitment to Alzheimer's research and to finding cures and treatments for this devastating disease.

This legislation doubles funding for Alzheimer's research at the National Institutes of Health, NIH, to $2 billion and makes Alzheimer's research a priority at NIH. The bill also provides support for families by providing caregivers with the vital resources and tools to assist them.

We can't afford to wait another 5 years to pass this bill. After all, in this country, someone develops Alzheimer's every 70 seconds. Experts estimate Alzheimer's could affect as many as 10 million baby boomers as they age. And in my State of Missouri, there will be as many as 110,000 people age 65 and older who will have Alzheimer's disease by 2010.

I urge my colleagues in the Senate to join me and Senator MIKULSKI in our fight against this terrible disease and cosponsor the Alzheimer's Breakthrough Act. I also ask that today you keep all those who have lost loved ones to Alzheimer's, all those living with Alzheimer's and all those carrying on the fight against Alzheimer's in your thoughts.

HONORING OUR ARMED FORCES

SERGEANT YOUVERT LONEY

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of Army Sergeant Youvert Loney. Sergeant Loney, a member of the 2nd Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on September 5, 2009. Sergeant Loney was serving in support of Operation Enduring Freedom in Abad, Afghanistan, and sustained injuries when insurgents attacked his vehicle using small arms and rifles. He was 28 years old.

A native of Pohnpei, Federated States of Micronesia, Sergeant Loney moved to Fort Carson in 2006 when he was assigned to the 4th Infantry Division. Sergeant Loney joined the Army in October 2005. He served in Operation Iraqi Freedom from October 2006 until December 2007, contributing to renewed efforts to successfully secure Baghdad. He had served in Operation Enduring Freedom in Afghanistan with Fort Carson's Fourth Brigade Combat Team since June. Last month, his battalion worked to ensure security for Afghanistan's recent presidential elections.

During his nearly 4 years of service, Sergeant Loney distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Sergeant Loney more than 12 awards and medals, including two Purple Heart Medals, the Bronze Star, the Army Commendation Medal, the Army Good Conduct Medal, and the National Defense Service Medal.

Sergeant Loney is remembered by those who knew him as a consummate professional and friend who they could turn to in times of need. Most of all, they remember his devotion to his wife, his children, and his country.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Sergeant Loney's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived without fear.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Loney will forever be remembered as one of our country's bravest.

To Sergeant Loney's father Loakim, his wife Flora, his children, and all his friends and family—I cannot imagine the sorrow you must be feeling. I hope that in time the pain of your loss will be eased by your pride in Youvert's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

COMMENDING SENATOR MEL MARTINEZ

Mr. CONRAD. Mr. President, I rise today to honor my colleague, Senator Mel Martinez, who recently resigned his Senate seat. Senator Martinez has represented the State of Florida in the Senate since his election in 2004.

Mel Martinez's inspiring personal story is an example of how the American dream can be attained through hard work and determination. Born in Sagua La Grande, Cuba, Mel fled to the United States when he was 15 years old after the Castro government came to power in his homeland. Arriving in Florida with one suitcase and limited English language skills, Mel spent the next few years in youth facilities and with foster families until he was later reunited with his parents in Orlando.

He went on to earn a law degree from Florida State University, and he practiced law in Orlando for over two decades. In 1998, Senator Martinez was elected chairman of Orange County. He went on to serve as the Secretary of Housing and Urban Development under President George W. Bush. Since 2004, Mel Martinez served the people of Florida in the U.S. Senate.

Reforming our immigration system was an issue close to Senator Martinez's heart. Mel worked vigorously with colleagues on both sides of the aisle to try to advance a solution to one of the most difficult problems confronting our Nation. As the only immigrant in the Senate, Senator Martinez brought a unique perspective to the immigration debate. By striving for comprehensive immigration reform, he hoped to share the American dream.

Senator Martinez was deeply concerned about advancing the cause of freedom in the most oppressive corners of the world. Mel experienced the loss of liberty that resulted from Castro's rise, and he often spoke out for those who lost their voices—not only for those in Cuba, but for those who suffered anywhere from tyranny and despotism.

In the aftermath of Hurricane Katrina and drought in the Midwest, Senator Martinez and I worked together in an attempt to bring relief to America's farm and ranch families. Even though agricultural production in North Dakota and Florida is far from similar, we were able to unite to support legislation that would have provided much-needed disaster assistance to affected farmers and ranchers throughout the country.

I thank Senator Martinez for his public service and wish him and his family the best in the future.

NOMINATION OF ALAN D. SOLOMONT

Mr. GRASSLEY. Mr. President. I, Senator CHUCK GRASSLEY, intend to object to the proceeding to the nomination of Alan D. Solomont to be Ambassador to Spain and Andorra at the Department of State for the following reasons.

I object to the proceeding to the nomination as I have yet to receive a full response to my letter(s) and document request(s). On June 12, 2009, I sent a letter requesting specific documents from the Corporation for National and Community Service (CNCS). Mr. Solomont is the chairman of CNCS's board of directors. My request called for documents relating to the firing of Gerald Walpin, the former inspector general at CNCS. Despite promises to be responsive under Mr. Solomont's leadership, CNCS has complied with my requests selectively, withholding entire categories of responsive documents and refusing to even provide a log to identify the particular documents being withheld and the specific reasons for withholding them.

ADDITIONAL STATEMENTS

TRIBUTE TO BETTY GILES

• Mr. ROCKEFELLER. Mr. President, today I wish to recognize the upcoming 75th birthday of a dear friend in Hinton, WV, Betty Giles.

Betty is a lovely person who has a strong sense of family and community. Through her work and volunteer activities she has made a difference.

Betty began her career at the hospital in Montgomery, WV. She then worked at the Hinton Hospital until it closed, and spent the rest of her career at the Greenbrier Valley Hospital in Fairlea. Compassionate and thoughtful, she was beloved by patients and colleagues alike.

Betty has always possessed a love of learning and curiosity that led her to learn more and do more, both in her work and in her life. She faces challenges straight on, and stands up for what she believes in. She has always been involved in community service, running the elementary school carnival when her children were young, singing in the ecumenical choir around the holidays, and spearheading a food pantry at her church that has been extremely important in times of hardship. When friends are ill, she is always there to lend a hand to help or an ear to listen.

She values family and friends, loyally supporting those she loves. Betty is the proud mother of two children, Ted and Terri. I was proud to have her daughter Terri as a member of my staff for many years. I treasure her friendship and wish her the best for her 75th birthday.•

15TH ANNIVERSARY OF THE CHILE AND FRIJOLE FESTIVAL

• Mr. UDALL of Colorado. Mr. President, today I acknowledge an increasingly popular event that celebrates a truly unique aspect of western history and culture in Pueblo, CO. Fifteen years ago, Pueblo's Chamber of Commerce created a festival highlighting the anthropological significance of regionally important foods: chile and beans. Although one might think that this festival is just a celebration of an agricultural harvest of two crops, it is much more. These foods have been part of southern Colorado's history for centuries. From 1842 to 1854—in the same location this festival takes place today—French and American traders, native peoples, and Spanish and Mexican settlers traded these staples and several other goods, making the lower Arkansas River Valley in Colorado a major trading hub during Western settlement.

Now in its 15th year, the 3-day Chile and Frijole Festival celebrates and fortifies a vibrant and rich culture through traditional regional music and distinctive regional dishes, which truly makes Pueblo, CO, a cultural gateway to the American Southwest. It also emphasizes the importance of southern Colorado's agricultural community, which supplies the locally grown green chile and produce that is the center of this event.

Pueblo and southern Colorado have historically played an integral role in Colorado's economic and cultural development. From the days when native tribes traded with Hispanic, French and American settlers from Bent's Fort to Fort Pueblo, to more contemporary days as an industrial and agricultural powerhouse of Colorado, Pueblo and southern Colorado continue to evolve and contribute positively to Colorado's growth. The Chile and Frijole Festival in Pueblo is a true testament to the region's continuing contributions to our State.

I congratulate the Pueblo Chamber of Commerce and the city of Pueblo for another year of celebrating the region's heritage and future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13224 ON SEPTEMBER 21, 2006—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency with respect to persons who commit, threaten to commit, or support terrorism is to continue in effect beyond September 23, 2009.

The crisis constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks on United States nationals or the United States that led to the declaration of a national emergency on September 23, 2001, has not been resolved. These actions pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to persons who commit, threaten to commit, or support terrorism, and maintain in force the comprehensive sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *September 21, 2009.*

MESSAGE FROM THE HOUSE

At 4:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following bill, in which it requests the concurrence of the Senate:

H.R. 3221. An act to amend the Higher Education Act of 1965, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1687. A bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3038. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Meptyldinocap; Pesticide Tolerances'' (FRL No. 8429–7) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3039. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Spinosad; Pesticide Tolerances'' (FRL No. 8434–2) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3040. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tembotrione; Pesticide Tolerances'' (FRL No. 8431–5) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3041. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiram; Pesticide Tolerance'' (FRL No. 8431–9) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3042. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Sweet Oranges and Grapefruit from Chile; Technical Amendment'' ((RIN0579–AC83)(Docket No. APHIS–2007–0115)) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3043. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Interconnection of Distributed Resources'' (RIN0572–AC07) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3044. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Telecommunications Policies on Specifications, Acceptable Materials, and Standard Contract Forms'' (7 CFR Part 1755) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3045. A communication from the Acting Chief of the Contracts Branch, Philadelphia District of the Corps of Engineers, Department of the Army, transmitting, a report relative to the awarding of a firm fixed price contract for Recovery—Maintenance Dredging, Delaware River, Philadelphia, Pennsylvania to Trenton, New Jersey; to the Committee on Armed Services.

EC–3046. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department of the Navy converting to contract the training and administrative support functions currently being performed by (78) military personnel at various locations; to the Committee on Armed Services.

EC–3047. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Home Equity Conversion Mortgage (HECM) Counseling Standardization and Roster'' ((RIN2502–A134)(Docket No. FR–4989–F–02)) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3048. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''HUD Acquisition Regulation (HUDAR) Debarment and Suspension Procedures; Correcting Amendment'' ((RIN2535–AA28)(FR–509–C–03)) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3049. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Delay of Effective Date'' (RIN2501–AD16) (Docket No. FR–4998–F–05)) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3050. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Use of Project Labor Agreements for Federal Construction Projects'' ((RIN2501–AD47)(FR–5331–F–01)) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3051. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Arbitration for Public Assistance Determinations Related to Hurricanes Katrina and Rita (Disasters DR–1603, DR–1604, DR–1605, DR–1606, and DR–1607)'' ((44 CFR Part 206)(Docket No. FEMA–2009–0006)) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3052. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Annual Independent Audits and Reporting Requirements'' (12 CFR Parts 308 and 363) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3053. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Extension of Temporary Exemptions for Eligible Credit Default Swaps to Facilitate Operation of Central Counterparties to Clear and Settle Credit Default Swaps'' (RIN3235–AK26) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3054. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Cuban Assets Control Regulations'' (31 CFR Parts 515) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–3055. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC–3056. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Prohibition on Market Manipulation'' (RIN3084–AB128) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Energy and Natural Resources.

EC–3057. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Colorado; Revisions to the Denver Emergency Episode Plan'' (FRL No. 8957–3) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC–3058. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Notice 24 for Significant New Alternatives Policy Program'' (FRL No. 8959–2) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC–3059. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Diego Air Pollution Control District'' (FRL No. 8956–9) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC–3060. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Air

Pollution Control District'' (FRL No. 8956–8) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC–3061. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 8430–3) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Environment and Public Works.

EC–3062. A communication from the Inspector General, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's inventory of commercial activities and inherently governmental functions for fiscal year 2009; to the Committee on Environment and Public Works.

EC–3063. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Limitation on Recoupment of Provider and Supplier Overpayments'' (RIN0938–AN42) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Finance.

EC–3064. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disregarded Entities and Excise Taxes'' (RIN1545–BH91) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Finance.

EC–3065. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0116—2009–0125); to the Committee on Foreign Relations.

EC–3066. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, (30) thirty reports relative to vacancy announcements in the Department of State, received in the Office of the President of the Senate on September 14, 2009; to the Committee on Foreign Relations.

EC–3067. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the United Nations and the UN Specialized Agencies employment of Americans during 2008; to the Committee on Foreign Relations.

EC–3068. A communication from the Secretary of the Treasury, transmitting, pursuant to Executive Order 13313 of July 31, 2003, the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses; to the Committee on Foreign Relations.

EC–3069. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision of the Requirements for Publication of License Revocation; Confirmation of Effective Date'' (Docket No. FDA–2009–N–0100) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–3070. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays'' (Docket No. FDA–2009–N–0344) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–3071. A communication from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment'' (RIN1218–AC08) received in the Office of the President of the Senate on September 15, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–3072. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 1D for Fiscal Years 2006 through 2009, as of March 31, 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3073. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Responses to Specific Questions Regarding the Department of Housing and Community Development's Home Purchase Assistance Program''; to the Committee on Homeland Security and Governmental Affairs.

EC–3074. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 3E for Fiscal Years 2007 through 2009, as of March 31, 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–3075. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled ''Managing for Engagement—Communication, Connection, and Courage''; to the Committee on Homeland Security and Governmental Affairs.

EC–3076. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''Status of Telework in the Federal Government''; to the Committee on Homeland Security and Governmental Affairs.

EC–3077. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XR43) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3078. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska'' (RIN0648–XR40) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3079. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 29'' (RIN0648–AX39) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3080. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Notification of Inseason Orders; Correction'' (RIN0648–AY02) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3081. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''The Western Pacific; Pelagic Fisheries; Squid Jig Fisheries'' (RIN0648–AS71) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3082. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XR36) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3083. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-time Category'' (RIN0648–XP75) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3084. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XR33) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3085. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Subject to Amendment 80 Sideboard Limits in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XR37) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3086. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of

Alaska'' (RIN0648–XR30) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3087. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer'' (RIN0648–XQ95) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3088. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Mexico'' (RIN0648–XR70) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3089. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Services, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts'' (RIN0648–XR11) received in the Office of the President of the Senate on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3090. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Facilitating the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands'' (FCC 09–70) received on September 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC–3091. A communication from the Chief of the Policy Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925–6425 MHz/3700–4200 MHz Band and 14.0–14.5 GHz/12.2 GH Bands'' (IB Docket No. 02–10) received on September 14, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 942. A bill to prevent the abuse of Government charge cards (Rept. No. 111–76).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BENNETT:

S. 1690. A bill to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Res. 275. A resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. ENZI, Mr. CASEY, Mr. SANDERS, and Mrs. MURRAY):

S. Res. 276. A resolution designating September 22, 2009, as ''National Falls Prevention Awareness Day''; considered and agreed to.

By Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BROWNBACK, Mr. CARDIN, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. MENENDEZ, Mr. SHELBY, Mr. SPECTER, Mr. VITTER, Mr. WHITEHOUSE, and Mr. WICKER):

S. Res. 277. A resolution designating September 2009 as ''National Prostate Cancer Awareness Month''; considered and agreed to.

By Mrs. GILLIBRAND (for herself and Mr. SCHUMER):

S. Res. 278. A resolution honoring the Hudson River School painters for their contributions to the United States Senate; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 213

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 213, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 639

At the request of Mr. INHOFE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 639, a bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 795

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 883

At the request of Mr. KERRY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 991

At the request of Mr. INHOFE, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 991, a bill to declare English as the official language of the United States, to establish a uniform English language rule for naturalization, and to avoid misconstructions of the English language texts of the laws of the United States, pursuant to Congress' powers to provide for the general welfare of the United States and to establish a rule of naturalization under article I, section 8, of the Constitution.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1072

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1072, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1167

At the request of Mr. THUNE, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1167, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1445

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1532

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1532, a bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes.

S. 1556

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1556, a bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1687

At the request of Mr. JOHANNS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1687, a bill to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

AMENDMENT NO. 2440

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 2440 intended to be proposed to H.R. 2996, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of amendment No. 2440 intended to be proposed to H.R. 2996, supra.

At the request of Mr. ROBERTS, his name was added as a cosponsor of amendment No. 2440 intended to be proposed to H.R. 2996, supra.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 275—HONORING THE MINUTE MAN NATIONAL HISTORICAL PARK ON THE OCCASION OF ITS 50TH ANNIVERSARY

Mr. KERRY submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 275

Whereas, since September 21, 1959, Minute Man National Historical Park has preserved key sites where the first battles of the American Revolutionary War occurred, and educated millions of people in the United States about the extraordinary events that led to the birth of the United States and the ideals embodied in the courageous actions that led to such events;

Whereas Minute Man National Historical Park encompasses more than 1,000 acres in the historic communities of Lexington, Lincoln, and Concord that were at the center of the American Revolution;

Whereas the events, places, and people recognized by the Minute Man National Historical Park have become enduring testaments to the values of the people of the United States and are among the most celebrated and cherished symbols in the history of the United States;

Whereas the Minute Man National Historical Park includes multiple sites and vistas along the route from Boston to Concord, known as the ''Battle Road'', where American militia and British soldiers fought several times on April 19, 1775;

Whereas American militia were first ordered to return British fire at Concord's North Bridge, a heroic action commemorated by the United States poet Ralph Waldo Emerson in his poem ''The Concord Hymn'' as the ''shot heard round the world'';

Whereas the park celebrates the legendary ''midnight ride'' of Paul Revere on April 18, 1775, that warned American colonists that British soldiers were marching to Concord to destroy key military stores; and

Whereas more than 1,000,000 people from States across the United States and from around the world visit Minute Man National

Historical Park each year to learn about the role that the New England communities of Lexington, Lincoln, and Concord played in the American Revolution: Now, therefore, be it

Resolved, that it is the sense of the Senate that—

(1) Minute Man National Historical Park serves an essential role in preserving the sites and vistas in New England where the American Revolution began and in educating the public about these historic events;

(2) Minute Man National Historical Park honors and commemorates the ideals of democracy, liberty, and freedom that are the foundation of the United States and sources of inspiration for people everywhere; and

(3) the creation of Minute Man National Historical Park 50 years ago represents a remarkable achievement that continues to benefit the people of the United States, to preserve the proud legacy of the American Revolution, and to serve as an enduring resource for future generations.

Mr. KERRY. Mr. President, I am pleased to submit a resolution to honor the 50th Anniversary of the Minute Man National Historical Park. Since September 21, 1959, the Minute Man National Historical Park has preserved landmarks from the earliest days of the American Revolutionary War. It has educated millions of visitors from around the world about these historic events that led to the birth of our nation and the ideals embodied in those courageous actions.

The Minute Man National Historical Park encompasses more than 1,000 acres in the historic communities of Lexington, Lincoln, and Concord, Massachusetts. It includes areas such as Concord's North Bridge, where the American militia were first ordered to fire on British soldiers, an event immortalized by Ralph Waldo Emerson in ''The Concord Hymn'' as ''the shot heard round the world.'' It features Paul Revere's capture site, where his famous ''Midnight Ride'' to warn the colonists that British soldiers were marching to Concord came to its conclusion. The Park also features The Wayside, a house that was in turn home to celebrated authors Louisa May Alcott, Nathaniel Hawthorne and Margaret Sidney.

More than just preserving these treasured sites and landscapes, the Minute Man National Historical Park preserves the spirit of our nation's history, the American Revolution, the ideals of democracy, liberty, and freedom. The creation of Minute Man National Historical Park 50 years ago showed our commitment to honoring the proud tradition of the American Revolution and maintaining these historic sites for generations to come. I ask all my colleagues to honor our history and renew that commitment today by supporting this resolution.

SENATE RESOLUTION 276—DESIGNATING SEPTEMBER 22, 2009, AS ''NATIONAL FALLS PREVENTION AWARENESS DAY''

Mr. KOHL (for himself, Ms. MIKULSKI, Mr. ENZI, Mr. CASEY, Mr. SANDERS, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 276

Whereas older adults age 65 and over are the fastest growing segment of our population and whose numbers will increase from 35,000,000 in 2000 to 55,000,000 in 2020;

Whereas 1 in every 3 people in the United States who are 65 years of age or older falls each year;

Whereas falls are the leading cause of injury, deaths, and hospital admissions for traumatic injuries among adults 65 years of age and older;

Whereas, in 2007, approximately 1,900,000 people with fall-related injuries were treated in hospital emergency departments and approximately 492,000 were hospitalized after treatment;

Whereas, in 2006, more 16,600 people aged 65 and older died from injuries related to unintentional falls;

Whereas, in 2000, direct medical costs for fall-related injuries for adults aged 65 and older totaled more than $19,000,000,000;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, annual direct treatment costs under the Medicare program will reach $32,400,000,000 by 2020;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost $9 in benefits to society for each $1 invested;

Whereas the Safety of Seniors Act of 2007 (Public Law 110–202) was enacted to amend the Public Health Service Act (42 U.S.C. 280b et seq.) to create a national education campaign aimed at older adults, their families, and healthcare providers, and injury prevention programs that focus on the reduction and prevention of falls among older adults; and

Whereas the Falls Free Coalition Advocacy Work Group and its numerous national and State supporting organizations should be commended for their efforts to raise awareness and to promote better understanding, research, and programs to prevent falls among older adults: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 22, 2009, as ''National Falls Prevention Awareness Day'';

(2) commends the Falls Free Coalition Advocacy Work Group and the 22 State falls coalitions for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older people in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating interventions to prevent falls among older adults that can be used in effective community-based fall prevention programs;

(5) encourages State health departments to use their significant leadership to reduce injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals to reduce falls among older adults; and

(6) recognizes proven, cost effective fall prevention programs and policies and encourages experts in the field of fall prevention to share their best practices so that their success can be replicated by others.

SENATE RESOLUTION 277—DESIGNATING SEPTEMBER 2009 AS ''NATIONAL PROSTATE CANCER AWARENESS MONTH''

Mr. SESSIONS (for himself, Mr. BAYH, Mr. BENNETT, Mrs. BOXER, Mr. BROWNBACK, Mr. CARDIN, Mr. CHAMBLISS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAPO, Mr. DODD, Mr. DORGAN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRASSLEY, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KERRY, Ms. LANDRIEU, Mr. MENENDEZ, Mr. SHELBY, Mr. SPECTER, Mr. VITTER, Mr. WHITEHOUSE, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 277

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly-diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas in 2009, 192,280 men in the United States will be diagnosed with prostate cancer and 27,360 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old approximately every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than white males and double the prostate cancer mortality rates of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination and a prostate-specific antigen blood test can detect the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

SENATE RESOLUTION 278—HONORING THE HUDSON RIVER SCHOOL PAINTERS FOR THEIR CONTRIBUTIONS TO THE UNITED STATES

Mrs. GILLIBRAND (for herself and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 278

Whereas the Hudson River School was a mid-19th century American art movement led by a group of landscape painters, whose aesthetic vision was influenced by the romanticism movement;

Whereas the Hudson River School is considered the first school of American art;

Whereas the major Hudson River School painters included Thomas Cole, Frederic Edwin Church, Asher Brown Durand, Jasper Francis Cropsey, Sanford Robinson Gifford, Albert Bierstadt, John Frederick Kensett, George Inness, Worthington Whittredge, and Thomas Moran;

Whereas the Hudson River School paintings captured the striking landscape and sweeping natural beauty of the Hudson River Valley and the surrounding New York areas, including the Catskill, the Adirondack, and the White Mountains;

Whereas Hudson River School paintings served a vital role in cultivating American identity in the mid-19th century and creating a sense of awe of the American landscape that endures to this day;

Whereas the Hudson River School painters influenced the environmental conservation movement and the establishment of the National Park System under President Theodore Roosevelt;

Whereas the Hudson River School's portrayal of the Hudson River Valley is a major source of tourism in the region;

Whereas 2009 marks the 400th anniversary of the voyages of discovery made by Henry Hudson and Samuel de Champlain, recognizing the important role that the Hudson River and the Hudson Valley played in the development and growth of the United States;

Whereas the Hudson River School painters depicted the Hudson River Valley during the opening of the Erie Canal, which linked the Hudson River with the Great Lakes and created a main trade route from New York that fostered the city's central place in the American economy;

Whereas the Hudson River School painters celebrated the ideals of American democracy, individuality, and progress;

Whereas the Hudson River School painters illustrated themes such as nature, conservation, civility, unity, education, family, chivalry, and development;

Whereas the Hudson River School painters expressed the sense that every generation of Americans should seek to preserve the naturalness of the continent; and

Whereas the Hudson River School painters accentuated the cardinal values of the 19th century, which can assist contemporary Americans in the rebirth of American culture: Now, therefore, be it

Resolved, That the Senate recognizes and honors the Hudson River School painters for their contributions to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2445. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 2446. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2447. Mrs. HUTCHISON (for herself, Mr. ENSIGN, Mr. BROWNBACK, Mr. VITTER, Mr. DEMINT, and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2448. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2449. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2450. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2451. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2452. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2453. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2454. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2455. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2456. Mr. CARPER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra.

SA 2457. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2458. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2459. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2460. Mrs. FEINSTEIN (for herself, Mr. LEVIN, Mr. SCHUMER, Mr. ALEXANDER, Mr. COCHRAN, Mr. BENNETT, and Mr. WARNER) proposed an amendment to the bill H.R. 2996, supra.

SA 2461. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2462. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2463. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2464. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2465. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2466. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2467. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2468. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, supra; which was ordered to lie on the table.

SA 2469. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2441 submitted by Mr. DORGAN and intended to be proposed to the bill H.R. 2996, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2445. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. TAR CREEK SUPERFUND SITE.

(a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the ''site''), any purchase of chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) RESTRICTED INDIAN OWNERS.—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) APPLICABLE LAW.—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

SA 2446. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 185, line 21, after ''*Provided,*'' insert ''That, notwithstanding section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) or section 1452(f) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)), in the case of the funds appropriated under this heading, each State shall use not less than 30 percent of the amount of the capitalization grants of the State to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of those forms of assistance): *Provided further,*''.

SA 2447. Mrs. HUTCHISON (for herself, Mr. ENSIGN, Mr. BROWNBACK, Mr. VITTER, Mr. DEMINT, and Mr. THUNE) submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. _____. PROHIBITION ON FCC REGARDING NET NEUTRALITY.

The Federal Communications Commission shall not expend any funds from any account in fiscal year 2010—

(1) to implement any Internet neutrality or network management principles; or

(2) to promulgate any rules relating to such principles.

SA 2448. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 141, line 10, before the period at the end, insert the following: ''*Provided further*, that the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is considered to have been approved by the Secretary as a final oil and gas leasing program''.

SA 2449. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS.

None of the funds made available by this Act may be used to terminate or reduce any programs at the National Center for Environmental Economics.

SA 2450. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS TO DEVELOP REGIONAL CLIMATE CHANGE OFFICES.

No funds made available by this Act may be used to develop Regional Climate Change offices within the Department of the Interior.

SA 2451. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS TO IMPLEMENT GREENHOUSE GAS RULE UNTIL EVALUATION OF POTENTIAL LOSS OR SHIFTS OF EMPLOYMENT COMPLETED.

None of the funds made available under this Act shall be used to finalize or implement the proposed rule of the Administrator of the Environmental Protection Agency entitled ''Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act'' (74 Fed. Reg. 18886 (April 24, 2009)) (referred to in this section as the ''proposed rule'') until the Administrator of the Environmental Protection Agency conducts, in accordance with section 321(a) of the Clean Air Act (42 U.S.C. 7621(a)), an evaluation of potential loss or shifts of employment that may result from the finalization or administration of the proposed rule.

SA 2452. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUNDS TO REGULATE CARBON DIOXIDE EMISSIONS.

No funds made available by this Act shall be used to regulate carbon dioxide emissions until the date on which China and India have both signed international agreements that provide regulations requiring reductions in carbon dioxide in China and India, respectively, in a percentage that is similar to the percentage reductions in carbon dioxide emissions required under Federal law in the United States.

SA 2453. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 182, line 12, before the period, insert the following: '': *Provided*, That that the Administrator of the Environmental Protection Agency shall use $1,000,000 of the amount made available under this heading to enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the cancer and noncancer health effects from exposure to formaldehyde and, not later than 60 days after the date of enactment of this Act, submit to the Committee on Appropriations, and the Committee on Energy and Natural Resources, of the Senate and the Committee on Appropriations, and the Committee on Energy and Commerce, of the House of Representatives, documentation of an executed contract to carry out the study''.

SA 2454. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. PROHIBITION ON USE OF FUND TO DELAY DRAFT PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM 2010–2015.

None of the funds made available by this Act shall be used to delay the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program 2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344).

SA 2455. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 141, line 10, before the period at the end, insert the following: ''*Provided further*, that the Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program

2010–2015 issued by the Secretary of the Interior under section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is considered to have been approved by the Secretary as a final oil and gas leasing program: *Provided further*, that not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall conduct at least 1 lease sale in the Atlantic Planning Area, 1 lease sale in the Pacific Planning Area, 1 lease sale in the Alaska Planning Area, and 3 lease sales in the Gulf of Mexico Planning Area unless the Secretary determines that there is not a commercial interest in purchasing Federal oil and gas leases for production in the applicable planning area''.

SA 2456. Mr. CARPER (for himself, Mr. MERKLEY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, shall carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' for operations and administration, the Administrator shall use up to $2,000,000 to carry out this section.

SA 2457. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 179, strike line 6 and all that follows through page 180, line 9.

SA 2458. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 240, between lines 13 and 14, insert the following:

SEC. 423. WAIVER FOR MID-LEVEL ETHANOL BLENDS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) MID-LEVEL ETHANOL BLEND.—The term ''mid-level ethanol blend'' means an ethanol-gasoline blend containing greater than 10 percent ethanol by volume that is for use in any conventional gasoline-powered onroad or nonroad vehicle or engine.

(3) WIDESPREAD USE.—The term ''widespread use'' has the meaning given the term by the Administrator in accordance with the determination of the Administrator under section 202(a)(6) of the Clean Air Act (42 U.S.C. 7521(a)(6)).

(b) WAIVER REQUIRED.—No funds made available by this Act shall be used to approve the introduction into commerce of a mid-level ethanol blend until the fuels and fuel additives waiver process under section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) has been completed.

(c) APPLICABILITY.—The approval under subsection (b) shall apply—

(1) to all conventional gasoline-powered onroad and nonroad vehicles and engines and engines in use as of the date of the approval under that subsection; or

(2) if the Administrator certifies that the mid-level ethanol blend will not violate section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)), to all conventional gasoline-powered onroad and nonroad vehicles and engines in widespread use in commerce as of the date of the certification by the Administrator.

SA 2459. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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,—

(i) that is established in the executive branch; and

(ii) for which funds are appropriated or made available under this Act; 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 2460. Mrs. FEINSTEIN (for herself, Mr. LEVIN, Mr. SCHUMER, Mr. ALEXANDER, Mr. COCHRAN, Mr. BENNETT, and Mr. WARNER) proposed an amendment to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 219, line 5, before ''and including'' insert the following: ''of which $250,000 shall be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended;''.

SA 2461. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 135, line 2, insert before the period at the end the following: '': *Provided*, That none of the funds made available under this Act may be used for the Des Moines Art Center in the State of Iowa''.

SA 2462. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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 135, line 2, insert before the period at the end the following: '': *Provided*, That none of the funds made available under this Act may be used for the Richard Olmstead Complex in Buffalo, New York''.

SA 2463. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

SA 2464. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ____. In the matter under the heading ''NATIONAL PARK SERVICE'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I—

(1) reduce the overall amount made available under the heading ''NATIONAL RECREATION AND PRESERVATION'' by $1,000,000 by eliminating any funding for the Sewall-Belmont House; and

(2) increase the overall amount made available under the heading ''CONSTRUCTION'' by $1,000,000 to be used to reduce the National Park Service maintenance backlog.

SA 2465. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ____. PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL.

None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367) over the international land and maritime borders of the United States.

SA 2466. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ____. PROHIBITION ON USE OF FUNDS TO DELAY THE DEVELOPMENT OF RENEWABLE ENERGY ON PUBLIC LAND.

None of the funds made available by this Act may be used to promulgate or implement any new regulation to delay, restrict, or halt—

(1) the development of renewable energy on public land; or

(2) the licensing and development of transmission lines on public land necessary to deliver electricity derived from renewable resources on public land.

SA 2467. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ____. MAINTENANCE BACKLOG.

Notwithstanding any other provision of this Act, any funds provided from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to an agency under this Act for federal land acquisition shall be used by the agency to reduce the maintenance backlog of the agency.

SA 2468. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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. ____. REPORT ON MAINTAINING FEDERAL LAND HOLDINGS.

Not later than 120 days after the date on which the President submits to Congress the budget of the United States for fiscal year 2011, the President shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report that describes—

(1) all Federal land holdings; and

(2) the total cost of maintaining the Federal land holdings described under paragraph (1) for each of fiscal years 2008 through 2010, including an accounting of holdings and expenditures by each Federal agency with respect to the land holdings.

SA 2469. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2441 submitted by Mr. DORGAN and intended to be proposed to the bill H.R. 2996, making appropriations for the Department of the Interior, environment, 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:

Beginning on page 1, strike line 3 and all that follows through page 2, line 13, and insert the following:

''(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN A NATIONAL HERITAGE AREA.—

''(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in a National Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

''(2) PROPERTY REMOVAL.—

''(A) PRIVATE PROPERTY.—At the request of an owner of private property included in a National Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the National Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

''(B) PUBLIC PROPERTY.—

''(i) INCLUSION.—Only on written notice from the appropriate State or local government entity may public property be included in a National Heritage Area.

''(ii) WITHDRAWAL.—On written notice from the appropriate State or local government entity, public property shall be immediately withdrawn from a National Heritage Area.''.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act shall be made available for a Heritage Area that does not comply with section 8004(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) (as amended by this section).

PRIVILEGES OF THE FLOOR—H.R. 2996

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Michael Gauthier, a National Park Service fellow working on the staff of our Committee on Energy and National Resources this year, be granted the privilege of the floor today and for the remainder of the Senate's consideration of H.R. 2996.

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

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Thursday, September 17, 2009, the Senate passed H.R. 3288, as amended, as follows:

H.R. 3288

Resolved, That the bill from the House of Representatives (H.R. 3288) entitled ''An Act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $100,975,000, of which not to exceed $2,631,000 shall be available for the immediate Office of the Secretary; not to exceed $986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $20,359,000 shall be available for the Office of the General Counsel; not to exceed $10,107,000 shall be available *for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,265,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,123,000 shall be available for the Office of Public Affairs; not to exceed $1,711,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $9,072,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $13,263,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.*

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $1,100,000,000, to remain available through September 30, 2012: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural communities, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $300,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That not less than $250,000,000 of the funds provided under this heading shall be for projects located in rural communities: Provided further, That for projects located in rural communities, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted so sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010: Provided further, That the Secretary may retain up to $25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,667,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,233,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $147,500,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $353,000, as authorized by 49 U.S.C. 332: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,074,000, to remain available until September 30, 2011: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $125,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from ''Office of the Secretary, Salaries and expenses'' to ''Minority Business Outreach''.

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 105 Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program may be used for the development, coordination, and analysis of data collection procedures and national performance measures.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,359,131,000, of which $5,277,648,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,305,902,000 shall be available for air traffic organization activities; not to exceed $1,236,565,000 shall be available for aviation safety activities; not to exceed $14,737,000 shall be available for commercial space transportation activities; not to exceed $113,681,000 shall be available for financial services activities; not to exceed $100,428,000 shall be available for human *resources program activities; not to exceed $341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed $196,063,000 shall be available for staff offices; and not to exceed $49,778,000 shall be available for information services: Provided, That the Secretary utilize not less than $18,500,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: Provided further, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: Provided further, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 2 percent: Provided further, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: Provided further, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: Provided further, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That not to exceed $500,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and $120,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit.*

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,942,352,000, of which $2,472,352,000 shall remain available until September 30, 2012, and of which $470,000,000 shall remain available until September 30, 2010: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: Provided further, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than $93,422,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $22,472,000 shall be for Airport Technology Research and $8,000,000, to remain available until expended, shall be available and transferred to ''Office of the Secretary, Salaries and Expenses'' to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2009, and prior years under sections 48103 and 48112 of title 49, United States Code, $392,960,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: Provided, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $415,396,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed $285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed $3,124,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: Provided, That within the $41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2010: Provided further, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: Provided further, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2009, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out

under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. There is hereby appropriated to the Secretary of Transportation $165,000,000 for surface transportation priorities: Provided, That the amount provided by this section shall be made available for the programs, projects and activities identified under this section in the committee report accompanying this Act: Provided further, That funds provided by this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: Provided further, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: Provided further, That the sums set aside by this section shall remain available until expended: Provided further, That none of the funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

SEC. 123. There is hereby appropriated to the Secretary of Transportation $1,400,000,000, to remain available through September 30, 2012: Provided, That of the funds provided under this section, $500,000,000 shall be made available to pay subsidy and administrative costs under chapter 6 of title 23, United States Code: Provided further, That after making the set-aside required under the preceding proviso, the funds provided under this section shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2010 is distributed among the States in section 120(a)(6) of this Act, and made available for the restoration, repair, construction, and other activities eligible under paragraph (b) of section 133 of title 23, United States Code: Provided further, That funds apportioned under this section shall be administered as if apportioned under chapter 1 of title 23, United States Code: Provided further, That the Federal share payable on account of any project or activity carried out with funds apportioned under this section shall be 80 percent: Provided further, That funding provided under this section shall be in addition to any and all funds provided for fiscal year 2010 in this or any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: Provided further, That the amounts made available under this section shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: Provided further, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading.

SEC. 124. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 125. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 126. Item 4866A in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking ''Repair and restore'' and inserting ''Removal of and enhancements around''.

SEC. 127. Item 3923 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking ''to 4 lanes from I–10 to West U.S. 90''.

SEC. 128. Funds made available for ''Brentwood Boulevard/SR 4 Improvements, Brentwood, CA'' under section 129 of Public Law 110–161 shall be made available for ''John Muir Parkway Project, Brentwood, CA''.

SEC. 129. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 3138 by striking the project description and inserting ''Elimination of highway-railway crossings and rehabilitation of rail along the KO railroad to Osborne''.

SEC. 130. Funds made available for ''City of Tuscaloosa Downtown Revitalization Project—University Blvd and Greensboro Avenue, AL'' under section 125 of Public Law 111–8 shall be made available for ''City of Tuscaloosa Downtown Revitalization Project—University Blvd''.

SEC. 131. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 4573 and inserting the following: ''Design and construct interchange on I–15 in Mesquite''.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(I) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $238,500,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $238,500,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,543,000, to remain available for obligation until September 30, 2012, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public

Law 109–59: Provided further, That an additional $1,328,000 shall be appropriated from the General Fund for the execution and administration of motor carrier safety operations and programs: Provided further, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: Provided further, That the Federal Motor Carrier Safety Administration shall transmit to Congress bi-annual reports on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $310,070,000, for ''Motor Carrier Safety Grants''; of which $212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: Provided further, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: Provided further, That $1,530,000 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $3,400,000 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $400,000 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $135,803,000, of which $31,670,000 shall remain available through September 30, 2011: Provided, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $105,500,000 for programs authorized under 23 U.S.C. 403: Provided further, That within the $105,500,000 obligation limitation for operations and research, $26,908,000 shall remain available until September 30, 2010 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the ''National Driver Register'' as authorized by chapter 303 of title 49, United States Code, $3,350,000, to remain available through September 30, 2011: Provided, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $124,500,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $18,500,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: Provided further, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading ''Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $2,299,000 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $14,004,000 in unobligated balances are rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $171,770,000, of which $12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $34,145,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, $25,000,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, $50,000,000, to remain available until expended: Provided, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $553,348,000, to remain available until expended: Provided, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector General have agreed upon a set of policies and procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: Provided further, That 1 year after such determination is made, the Council of the Inspectors General on Integrity and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: Provided further, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: Provided further, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: Provided further, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: Provided further, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation: Provided further, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of the Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-year financial plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: Provided further, That the plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: Provided further, That the business plan shall include a description of the capital investments to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by this business plan: Provided further, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: Provided further, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: Provided further, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,001,625,000, to remain available until expended, of which not to exceed $264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: Provided, That of the funding provided under this heading, not less than $144,000,000 shall be for bringing the stations on the Corporation's rail system into compliance with the Americans with Disabilities Act: Provided further, That grants shall be provided to the Corporation only on a reimbursable basis: Provided further, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: Provided further, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a request for each specific capital project justifying the Federal support to the Secretary's satisfaction: Provided further, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: Provided further, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: Provided further, That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: Provided further, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $1,200,000,000, to remain available until expended: Provided, That none of the funds provided under this heading may be used for planning activities: Provided further, That not less than 75 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: Provided further, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: Provided further, That the Secretary shall not award grants under this heading sooner than 2 weeks after he has submitted to the Congress a national rail plan as required by section 103(j) of title 49, United States Code: Provided further, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: Provided further, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: Provided further, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: Provided further, That the Secretary shall give priority to applications under section 24406 of title 49, United States Code, to projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, or involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates: Provided further, That the Administrator of the Federal Railroad Administration may retain up to $50,000,000 of the funds provided under this heading for the purposes of conducting research, development and demonstration of technologies and undertaking analyses supporting *development of high-speed rail in the United States, including implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: Provided further, That in lieu of the provisions of the subsection 24403(b) of title 49, United States Code, the Administrator of the Federal Railroad Administration may retain up to $30,000,000 of the funds provided under this heading to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high speed rail.*

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: Provided, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Federal Railroad Administrator shall submit a quarterly report on April 1, 2009, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate. The amounts made available in this title under the heading ''Office of the Secretary, Salaries and Expenses'' shall be reduced $100,000 for each day after the first day of each quarter that the quarterly reports required by this section are not submitted to the Congress.

SEC. 155. Notwithstanding any other provision of law, funds provided in Public Law 111–8 for ''Lincoln Avenue Grade Separation, Port of Tacoma, Washington'' shall be made available for this project as therein described.

SEC. 156. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other alternatives, in Springfield, Illinois, as a route for consolidated freight and passenger rail operations within the city of Springfield.

SEC. 157. (a) FUNDING LIMITATION.—Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, amounts made available in this Act for the National Railroad Passenger Corporation (Amtrak) shall immediately cease to be available if after March 31, 2010, Amtrak prohibits the secure transportation of firearms on passenger trains.

(b) DEFINITION.—In this section, the term ''secure transportation of firearms'' means—

(1) if an Amtrak station accepts checked baggage for a specific Amtrak route, Amtrak passengers holding a ticket for such route are allowed to place an unloaded firearm or starter pistol in a checked bag on such route if—

(A) before checking the bag or boarding the train, the passenger declares to Amtrak, either orally or in writing, that the firearm is in his or her bag and is unloaded;

(B) the firearm is carried in a hard-sided container;

(C) such container is locked; and

(D) only the passenger has the key or combination for such container; and

(2) Amtrak passengers are allowed to place small arms ammunition for personal use in a checked bag on an Amtrak route if the ammunition is securely packed—

(A) in fiber, wood, or metal boxes; or

(B) in other packaging specifically designed to carry small amounts of ammunition.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $97,478,000: Provided, That of the funds available under this heading, not to exceed $1,809,000 shall be available for travel: Provided further, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: Provided further, That $75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: Provided further, That upon submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $67,670,000, to remain available until expended: Provided, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: Provided further, That $50,170,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code: Provided further, That of the funds available to carry out section 5312 of title 49, United States Code, $5,000,000 shall be available to the Secretary to develop standards for asset management plans, provide technical assistance to recipients engaged in the development or implementation of an asset management plan, improve data collection through the National Transit Database, and conduct a pilot program designed to identify the best practices of asset management.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $2,307,343,000, to remain available until expended, of which no less than $200,000,000 is for section 5309(e) of such title: Provided, That $2,000,000 shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of oversight contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, $100,000,000, to remain available through September 30, 2012: Provided, That priority shall be given to projects based on the total energy savings that are projected to result from the investments, and the projected energy savings as a percentage of the total energy usage of the public transit agency: Provided further, That the Secretary shall public criteria on which to base the competition for any grants awarded under this heading no sooner than 90 days after the enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of Public Law 110–432, $150,000,000, to remain available through September 30, 2012: Provided, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system, including but not limited to fixing the track signal system, replacing the 1000 series cars, installing guarded turnouts, buying equipment for wayside worker protection, and installing rollback protection on cars that are not equipped with this safety feature.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under ''Federal Transit Administration, Capital Investment Grants'' and for bus and bus facilities under ''Federal Transit Administration, Formula and Bus Grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital investment grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA–2006–25737).

SEC. 165. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: Provided, That not more than $4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 166. Hereafter, the local share of the costs of the Woodward Avenue Corridor projects funded under section 5309 shall include, at the option of the project sponsor, any portion of the corridor advanced with 100 percent non-Federal funds.

SEC. 167. The Secretary of Transportation shall provide recommendations to Congress, including legislative proposals, on how to strengthen its role in regulating the safety of transit agencies operating heavy rail on fixed guideway: Provided, That the Secretary shall include actions the Department of Transportation will take and what additional legislative authorities it may need in order to fully implement recommendations of the National Transportation Safety Board directed at the Federal Transit Administration, including but not limited to recommendations related to crashworthiness, emergency access and egress, event recorders, and hours of service: Provided further, That the Secretary shall transmit to the House and Senate Committees on Appropriations a report outlining these recommendations and a plan for their implementation by the Department of Transportation no later than 45 days after enactment of this Act.

SEC. 168. Notwithstanding any other provision of law, the Secretary of Transportation shall not reallocate any funding made available for items 523, 267, and 131 of section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59).

SEC. 169. Notwithstanding any other provision of law, the limitation on the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding letters of intent, full funding grant agreements, and early systems work agreements under subsection 5338(g) of title 49, United States Code, may not be more than the sum of the amount authorized under sections 5338(a)(3) and 5338(c) of title 49, United States Code, for such projects and an amount equivalent to the last 5 fiscal years of funding allocated under subsections 5309(m)(1)(A) and 5309(m)(2)(A)(ii) of title 49, United States Code, for such projects, less an amount the Secretary of Transportation reasonably estimates is necessary for grants under section 5309 of title 49, United States Code, for those of such projects that are not covered by a letter or agreement.

SEC. 170. None of the funds provided or limited under this Act may be used to enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, in the State of Washington.

SEC. 171. Hereafter, for interstate multi-modal projects which are in Interstate highway corridors, the Secretary shall base the rating under section 5309(d) of title 49, United States Code, of the non-New Starts share of the public transportation element of the project on the percentage of non-New Starts funds in the unified finance plan for the multi-modal project: Provided, That the Secretary shall base the accounting of local matching funds on the total amount of all local funds incorporated in the unified finance plan for the multi-modal project for the purposes of funding under chapter 53 of title 49, United States Code and title 23, United States Code: Provided further, That the Secretary shall evaluate the justification for the project under section 5309(d) of title 49, United States Code, including cost effectiveness, on the public transportation costs and public transportation benefits.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $154,900,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Schools Academies, and of which $15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $59,057,000 shall be available for operations at the United States Merchant Marine Academy: Provided, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation and not a designee: Provided further, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation under the previous proviso: Provided further, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $15,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $17,500,000, to remain available until expended: Provided, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: Provided further, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, $14,000,000, of which $10,000,000 shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That not to exceed $4,000,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for ''Operations and Training'', Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end ''Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected *in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.''*

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety Administration, $19,968,000, of which $639,000 shall be derived from the Pipeline Safety Fund: Provided, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline safety information grants to communities'' as authorized in section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $35,500,000, of which $1,699,000 shall remain available until September 30, 2012: Provided, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $105,239,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which $86,334,000 shall be derived from the Pipeline Safety Fund, of which $47,332,000 shall remain available until September 30, 2012: Provided, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: Provided, That not more than $28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(I) and 5128(b)–(c): Provided further, That none of the funds made available by 49 U.S.C. 5116(I), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $13,179,000, of which $6,036,000 shall remain available until September 30, 2012: Provided, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $75,389,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: Provided further, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $28,332,000: Provided, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than $27,082,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Delta Region Transportation Development Program'', ''Rail Line Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Capital Investment Grants'', ''Alternatives analysis'', and ''Bus and bus facilities''.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the

purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: Provided, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: Provided, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of title 23, United States Code, is amended by striking ''that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)'' and inserting ''all portions of the Interstate Highway System in the State, laws (including regulations)''.

(b) PERIOD OF EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

(c) REVERSION.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a)(11) of title 23, United States Code, is amended by striking ''all portions of the Interstate Highway System in the State, laws (including regulations)'' and inserting ''that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)''.

SEC. 195. The Secretary shall initiate an independent and comprehensive study and analysis to supplement that authorized under section 108, division C, of Public Law 111–8: Provided, That the Department of Transportation shall work with and coordinate with the Departments of Energy, Commerce and Agriculture to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers: Provided further, That subjects of analysis shall include energy (including hydropower and generation cooling), and water transport (including water-compelled rates, projected total transportation congestion considerations, transportation energy efficiency, air quality and carbon emissions) and water users (including the number and distribution of people, households, municipalities, and business throughout the Missouri and Mississippi River basins who use river water for multiple purposes): Provided further, That in addition to understanding current value, the Department is directed to work with appropriate Federal partners to develop recommendations on how to minimize impediments to growth and maximize water value of benefits related to energy production and efficiency, congestion relief, trade and transport efficiency, and air quality: Provided further, That the Department of Transportation shall provide its analysis and recommendations to the U.S. Army Corps of Engineers, the White House, and the Congress: Provided further, That $2,000,000 is available until expended for such purposes.

SEC. 196. Notwithstanding any other provision of law, funds made available under section 330 of the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act (Public Law 107–87) for the Las Vegas, Nevada Monorail Project, funds made available under section 115 of the Fiscal Year 2004 Transportation, Treasury and Independent Agencies Appropriations Act (Public Law 108–199) for the North Las Vegas Intermodal Transit Hub, and funds made available for the CATRAIL RTC Rail Project, Nevada in the Fiscal Year 2005 Transportation, Treasury, Independent Agencies and General Government Appropriations Act (Public Law 108–447), as well as any unexpended funds in the Federal Transit Administration grant numbers NV–03–0024 and NV–03–0027, shall be made available until expended to the Regional Transportation Commission of Southern Nevada for bus and bus-related projects and bus rapid transit projects: Provided, That the funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable.

This title may be cited as the ''Department of Transportation Appropriations Act, 2010''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $25,969,000, of which not to exceed $4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed $778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $3,110,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: Provided, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: Provided further, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide all signed reports required by Congress electronically: Provided further, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $537,897,000, of which not to exceed $76,958,000 shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $11,277,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed $2,520,000 shall be available for the personnnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed $249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: Provided, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: Provided further, *That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided further, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.*

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $197,074,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $98,989,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $374,887,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $21,138,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $71,800,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

PERSONNEL COMPENSATION AND BENEFITS

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $7,151,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $14,137,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That of the amounts made available under this heading are provided as follows:

(1) $16,339,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: Provided further, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: Provided further, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: Provided further, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act;

(2) $103,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: Provided, That the Secretary shall may provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

(3) $1,550,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: Provided, That no less than $1,500,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $50,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) $20,000,000 for incremental voucher assistance through the Family Unification Program: Provided, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: Provided further, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services;

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by

the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over; and

(7) up to $50,000,000 provided under this heading maybe transferred to and merged with the appropriation for ''Transformation Initiative''.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be permanently cancelled.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,500,000,000, to remain available until September 30, 2013: Provided, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: Provided further, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: Provided further, That of the amounts provided under this heading $50,000,000 shall be for grants to be competitively awarded to public housing agencies for the construction, rehabilitation or purchase of facilities to be used to provide early education, adult education, job training or other appropriate services to public housing residents: Provided further, That grantees shall demonstrate an ability to leverage other Federal, State, local or private resources for the construction, rehabilitation or acquisition of such facilities, and that selected grantees shall demonstrate a capacity to pay the long-term costs of operating such facilities: Provided further, That of the total amount provided under this heading, $40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): Provided further, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,750,000,000: Provided, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: Provided further, That of the amounts made available under this heading, up to $15,000,000 may be transferred to and merged with the appropriation for ''Transformation Initiative''.

CHOICE NEIGHBORHOODS

For competitive grants under the Choice Neighborhoods Initiative for transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, public assets, transportation and access to jobs, and schools, including public schools, community schools, and charter schools, $250,000,000, to remain available until September 30, 2013: Provided, That grant funds may be used for resident and community services, community development and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That grantees shall undertake comprehensive local planning with input from residents and the community, and that grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That of the amounts provided, not less than $165,000,000 shall be awarded to public housing authorities: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That within 60 days of the enactment of this Act, HUD shall submit a plan to the House and Senate Committees on Appropriations, for approval, describing an array of performance measures that HUD will use in identifying functioning, sustainable, mixed-income neighborhoods and a plan for how HUD will work with other agencies: Provided further, That no more than ten percent of funds made available under this heading may be provided for planning grants to assist communities in developing comprehensive strategies for implementing this program in conjunction with community notice and input: Provided further, That the Secretary shall develop and publish guidelines for the use of such competitive funds, including but not limited to eligible activities, program requirements, protections and services for affected residents, and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $670,000,000, to remain available until expended: Provided, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: Provided further, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $18,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: Provided, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $7,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $919,000,000: Provided further, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $1,044,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of *which is to be guaranteed, not to exceed $41,504,255.*

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $320,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,450,000,000, to remain available until September 30, 2012, unless otherwise specified: Provided, That of the total amount provided, $3,992,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): Provided further, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $171,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: Provided, That none of the funds provided under this paragraph may be used for program operations: Provided further, That, for fiscal years 2007, 2008 and 2009, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $22,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced explanatory statement under this heading in title II of division K of Public Law 110–161 is deemed to be amended by striking ''Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club'' and inserting ''Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the Heights Boys and Girls Club''.

The referenced explanatory statement under this heading in division I of Public Law 111–8 is deemed to be amended with respect to ''Hawaii County Office of Housing and Community Development, HI'' by striking ''Senior Housing Renovation Project'' and inserting ''Transitional Housing Project''.

The referenced explanatory statement under the heading ''Community Development Fund'' in title II of division K of Public Law 110–161 is deemed to be amended with respect to ''Emergency Housing Consortium in San Jose, CA'' by striking ''for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families'' and inserting ''for improvements to homeless services and prevention facilities''.

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: Provided, That $100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: Provided further, That not less than $25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: Provided further, That $40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: Provided further, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: Provided further, That the Secretary will consult with the Secretary of Transportation in selecting grant recipients: Provided further, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs: Provided further, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: Provided further, That of the funding made available under the previous proviso, $10,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: Provided further, That of the amounts made available under this heading, $25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974, any part of which is guaranteed, shall not exceed a total principal amount of $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: Provided, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero, and such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2012: Provided, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $85,000,000, to remain available until September 30, 2012: Provided, That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further, That $50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: Provided further, That $8,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,875,000,000, of which $1,870,000,000 shall remain available until September 30, 2012, and of which $5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: Provided, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the Shelter Plus Care Program and emergency shelter grants, shall be used for permanent housing for individuals and families: Provided further, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That the Secretary shall renew on an annual basis expiring contracts or amendments *to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: Provided further, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That up to $12,750,000 of the funds made available under this heading may be transferred to and merged with the appropriation for ''Transformation Initiative'': Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.*

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $7,700,000,000, to remain available until expended, shall be available on October 1, 2009, and $400,000,000, to remain available until expended, shall be available on October 1, 2010: Provided, That the amounts made available under this heading are provided as follows:

(1) Up to $7,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $232,000,000 but not to exceed $258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: Provided, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Not to exceed $20,000,000 provided under this heading may be transferred to and merged with the appropriation for ''Transformation Initiative''.

(4) Amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $785,000,000, to remain available until September 30, 2013, of which up to $542,000,000 shall be for capital advance and project-based rental assistance awards: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: Provided further, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $265,000,000, of which up to $129,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013: Provided, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: Provided further, That, of the amount provided under this heading, $87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): Provided further, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: Provided further, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $100,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2011: Provided, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: Provided further, That of the amounts made available under this heading, not less than $15,000,000 shall be awarded to HUD-certified housing counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, $75,000,000, to remain available until September 30, 2013: Provided, That $20,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: Provided further, That $20,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market: Provided further, That $35,000,000 shall be for the Local Initiatives Fund so as to leverage additional public and private sector capital to stimulate the development of model residential energy efficient retrofits in ten or more communities: Provided further, That selected communities shall have demonstrated capacity to conduct energy efficient retrofit activities, and no community shall receive more than $10,000,000.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $40,000,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $27,600,000 are rescinded hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, of which $7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections 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 $9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of $400,000,000,000: Provided, That for the cost of new guaranteed loans, as authorized by section 255 of the National Housing Act (12 U.S.C. 1715z–20), $288,000,000; and, in addition, to the extent that new guaranteed loan commitments under section 255 will and do exceed $30,000,000,000, an additional $26,600 shall be available for each $1,000,000 in such additional commitments (including a pro rata amount for any new guaranteed loan commitment amount below $1,000,000): Provided further, That the Secretary shall reduce the principal limit factors applicable to mortgage loans insured under such section 255 in fiscal year 2010 by 5 percent from what was assumed for calculating the subsidy rates published in the President's budget for fiscal year 2010: Provided further, That during fiscal year 2010, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: Provided further, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses, of the federal housing administration $188,900,000, of $70,794,000 may be transferred to the Working capital fund, and of which up to $7,500,000 shall be for education and outreach of FHA single family loan products: Provided further, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2010, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: Provided, That commitments to guarantee loans shall not exceed $15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2011.

POLICY DEVELOPMENT AND RESEARCH

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, $48,000,000, to remain available until September 30, 2011.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000, to remain available until September 30, 2011, of which $42,500,000 shall be to carry out activities pursuant to such section 561 of which up to $2,000,000 shall be made available to carryout authorized activities to protect the public from mortgage rescue scams: Provided, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: Provided further, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: Provided further, That of the funds made available under this heading, $500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as Authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2011, of which not less than $20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: Provided further, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: Provided further, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: Provided further, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: Provided further, That of the total amount made available under this heading, $250,000 shall be allocated through the Office of Healthy Homes and Lead Hazard Control to conduct communications and outreach to potential applicants to the Lead Hazard Reduction Demonstration Grant program.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $200,000,000, to remain available until September 30, 2011: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used for the purposes specified under this Fund, *in addition to the purposes for which such amounts were appropriated: Provided further, That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.*

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $126,000,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for combating mortgage fraud, $20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2013, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: ''Public Housing Capital Fund'', ''Choice Neighborhoods Initiative'', ''Energy Innovation Fund'', ''Housing Opportunities for Persons With AIDS'', ''Community Development Fund'', ''HOME Investment Partnerships Program'', ''Self-Help and Assisted Homeownership Opportunity Program'', ''Housing for the Elderly'', ''Housing for Persons With Disabilities'', ''Housing Counseling Assistance'', ''Payment to Manufactured Housing Fees Trust Fund'', ''Mutual Mortgage Insurance Program Account'', ''General and Special Risk Program Account'', ''Research and Technology'', ''Lead Hazard Reduction'', ''Rental Housing Assistance'', and ''Fair Housing Activities'': Provided, That of the amounts made available under this paragraph, not less than $100,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: Provided further, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: Provided further, That of the amounts made available under this paragraph, not less than $40,000,000 shall be available for technical assistance and capacity building: Provided further, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPE VI, Choice Neighborhoods, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Health Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the housing needs of Native Americans: Provided further, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include planning, demonstrations, or evaluations related to prepurchase housing counseling and the Moving-to-Work demonstration program: Provided further, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: Provided further, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescission or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescission or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescission or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (I) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (I) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (I) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be *necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.*

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210. The President's formal budget request for fiscal year 2011, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2009 and 2010, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

(c) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g)), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 219. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 220. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: Provided, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 221. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''2009'' and inserting ''2010''; and

(2) in subsection (o), by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

SEC. 222. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 223. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 224. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings ''Executive Direction'' and heading ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 226. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 227. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

PREPAYMENT AND REFINANCING

SEC. 228. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by non-profit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS

SEC. 229. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: Provided, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: Provided further, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: Provided further, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: Provided further, That, this section shall apply to properties in fiscal year 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

SEC. 230. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS). No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

SEC. 231. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2010 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 232. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading ''Personnel Compensation and Benefits'' to any other account under this title under the heading ''Personnel Compensation and Benefits'' only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: Provided, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 233. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

REPORT ON COST OF GOVERNMENT-OWNED RESIDENTIAL HOMES

SEC. 234. (a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the ''Department''), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

(b) CONTENT.—The report required by this section shall include—

(1) the number of residential homes that the Department owned during the years 2004 and 2009;

(2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;

(3) a detailed explanation of the reasons for the ownership by the Department of the homes;

(4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and

(5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

SEC. 235. None of the funds made available in this Act shall be used to restrict implementation or enforcement of the community service requirements under section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)).

SEC. 236. The first numbered paragraph under the heading ''Tenant-Based Rental Assistance'' in the Department of Housing and Urban Development Appropriations Act, 2009 (Public Law 111–8) is amended by adding the following before the period at the end:

'': Provided further, That up to $200,000,000 from the $4,000,000,000 which are available on October 1, 2009 may be available to adjust allocations for public housing agencies to prevent termination of assistance to families''.

SEC. 237. The matter under the heading ''COMMUNITY DEVELOPMENT FUND'', under the heading ''COMMUNITY PLANNING AND DEVELOPMENT'', under the heading ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3601) is amended by striking '': Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program''.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2010''.

TITLE III

RELATED AGENCIES

ACCESS BOARD

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $24,558,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $19,000,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and *regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: Provided further, That concurrent with the President's budget request for fiscal year 2011, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.*

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $96,900,000, of which not to exceed $2,000 may be used for official reception and representation expenses: Provided, That of funds provided under this heading, $2,416,000 shall remain available through September 30, 2011: Provided further, That of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $133,000,000, of which $5,000,000 shall be for a multi-family rental housing program: Provided, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, '', except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule'': Provided further, That in addition, $45,000,000 shall be made available until expended for capital grants to build, rehabilitate or finance the creation of affordable housing units, including necessary administrative expenses: Provided further, That in addition, $65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,680,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (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 the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report *to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, 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 appropriation; and (3) an identification of items of special congressional interest: Provided further, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.*

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. 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 appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. All departments, agencies or other Federal entities funded under this Act shall notify the Senate and House of Representatives Committees on Appropriations no later than 7 days before any public or internet announcement by the Department or Administration regarding any new program or activity, including any changes to existing or proposed programs or activities.

SEC. 415. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 416. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

This Act may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010''.

NATIONAL FALLS PREVENTION AWARENESS DAY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 276, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 276) designating September 22, 2009, as ''National Falls Prevention Awareness Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 276) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 276

Whereas older adults age 65 and over are the fastest growing segment of our population and whose numbers will increase from 35,000,000 in 2000 to 55,000,000 in 2020;

Whereas 1 in every 3 people in the United States who are 65 years of age or older falls each year;

Whereas falls are the leading cause of injury, deaths, and hospital admissions for traumatic injuries among adults 65 years of age and older;

Whereas, in 2007, approximately 1,900,000 people with fall-related injuries were treated in hospital emergency departments and approximately 492,000 were hospitalized after treatment;

Whereas, in 2006, more 16,600 people aged 65 and older died from injuries related to unintentional falls;

Whereas, in 2000, direct medical costs for fall-related injuries for adults aged 65 and older totaled more than $19,000,000,000;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, annual direct treatment costs under the Medicare program will reach $32,400,000,000 by 2020;

Whereas evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, management of medications, correction of vision, and reduction of home hazards;

Whereas research indicates that fall prevention programs for high-risk older adults have a net-cost savings of almost $9 in benefits to society for each $1 invested;

Whereas the Safety of Seniors Act of 2007 (Public Law 110–202) was enacted to amend the Public Health Service Act (42 U.S.C. 280b et seq.) to create a national education campaign aimed at older adults, their families, and healthcare providers, and injury prevention programs that focus on the reduction and prevention of falls among older adults; and

Whereas the Falls Free Coalition Advocacy Work Group and its numerous national and State supporting organizations should be commended for their efforts to raise awareness and to promote better understanding, research, and programs to prevent falls among older adults: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 22, 2009, as ''National Falls Prevention Awareness Day'';

(2) commends the Falls Free Coalition Advocacy Work Group and the 22 State falls

coalitions for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(3) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to promote the awareness of falls in an effort to reduce the incidence of falls among older people in the United States;

(4) urges the Centers for Disease Control and Prevention to continue developing and evaluating interventions to prevent falls among older adults that can be used in effective community-based fall prevention programs;

(5) encourages State health departments to use their significant leadership to reduce injuries and injury-related health care costs by collaborating with colleagues and a variety of organizations and individuals to reduce falls among older adults; and

(6) recognizes proven, cost effective fall prevention programs and policies and encourages experts in the field of fall prevention to share their best practices so that their success can be replicated by others.

NATIONAL PROSTATE CANCER AWARENESS MONTH

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 277, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 277) designating September 2009 as ''National Prostate Cancer Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 277) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 277

Whereas countless families in the United States live with prostate cancer;

Whereas 1 in 6 men in the United States will be diagnosed with prostate cancer in his lifetime;

Whereas prostate cancer is the most commonly-diagnosed non-skin cancer and the second most common cause of cancer-related deaths among men in the United States;

Whereas in 2009, 192,280 men in the United States will be diagnosed with prostate cancer and 27,360 men in the United States will die of prostate cancer;

Whereas 30 percent of new diagnoses of prostate cancer occur in men under the age of 65;

Whereas a man in the United States turns 50 years old approximately every 14 seconds, increasing his odds of developing cancer, including prostate cancer;

Whereas African-American males suffer a prostate cancer incidence rate up to 65 percent higher than white males and double the prostate cancer mortality rates of white males;

Whereas obesity is a significant predictor of the severity of prostate cancer and the probability that the disease will lead to death, and high cholesterol levels are strongly associated with advanced prostate cancer;

Whereas if a man in the United States has 1 family member diagnosed with prostate cancer, he has a 1 in 3 chance of being diagnosed with prostate cancer, if he has 2 family members with such diagnoses, he has an 83 percent risk, and if he has 3 family members with such diagnoses, he then has a 97 percent risk of prostate cancer;

Whereas screening by both a digital rectal examination and a prostate-specific antigen blood test can detect the disease in its early stages, increasing the chances of surviving more than 5 years to nearly 100 percent, while only 33 percent of men survive more than 5 years if diagnosed during the late stages of the disease;

Whereas there are no noticeable symptoms of prostate cancer while it is still in the early stages, making screening critical;

Whereas ongoing research promises further improvements in prostate cancer prevention, early detection, and treatments; and

Whereas educating people in the United States, including health care providers, about prostate cancer and early detection strategies is crucial to saving the lives of men and preserving and protecting families: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as ''National Prostate Cancer Awareness Month'';

(2) declares that steps should be taken—

(A) to raise awareness about the importance of screening methods for, and treatment of, prostate cancer;

(B) to increase research funding that is commensurate with the burden of the disease so that the screening and treatment of prostate cancer may be improved, and so that the causes of, and a cure for, prostate cancer may be discovered; and

(C) to continue to consider ways for improving access to, and the quality of, health care services for detecting and treating prostate cancer; and

(3) calls on the people of the United States, interested groups, and affected persons—

(A) to promote awareness of prostate cancer;

(B) to take an active role in the fight to end the devastating effects of prostate cancer on individuals, their families, and the economy; and

(C) to observe National Prostate Cancer Awareness Month with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 374, the nomination of J. Michael Gilmore; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF DEFENSE

J. Michael Gilmore, of Virginia, to be Director of Operational Test and Evaluation, Department of Defense.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

MEASURE PLACED ON THE CALENDAR—S. 1687

Mrs. FEINSTEIN. Mr. President, I understand that S. 1687 is at the desk and due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 1687) to prohibit the Federal Government from awarding contracts, grants, or other agreements to, providing any other Federal funds to, or engaging in activities that promote the Association of Community Organizations for Reform Now.

Mrs. FEINSTEIN. Mr. President, I object to any further proceeding with respect to this bill.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

ORDERS FOR TUESDAY, SEPTEMBER 22, 2009

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, September 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that following morning business, the Senate resume consideration of Calendar No. 98, H.R. 2996, the Interior appropriations bill; finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons to meet.

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

PROGRAM

Mrs. FEINSTEIN. Mr. President, under a previous order, at approximately 12 o'clock the Senate will proceed to a vote in relation to the Feinstein amendment, as modified.

For the information of all Senators, the official photograph of the 111th Congress will be taken at 2:15 tomorrow in the Senate Chamber. All Senators are encouraged to be seated at their desks at that time.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. FEINSTEIN. 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 5:58 p.m., adjourned until Tuesday, September 22, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ELIZABETH M. ROBINSON, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE RONALD SPOEHEL, RESIGNED.

DEPARTMENT OF ENERGY

ARUN MAJUMDAR, OF CALIFORNIA, TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY, DEPARTMENT OF ENERGY. (NEW POSITION)

MILLENNIUM CHALLENGE CORPORATION

DANIEL W. YOHANNES, OF COLORADO, TO BE CHIEF EXECUTIVE OFFICER, MILLENNIUM CHALLENGE CORPORTATION, VICE JOHN J. DANILOVICH, RESIGNED.

INTER-AMERICAN DEVELOPMENT BANK

GUSTAVO ARNAVAT, OF NEW YORK, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS, VICE MIGUEL R. SAN JUAN.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

EDGARS AUZENBERGS
KURT J. BEIER
PAUL C. GARGIULO
LAWRENCE H. HENDERSON
GREGORY W. JOHNSON
ERIC B. KRETZ
WILLIAM K. NOFTSKER
MICHAEL P. SCHNEIDER
MICHAEL F. WILSON

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 189:

To be captain

MELINDA D. MCGURER

To be commander

DAVID C. CLIPPINGER
MICHAEL J. CORL

To be lieutenant commander

ROYCE W. JAMES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

NICHOLAS A. BARTOLOTTA
DENNIS S. BAUBY
GEORGE G. BONNER
ERIC L. BRUNER
GREGORY A. BUXA
GREGORY J. DEPINET
SHERYL L. DICKINSON
KATHLEEN A. DUIGNAN
MICHAEL J. EAGLE
DOUGLAS M. FEARS
DAVID S. FIEDLER
PATRICK FLYNN
MARK A. FRANKFORD
ROBERT L. GANDOLFO
MATTHEW J. GIMPLE
PETER J. HATCH
LARRY W. HEWETT
MARK A. JACKSON
DANIEL E. KENNY
KEVIN C. KIEFER
RONALD A. LABREC
DANIEL L. LEBLANC
STUART L. LEBRUSKA
MICHAEL G. LUPOW
PATRICK J. MAGUIRE
ANDREA M. MARCILLE
KENNETH D. MARIEN
STEPHEN P. MCCLEARY
MICHAEL P. MCCRAW
PATRICIA A. MCFETRIDGE
ROBERT E. MCKENNA
DANIEL J. MCLAUGHLIN
PATRICK M. MCMILLIN
BRENDAN C. MCPHERSON
MARK S. MESERVEY
KATHLEEN MOORE
RICHARD L. MOUREY
JIM L. MUNRO
SEAN R. MURTAGH
JOHN P. NADEAU
JEFFREY P. NOVOTNY
JOHN C. O'CONNOR
JEFFERY M. PETERS
TY W. RINOSKI
DAVID J. ROKES
THOMAS A. ROUTHIER
MARK T. RUCKSTUHL
KEVIN R. SAREAULT
ADAM J. SHAW
MATTHEW W. SIBLEY
MICHAEL H. SIM
ARTHUR J. SNYDER
MATTHEW C. STANLEY
DOUGLAS L. SUBOCZ
DANIEL P. TAYLOR
ROBERT K. THOMPSON
ANDREW J. TIONGSON
KATHERINE F. TIONGSON
WILLIAM J. TRAVIS
LEONARD R. TUMBARELLO
ERIC J. VOGELBACHER
ROBERT L. WHITEHOUSE
ROBERT S. WILBUR
JERALD L. WOLOSZYNSKI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DAVID J. DORSETT

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT B. O. ALLEN
TANYA A. BALYEAT
JESSE A. BENAVIDES
CATHERINE A. BONHOFF
BRAD C. BORDES
JEREMY L. BRASWELL
MICHAEL E. BROWN
LAUREN HUDSON BYRD
WALTER F. CATO
JEFFREY S. CHAPERON
MARK E. CLEVELAND
ANTHONY W. CRANE
BRENT J. CUNNINGHAM
THEODORE A. DEAR, JR.
PHILLIP C. DOUGLAS
PETER B. FRENCH
MARIA GILLIAMMCKINNEY
LYLE A. GOUDEAU
MIGUEL A. GUEVARA
DANIEL R. HENDERSON
ANDREW A. HERMAN
CHARLES S. HUGHES
DAVID HUINKER
KIRK T. JENKINS
ERIN K. LAGEN
JENNIFER M. LAVERGNE
MAURICE F. LAWLOR IV
THOMAS WARREN LESNICK
DONALD E. LOFTON, JR.
RONNIE C. MACK
TESS ANN MARCIAL
SEAN E. MARSHALL
STEPHEN M. MATHIS
LUZ A. MAYA
MAURICE D. MAYS
ALEXANDER L. MILLMAN
LOTTIE C. MOON
AIMEE L. MORALES
DONALD A. NIEMEYER
OSCAR A. OLIPANE, JR.
RAYMUND S. RADA
JAMIE E. STOWE
LAURA A. STRATER
TRACIE R. TIPPINS
ERNESTINA E. VANLEER
ADRIANA M. VARGAS
RONALD P. VESEY
KEITH M. VOLLENWEIDER
SHAR L. WAGAR
WAYNE A. WHOLAVER
TED K. WINRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JEFFREY K. ATKISSON
RENE G. BOISSIERE
JASON E. BUCKNER
FRANK M. CAPOCCIA, JR.
BOBBY L. CHRISTOPHER
JOHN M. CROWE
SARAH E. CUCITI
LEE M. ERICKSON
WILLIAM J. FECKE
DOUGLAS A. GIMLICH
MICKEY T. GOODRIDGE
JOHN P. HANNIGAN
RICHARD B. HAYES, JR.
STEVEN R. HOWELL
CURTIS B. HUDSON
PAGERINE L. JACKSON
FREDDIE E. JENKINS
ANDREW M. KACZMAREK
CRAIG A. KEYES
MARK R. LAMEY
ZOYA L. LEEZERKEL
WILLIAM P. MALLOY
RUBEN A. MATOS
ANN M. MCCAIN
JOHN F. MCDONALD, XI
GIGI A. SIMKO
JAMES S. SMITH
VITO S. SMYTH
WAH WAI SZE
KARI A. TURKALBARRETT
JANET K. URBANSKI
JUDY A. WEBBHAPGOOD
TERRY W. WILLIAMSON
ROGER L. WILLIS, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHRISTOPHER C. ABATE
LAIRD S. ABBOTT
DAVID J. ABRAHAMSON
DANIEL R. ABSHERE
PHILIP F. ACQUARO
TODD R. ALCOTT
LOUIS C. ALDEN
DETROL W. ALFORD
JENNIFER J. ALLEE
ANDREW L. ALLEN
CHARLES L. ALLEN
MARK A. ALLEN
MICHAEL P. ALLISON
JAMES JAY ALONZO
AARON D. ALTWIES
DAVID J. ANDERSON
JASON C. ANDERSON
JUDY P. ANDERSON
MICHAEL P. ANDERSON
NEIL E. ANDERSON
TODD W. ANDRE
DAMON A. ANTHONY
RICHARD M. ANTOINE
DAVID R. ANZALDUA
THOMAS G. ARANDA
RICHARD W. ARMSTRONG
DOUGLAS W. ASHER
LANCE W. AUG
CHRISTOPHER E. AUSTIN
JONATHAN F. AUSTIN
TROY C. AUSTIN
CHRISTIAN M. AVERETT
MAURICE C. AZAR
RENEE J. BACA
BRIAN J. BACARELLA
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JASON E. BAILEY
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JEREMIAH W. BALDWIN
CHAD A. BALETTIE
CHARA L. BALLARD
DEAN L. BALSTAD
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BRIAN C. BARKER
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JENNIFER M. BARNARD
WILEY L. BARNES
JOHN R. BARNETT
DAVID J. BARNHART
DONALD J. BARRETT
JEREME A. BARRETT
WILLIAM A. BARRINGTON, JR.
BENITO J. BARRON
CORI E. BARRY

BRIAN Y. BARTEE
CHRISTIAN A. BARTHOLOMEW
JASON E. BARTOLOMEI
ROBERT R. BASOM
JAMES EARL BASS
MARK A. BASS
CHRISTOPHER B. BASSHAM
DYLAN S. BAUMGARTNER
DOUGLAS J. BAYLEY
ROYCE W. BEAL
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ERIC V. BECK
JASON L. BECK
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ERIC J. BEERS
STEPHEN M. BEHM
SCOTT J. BELANGER
ANTHONY P. BELLIONE
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WILLIAM D. BETTS
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HEATHER W. BLACKWELL
BRETT R. BLAKE
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DENIS BRICENO
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BRIAN M. DEVANNEY
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BROCK E. DEVOS
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JOE MOTOS GORDON
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BRADLEY D. GRAVES
GEOFFREY T. GRAZE
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GABRIEL J. GRIESS
ALLEN J. GRIFFIS
G. JOHN GRIMM
TODD M. GROOMES
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MICHAEL R. HACKMAN
ERNEST Y. HAGA
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WALTER C. HATTEMER
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JEFFREY T. HAYNES
JOHN S. HAYNES
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TERRY A. KOESTER
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MIGUEL J. LEZAUN
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WILLIAM M. LOWE
DANIEL L. LUCE
TRISHA A. D. LUIKEN
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DAVID C. MCMARTIN
SUZANNA J. D. MCNABB
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JOSEPH T. MORGAN
ROGER C. MORIN
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MICHAEL K. MORRILL

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SHERRY B. MURPHY
RICHARD M. MURRAY
DOUGLAS A. MUSSELMAN
JAMES W. MYERS
MICHAEL T. MYERS
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QUY H. NGUYEN
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RANDY P. OAKLAND
KARLA K. OCONNOR
WILLIAM N. OCONNOR
BRIAN S. OGAWA
MARGARET M. OHARA
BRADLEY R. OLIVER
MICHAEL E. OLSEN
JOSHUA M. OLSON
STEVEN W. OLSONOWSKI
DAVID R. OMALLEY
DEREK J. OMALLEY
BRYAN C. OPPERMAN
JAMES S. OQUINN
JOHN T. ORCHARD, JR.
AINSWORTH M. OREILLY III
DORA EDILMA ORENCHICK
MICHAEL G. ORENCHICK
LOUIS E. ORNDORFF
PEDRO ORTIZ, JR.
AMY OSTERHOUT
STEVEN G. OWEN
NATHAN L. OWENDOFF
DAVID L. OWENS
JODY M. OWENS
GLADE G. OXBORROW
MARC L. PACKLER
DARIAN J. PADILLA
ROBERT H. PALEO
JASON R. PALMA
JAMES R. PALMER
NATHAN A. PALMER
THOMAS S. PALMER
SUKIT T. PANANON
JENNIFER L. PARENTI
BRANDON D. PARKER
CHRISTOPHER M. PARKER
DENNIS PARKER
ERIK J. PARKER
GREGORY K. PARKER
PHILLIP R. PARKER, JR.
MATTHEW A. PASKIN
BRYAN M. PATCHEN
BRIAN L. PATTERSON
TRACY W. PATTERSON
STEPHEN B. PAUL
ERIC C. PAULSON
HOLLIS R. PAYNE III
JOHN F. PEAK
ROBERT J. PEDERSEN
ROBERT K. PEKAREK
JAY E. PELKA
JEAN PHILIPPE N. PELTIER
DEVIN R. PEPPER
WILLIAM D. PERCIVAL
MANUEL P. PEREZ
LOUIS S. PERRET
KIRK W. PETERSON
LANCE M. PETERSON
MICHAEL J. PFINGSTEN
AUDREY G. PFINGSTON
ANDREW E. PHILLIPS
MICHAEL E. PHILLIPS
PETER S. PHILLIPS
DOUGLAS E. PIERCE
JASON D. PIFER
DAVID L. PIKE
MICHAEL S. PLANTENGA
MATTHEW G. POLLOCK
PAUL H. PORTER
ROBERT W. POVLICH, JR.
BRADLEY F. POWERS
LARRY D. POWERS
TAMARA L. PRASSE
CHRISTOPHER I. PRICE
DANIEL L. PRICE
STEPHEN C. PRICE
CRAIG L. PRICHARD
CAMERON S. PRINGLE
NORMAN W. PRUE, JR.
WILLIAM HAROLD PRUITT
MICHELLE L. PRYOR
ANTHONY L. PUENTE
DAVID M. PUGH
STEPHEN M. PURDUM
VARUN PURI
CHRISTOPHER S. PUTMAN
VAUGHN G. PYPER
EDUARDO A. QUERO
SEAN A. RAESEMANN
MICHAEL C. RAKOCZY
DAVID RAMIREZ, JR.
CARLOS S. RAMOS
JESUS A. RAMOS
DENNIS S. RAND
ROBB M. RANDALL
GERALD I. RAY, JR.
SAMANTHA D. RAY
WILLIAM F. RAY
PATRICK L. REAGAN
NICHOLAS J. REED
ROBERT J. REED
SHAD A. REED
GREGORY T. REICH
ADAM D. REIMAN
CHRISTOPHER J. REIZ
LENDY G. RENEGAR
STEPHEN G. RENY
KEITH REPIK
TIMOTHY J. REUTIMAN
KYLE A. REYBITZ
JON M. RHONE
DONALD W. RHYMER
JESSICA N. RHYNE
GLYNN E. RICHARDS
DEAN A. RICHARDSON
ALISA D. RICKS
TAMMIE L. RIDDER
ROBERT B. RIEGEL
ROBB N. RIGTRUP
MICHAEL S. RIMSKY
RAMIRO RIOJAS
MARK A. RISELLI
JOSE L. RIVERAHERNANDEZ
TEAKA J. ROBBA
JASON I. ROBERSON
MARCUS L. ROBERTS
PAUL M. ROBERTS
OSCAR G. ROBERTSON
BRANDON J. ROBINSON
DAVID J. ROBINSON
MARK S. ROBINSON
MATTHEW K. RODMAN
GEORGE R. ROELKE IV
KEITH M. ROESSIG
JEREMIAH T. ROGERS
JAMES G. ROHRBOUGH, JR.
JOSEPH W. ROJAS
AUGUST J. ROLLING
JENNIFER A. ROLLINS
JAMES L. ROMAG
ROBERT E. ROMERO
DAVID P. RONDEAU
WILLIAM T. RONDEAU, JR.
KEVIN D. ROOK
FREDDIE R. ROSAS
LEONARD T. ROSE
CLINTON A. ROSS
ROBERT J. ROSS
ROBERT C. ROSSI
KURT P. ROUSER
RYAN L. ROWE
JAMES S. ROWLEY
JON K. RUCKER
RIP M. RUCKER
JOSHUA BRADFORD RUDDELL
CLIFFORD R. RUDDER
MARTIN F. RUDY
JASON M. RUESCHHOFF
RONALD H. RUPPEL
CLAY T. RUSS
CHRISTOPHER J. RUSSELL
CHRISTOPHER J. RUSSELL
TIMOTHY H. RUSSELL
ANDREW P. RUTH
ADAM L. RUTHERFORD
ANDREW J. RYDLAND
SHAUN G. SALYERS
DAVID H. SANCHEZ
JERRY D. SANCHEZ
MATTHEW J. SANDELIER
GILBERT W. SANDERS
KAREN L. SANDERS
MICHAEL C. SANDERS
STEPHEN T. SANDERS
JASON R. SANDERSON
KARSON A. SANDMAN
ALEXANDER SANSONE
GLENN V. SANTOS
SUZANNE M. SAULS
BRIAN E. SCHAEFFER
BRIAN M. SCHAFER
NATHAN E. SCHALLES
JAMES A. SCHARTZ
GEORGE F. SCHEERS, JR.
TODD A. SCHERM
JOCELYN J. SCHERMERHORN
IAN G. SCHNELLER
CHAD H. SCHOLES
KARL R. SCHRADER
THOMAS M. SCHRAMEL
FRANK B. SCHREIBER
JEFFREY T. SCHREINER
ROBERT C. SCHROETER
JOHN D. SCHULIGER
RANDALL B. SEALY
GEORGE H. SEBREN, JR.
JOHN M. SEDLACEK
CHARLES K. SEIDEL
KEVIN L. SELLERS
BRIAN D. SELLS
JASON E. SEYER
THOMAS P. SEYMOUR
JEFFREY R. SGARLATA
BRIAN R. SHAFFER
DOUGLAS S. SHAHAN
CHRISTOPHER M. SHEA
GENE S. SHERER
THOMAS S. SHIELDS
TODD R. SHIELDS
EDISON R. SHINN
JOSEPH P. SHIRVINSKY
TED V. SHOEPE
RONALD E. SHOUSE
STANTON C. SHUTTLEWORTH
BRIAN D. SIDARI
ERIC J. SIKES
JAMES W. SIKRA
PAUL T. SILAS
JAE B. SIM
RAYMOND L. SIMMONS
MICHAEL J. SIMON
STEVEN A. SIMONE
COLIN J. SINDEL
SANJIT SINGH
JOSEPH B. SKIPPER
PAUL M. SKIPWORTH
FAE M. SKUYA
SEAN R. SLAUGHTER
BRIAN A. SMITH
DARRELL L. SMITH
ERIC A. SMITH
JAMES A. SMITH
JAMES P. SMITH
JASON A. SMITH
STEPHEN P. SNELSON
MICHAEL W. SNODGRASS
MARK SOTALLARO
RYAN M. SPARKMAN
ERIC D. SPARKS
CHRISTOPHER J. SPINELLI
JOHN C. SPITZER
ALAN R. SPRINGSTON
MICHAEL R. STAPLES
LAVERN A. STARMAN
SHANE D. STEINKE
ROBERT A. STENGER
DAVID E. STEPHENS
OWEN D. STEPHENS
SCOTT A. STEVENS
BRITTANY D. STEWART
TRACE B. STEYAERT
RUSSELL STILLING
MARC A. STITZEL
ADAM J. STONE
ANDREW B. STONE
DANIEL W. STONE
KENNETH B. STONI
THOMAS J. STRASSBERGER
JEFFREY D. STREMEL
ANTHONY R. STRICKLAND
L. MICHELLE STRINGER
JEFFREY E. STROMMER
DAVID M. STRONG
STEPHEN G. STURM
JEFFREY A. STYERS
GERALD D. SULLIVAN, JR.
DAVID E. SUMERA
KEITH E. SUROWIEC
PATRICK J. SUTHERLAND
RICHARD E. SUTTER
RYAN J. SUTTLEMYRE
SCOTT A. SVEINSSON
JAMES A. SWEENEY
RYAN S. SWEENEY
PAUL E. SWENSON
THOMAS K. SWOVELAND
BENJAMIN J. TABOR
DANIEL A. TADEVICH
TRAVIS W. TANKERSLEY
TIMOTHY N. TART, JR.
ROBERT D. TARWATER
BRYAN E. TASH
KYLE M. TATE
MARK E. TATE
MICHAEL S. TATE
JOSELITO C. TAYAO
BEVERLY L. H. TEMPLEMAN
BRIAN A. TEMPLIN
FRANK A. TERSIGNI
GARY L. THEISS
ALAN F. THODE
MARK J. THOMPSON

MICHAEL A. THOMPSON
STEPHEN W. THOMPSON
TIMOTHY W. THURSTON II
MICHAEL D. TIEMANN
DOUGLAS F. TIPPET
STEVEN J. TITTEL
TODD L. TOBERGTE
GREG E. TOBIN
JASON W. TODD
STEVEN S. TODD
GREGORY D. TOLMOFF
BRIAN E. TOLSON
DAVID G. TOOGOOD
HEBER F. TORO
CHRISTOPHER R. TORRES
KATHY L. TRAVIS
KEITH L. TRAVIS
RICARDO L. TRIMILLOS
TIMOTHY W. TRIMMELL
SCOTT A. TRINRUD
MICHAEL E. TUERS
WALLACE R. TURNBULL III
KEITH R. TURNER
TROY M. TWESME
BRIAN J. TYLER
BRIAN V. UCCIARDI
WILLIAM K. UHRIG
THOMAS R. ULMER
THEODORE UNZICKER
ERIC V. UPTON
MICHELLE VANCOURT
DONALD G. VANDENBUSSCHE
TRICIA A. VANDENTOP
BYRON J. VARIN
SERGIO J. VEGA, JR.
CAROL MUNIRA VERGARADURON
DAVID G. VERNAL
SCOTT A. VICKERY
ROBERT A. VIETAS
PAUL D. VILLAGRAN
STEVEN E. VILPORS
CRAIG A. VINCENT
ROSS C. VINCENT
JASON D. VIRAG
MARK J. VITANTONIO
WINCHESLEY R. VIXAMA
NATHAN J. VOGEL
ROBERT J. WAARVIK
ROBERT S. WACKER
SEAN C. WADE
FREDERICK W. WAINWRIGHT, JR.
MICHAEL J. WAITE
ALEXANDER M. WALAN
BRIAN J. WALD
ROSALYN L. WALKER
SEAN M. WALKER
EUGENE M. WALL
TREVOR A. WALL
MARK WALLACE
ADAM D. WALLEN
DAVID R. WALLER
DAVID C. WALLIN
DAVID J. WALSH
TERRENCE L. WALTER
PATRICK A. WAMPLER
MARTINE F. WANZER
BONNIE S. WARD
JASON T. WARD
TRACY T. WARD
BRENT H. WARDELL
JESSE F. WARREN
DANIEL J. WASILAUSKY
RAQUEL C. WASILAUSKY
BRIAN K. WATKINS
EVAN T. WATKINS
JEFFREY A. WAUGH
ERNEST L. WEARREN, JR.
MARK H. WEBB
RODRICK L. WEBB
DANIEL L. WEEKLEY
MAX C. WEEMS
THERESA E. WEEMS
JAY A. WELBORN
CHRISTOPHER S. WELCH
SEAN T. WELSH
PETER A. WENELL
ROBERT D. WESTOVER
WILLIAM H. WHARTON
JON S. WHEELER, JR.
RONALD W. WHEELER
ANDREW K. WHIAT
DALE R. WHITE
JEFFREY J. WHITE
JEROME K. WHITE
NATHAN A. WHITE
RICHARD T. WHITLOCK
RAYMOND K. WHYTE
DOUGLAS P. WICKERT
STEPHEN D. WIER
JASON B. WIERZBANOWSKI
DANIEL R. WILCOX
PAUL E. WILKERSON
DAVID E. WILLIAMS, JR.
KEITH P. WILLIAMS
KEVIN L. WILLIAMS
TRENT J. WILLIAMS
DAVID A. WILLIAMSON
DEAN G. WILLIAMSON
JOHN T. WILLOUGHBY, JR.
KEVIN P. WILSON
LYNDA M. Z. WILSON
KATHRINE M. WINANS
LORI L. WINN
PATRICK C. WINSTEAD
WILLIAM R. WINSTEAD
LISA M. WOFFINDEN
PAUL M. WOJTOWICZ
JOHN J. WOLF
STEPHANE LAINE WOLFGEHER
TIMOTHY G. WOLLER
PAUL C. WOOD
BRECK A. WOODARD
BRINT A. WOODRUFF
BRIAN J. WORTH
SCOTT M. WURZBURGER
DONN C. YATES
JAMES N. YEPEZ
MATTHEW W. YOCUM
JIN B. YOON
BANTA M. YORK III
PAUL J. YUSON
JOSEPH B. ZELL
CHRISTOPHER J. ZUHLKE

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BRUCE P. CRANDALL

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH E. DUVALL
BRUCE H. STILLMAN
WILLIAM M. THURMOND
JOHN A. WEATHERLY
RANDALL M. ZEEGERS

THE FOLLOWING NAMED OFFICERS FOR REGULAR ARMY APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

JENNIFER E. CHOATE
JEFFREY A. GERRISH
LYNDON E. MARSHALL
JEFFREY A. MROCHEK
DARRIN W. OLINGER
VICTOR A. ORTIZ
WILLIAM S. SAVAGE

To be major

RICHARD D. BUTLER
GEORGE N. CARLSON
JUAN F. MATA
RODNEY E. RUDOLPH

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS, UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be colonel

BRADLEY L. LOWE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DANIEL A. FREILICH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

ROBERT R. LIU

To be commander

STEPHEN A. BELMONTE
GREGG D. BRANHAM

To be lieutenant commander

RAYMOND V. DEMPSEY
NATASHA L. FLEMENS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

IRWIN ELSTEIN
RICHARD P. GIST
ANN M. KOPELSON

To be lieutenant commander

OCTAVIAN R. ADAM
WILLIAM A. CALABRIA
JENNIFER C. FREEMAN
DAVID R. GOFF
MARTIN D. KATZ
PETER G. MAYER
LUZ E. RODRIGUEZ
DOUGLAS A. TOMLINSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RUSSELL P. BATES
LORI L. CODY
JESSE HUBBART
RAY A. JACKSON
JEFFREY G. JORDAN
FELIXBERTO C. MALACA
TIMOTHY G. NASELLO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

OSCAR D. ANTILLON
BRADLEY M. BAER
MATTHEW L. BEDARD
CHARLES W. BISGARD
JOHN C. BROWN
TROY M. BROWN
RYAN P. CAREY
AARON J. CHETELAT
RICHARD R. CONTRERAS, JR.
BRANDON N. COX
CHRISTOPHER J. CROKE
JAMES W. EVANS
CATHERINE U. EYRICH
AMY E. FLEMING
BRIAN L. FOSTER
TROY A. FRAZEE
MICHAEL D. GOOLSBY
LAKEEVA B. GUNDERSON
MATTHEW C. GUNDERSON
ANTHONY S. HAVERLY
JOHN D. HERRIN
WERNHER C. HEYRES
CHRISTOPHER M. HOLZNER
MICHAEL M. JAROSZ
JARED A. JASINSKI
GREGORY P. JENNINGS
SAMUEL A. JOHNSON
RYSZARD B. KACZMAREK
STANLEY C. LAM
STEPHEN M. LAMPERT
CHRISTOPHER S. LANDESS
JASON H. LOCKHART
DAVID M. MATVAY, JR.
MICHAEL W. MCCAIN
REGINALD B. MCNEIL II
GLEN R. MESSER
DANIEL J. MULLER
RAYMOND H. OVIEDO
JEFFERY J. PARKER
ADAM S. PERRINS
WILLIAM M. PURCELL
JEREMY D. RAMBERG
MATTHEW A. RICHARDSON
JEFFREY A. RICHER
RAYMOND ROHENA
WALTER C. SIBLEY
JIMMY SOONG
LETICIA SOTO
CHRISTOPHER E. STEELE
ROBERT D. STILES
JULIANA M. STRIETER
CRISTINA T. SUAREZ
PRESTON D. TAYLOR
AARON M. TURKE
KENNETH L. VARGAS
GRANT H. WATANABE
SAMUEL W. WERSCHKY
MATTHEW T. WILLIAMS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DOYLE S. ADAMS
MICHAEL D. AMEDICK
JOHN G. ANDERSON
MICHAEL R. BAKER
MATTHEW K. BERRENS
JENNIFER D. BOWDEN
ROBERT N. BURNS, JR.
ALAN CAMERON
JOHN A. CARTER
GREGORY A. CATES
STEPHEN M. COATES
PATRICIA A. COLEY
SAMUEL CONTRERAS
JAMES L. DANCE
DARIN D. DUNHAM
RANDALL D. EKSTROM
RUSSELL A. HALE
DANIEL W. HALL
ROBERT W. HALL
JASON HEFNER
CHRIS E. HESTER
THOMAS A. IANUCCI
CHARLES W. JOHNSON
JAY J. KERSTEN
PAUL B. KIM

KENNETH R. LEE, JR.
LOUIS C. LEE
JOHN R. LOGAN
PEGGY L. LOW
MARC H. MASSIE
JOHN E. MCKINNEY
AARON T. MILLER
WESLEY J. MODDER
ROBERT A. MOORE
FRANK P. MUNOZ, JR.
PHILIP N. PARK
ALFRED V. PENA
JAMES M. PEUGH
MICHAEL L. PHILLIPS
WILLIAM S. RILEY
RONALD T. RINALDI
STEVEN L. ROBERTS
RICHARD L. ROE
JONATHAN A. ROZEMA
LESLIE K. SIAS
ALAN M. SNYDER
JAMIE J. STALLRYAN
WILLIAM M. STEWART, JR.
STEVEN E. STOUGARD
GARRY R. THORNTON, JR.
TROY K. TODD
RICHARD A. TOWNES, JR.
DENISE L. WALLINGFORD
DENNIS M. WHEELER
EUGENE WOZNIAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RYAN M. ANDERSON
JASON S. AYEROFF
MICHAEL BAHAR
JOHN M. BARTLETT, JR.
LAURA E. BISHOP
PHILLIP A. CHOCKLEY
MITCHELL D. EISENBERG
TIMOTHY E. FRENCH
JAIMICA M. GIARRAPUTO
TREVOR J. GRANT
PHILIP J. HAMON
ELIZABETH H. JOSEPHSON
KATHLEEN L. KADLEC
KIMBERLY J. KELLY
JAMES H. KIRBY
STUART T. KIRKBY
HAYES C. LARSEN
DAVID H. LEE
JUSTIN MCEWEN
DEREK MILLS
PAIGE J. ORMISTON
WILLIAM G. PARKER
TIMOTHY R. PARR
PETER P. PASCUCCI
KATHERINE S. PASIETA
ELIZABETH A. ROSSO
RYAN STORMER
MICHAEL J. STUTTS
RACHEL E. TREST
BRENT E. TROYAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RUBEN A. ALCOCER
GREGORY M. ALEXANDER
RYAN P. ANDERSON
ALFRED F. APPLEWHAITE
JAYSON J. AURELIO
TARA L. BAKER
ALISHA R. BAUGH
MICHAEL T. BETHANY
JASON A. BLEVINS
CHRISTIAN K. BOOTH
JOANNA D. BRADLEY
BRADLEY A. BROOKS
KEVIN T. BROWN
JOHN W. BRYANT
CHRISTOPHER M. BUCZKOWSKI
WILLIAM L. CHAMLEE
CHIN Y. CHOE
DAVID E. COLLIS
CHRISTOPHER P. COUSINO
CHRISTIN E. CROWLEY
STEPHEN A. DARRING
DEBORAH K. DAVISREID
SHANE H. DERBY
MELANIO R. DIAZ
ERIC DIEGES
JERETTA R. DILLON
JOHN K. DINERO
PAMELA R. DUKES
TIMOTHY R. FREEMAN
TERRI L. GABRIEL
MICHAEL J. GARCIA
PETER F. HARRINGTON
JASON E. HASIS
PAMELA R. HEATER
JOHN M. HENSON
BRENDAN R. HOGAN
PETER J. HOLDORF
DAVID J. HUBER
EDELIO P. JOLOYA
BARI J. JONES
DAVID K. JONES, JR.
DESCONE M. KELLY
FRANK D. KIM
TERESA M. KINYON
ROBERT A. KIRK
DALE KLAN
KEITH B. KLEMM
CARL W. KOCH
LANCE W. KOELKEBECK
ROBERT G. KOVACK, JR.
JOSHUA T. LANCASTER
CURT R. LAROSE
PHILIP R. LINDLEY
GREGORY M. LINSKY
ALVARO LUNA
TODD D. MALAKI
APRIL E. MALVEO
FRANK A. MAURER
AMY A. MCGOWAN
KEVIN L. MCGRAW
ALLEN H. MCKIBBEN II
PHILIP J. MOCK
JOHN MONTEMURNO
DAVID J. MUHL
BRIAN C. MURRAY
DAVID W. NORIEGA
BENJAMIN S. OFFUTT
TROY G. ORR
ALLEN M. OWENS, JR.
ERIK RANGEL
MANUEL R. REFUGIA, JR.
ROBERT E. ROBERTS, JR.
MICHAEL D. RUMINSKI
PAMELA R. SAUCEDO
MICHAEL R. SCHILLING
BRIAN J. SCHONS
CHRISTOPHER A. SCOTT
COLE B. SEIBEL
FRANKLIN B. SEMILLA
BRENT D. SIMMONS
PATRICK E. STACEY
TRISHA A. SUTTON
DOUGLAS H. THOMPSON
SETH D. THORNHILL
JAMES A. TROUT
LARRY S. WALLACE
REBECCA A. WASMER
RACHELE A. WHARTON
LARRY M. YOUNGER
MICHAEL P. YUNKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ANACLATO B. ANCHETA, JR.
ACCURSIA A. BALDASSANO
JULIE M. BALENSIEFEN
BRIAN A. BARBER
RACHEL R. BAUDEK
KAREN A. BELCAR
SHYNELL D. BENNETT
GRETA L. BENTON
RAYMOND L. BONDS
KIRSTEN L. BOWEN
MARGARET W. BRAUS
TIMOTHY P. BRENDER
NATHAN S. BREZOVIC
JULIE A. BROOKS
CARMEN M. BROSINSKI
DAVID S. BURKS
DINORAH CELY
RUBY L. COLE
TYMESIA V. CORTEZ
JOANNE M. COSTELLO
COBY S. CROFT
RICHARD J. CURLEY
DAVID A. DEIKE
IMELDA R. DONOHUE
VALERIE V. ECKWOODANDERSON
PATRICE M. EWELL
STUART W. EWY
BRIDGETTE D. FERGUSON
JERVIA I. FICKENS
WILLIAM A. FIELDS
ALVIN G. GARCIA
JOHN B. GORE
DARLENE E. GOZUN
DEAN L. GRISHAM
ROBIN A. HARRIS
VIRGINIA C. HAZLETT
MARY K. HIXSON
AARON B. JACOB
TERRI L. JANDRON
HYELEE KIM
JENNIFER E. LEZCANO
CARLA A. LITTLE
JIAN H. LIU
COLLEEN P. MAHON
JILL M. MALDARELLIDREY
CHRISTI MARTI
FELECIA N. MCCRAY
BRENT M. MCDUFFIE
JOHN B. MCGLORTHAN
KAZMER MESZAROS, JR.
PATRICIA J. MILLER
DAWN E. MITCHELL
MICHAEL A. MITCHELL
FRANCIMAR C. MUTYA
SANDRA L. MYERS
TED U. PAGULAYAN
ERIC J. PAULI
GEOFFREY L. PLANT
WILLIAM G. POHLMAN
LYNDA D. POTSWALD
NANCY D. POWELL
SHAWN W. PYLE
MICHELLE S. SANDERS
SEAN P. SCULLY
ERIC J. SEYBOLT
PRENTICE E. SHERROD, JR.
STEVEN J. SOARES
ELIOT D. SPENCER
JANE J. STAMEY
SCOTT R. STAUP
BRANDON K. STERNE
MARTIN J. SUMMERVILLE
SUSAN M. TILLMON
MATTHEW A. TRUDEAU
KRYSTAL M. TURNER
ANGELA V. TYNER
CRAIG A. TYSON, SR.
MICHAEL S. URTON
TONY A. WADE
JERROL B. WALLACE
JOEL P. WEMETTE
AMY C. WHITE
JANICE A. WHITE
JACQUELINE R. WILLIAMS
NOEL D. YSIP
MEGAN K. ZELLER
LAWRENCE S. ZOBACK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

OSMEL ALFONSO
TIMOTHY D. BARNES
WILLIAM S. BARNETTLAVERGNE
TADD A. BAUS
MATT D. BEERY
RUSSELL L. BRADEN
KELLY L. BRICKO
KERRI L. BROWNE
SARA M. BUSTAMANTE
JUSTIN S. CAMPBELL
ROGER S. CARON
KATHERINE M. CARRICK
WILLIE D. CARTER
BRENT N. CASADY
DAVID CEPEDA
JON D. CHAMPINE
EDWIN A. CHAVEZ
LAKESHA A. CHIEVES
TIFFANY F. CLINE
CHRISTINE A. COETZEE
TIMOTHY J. COKER
MICHAEL L. CONNOR
JOHN P. CONZA
MARIA C. COON
CELERINA L. CORNETT
NOEL M. CORPUS
LESLIE R. COUNCILOR
TANAKA M. CROSS
RUSSELL C. DEASON III
RANDY S. DEE
ANGELIQUE C. DEMONCADA
ERICH J. DIETRICH
MARK L. DONALD II
CARRIE L. DREYER
EDWARD W. DRISH
DIANE M. EARLE
MARK A. EDWARDS
TOSHIHIRO F. ESTRADA
JOHN P. EVANS
JOSEPHINE C. FAJARDO
PHILIP G. FATOLITIS
TIMOTHY W. FERRELL
DAVID S. FORSYTH
THOMAS C. FOSTER
DIANA M. GARCIA
REBECCA V. GELS
JAMES R. GEORGE
WENDY A. GEORGE
MARGARET L. GIBSON
RICHARD GILLIARD, JR.
ROBERT D. GOAD
BRADEY R. GOTTO
DAVID B. GRIBBEN
JEFFERSON D. GRUBB
GERALD M. HALL
PHILLIP J. HANSON
PATRICK M. HARE
ERIC M. HARMON
ANDREW M. HAYES
OMAR J. HIPONIA
STACY L. HOFFMAN
JONATHAN A. HOILES
BRENT L. HOUSE
MATTHEW H. JAMERSON
MICHAEL S. JETTE
EDUARDO M. JIMENEZ, JR.
PAULA JOHNSTON
TOM A. JUDY
DANIEL KACHENCHAI
JOSEPH P. KASCAK
KYLE E. KEE
MICHELLE L. KEE
JOSHUA I. KEIL
CRAIG L. KNOTT
MOHAMMAD B. KOHISTANY

TIFFANY H. LANDIS
MELISSA D. H. LAUBY
STEVIE LEGETTE
JESSICA Y. LIN
STEPHEN E. LIZEWSKI
MELISSA J. LODHI
BRIAN E. LONG
JAMES C. LONG
DANIEL J. MALEY
SHAWNA M. MALEY
STEPHEN A. MARTY
JOSEPH A. MASTRANGELO
MARLA D. MCCLELLAN
RONNIE R. MCGILLVERY
ROBERT T. MCMAHON III
KENNETH J. MEEHAN
JOHN G. MEETING
MATTHEW N. MERCER
STACIE A. MILAVEC
TYLER P. MILES
JONATHAN D. MILLINER
KELLY E. MOKAY
NAUSHEEN MOMEN
JASON T. MORAREND
MARCY M. MORLOCK
RICHARD J. OGNIEWSKI
AMARYLLIS B. OLASEHINDE
MUHAMMED A. OZEROGLU
JEREMY S. PYLES
KELLEY A. QUINN
ANTHONY M. RABAIOTTI
JOHNNY RAMOS
CHAD J. REES
WILLIAM R. REYNOLDS
CHARMIN N. RICKARDS
TINSIKA I. RIGGS
RODNEY L. ROBINSON
JANEL B. ROSSETTO
STEPHANIE SAMSON
ENRICO L. SARMIENTO
WILLIAM R. SCHEELER
JASON P. SCHMITTSCHMITT
STEVEN D. SCHUTT
DOUGLAS P. SCHWEIKHART
HENRY D. SCHWERDTFEGER
REED G. SELWYN
ROBERT P. SENKO
STEPHANIE A. SINCOCK
ELIZABETH SMITH
RICHARD C. STACEY
JEFFREY E. SUBA
KAREN M. SUFTKO
TIMOTHY A. SWANSIGER
DAVID A. VEENHUIS
HENRY S. WARREN
EVE G. WEBER
KEVIN J. WETZEL
ERIN R. WILFONG
RODNEY WILSON
SEAN W. WRIGHT
MARJORIE A. WYTZKA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

WILLIAM M. ANDERSON
YASIR F. BAHRANI
MARK D. BREESE
CECILIA M. BROWNBLAKE
DEA L. BRUEGGEMEYER
AMY L. BRYER
KATHLEEN D. BUSS
SHERRY A. CARAVEO
MATTHEW B. CHESLER
JAMES T. CORBETT
BART M. CRAGEN
MATTHEW C. DART
KRISTI E. ERICKSON
SHAWN M. FOX
BRIAN J. GUERRIERI
JEREMY D. HAYES
MANDY L. JOHNSON
BROOK W. JONES
BYUNG J. JOO
GREGORY L. KOONTZ
ALLISON A. MILLINER
MICHAEL T. MOONEY
BRANDON K. PETERSON
NICHOLAS J. PETERSON
MIHAE P. RAVEY
JOHN P. SULLIVAN
IAN M. J. VALECRUZ
JEFFREY R. WESSEL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

PAUL J. ALEA
ROBERT D. ALLISON
ALEX T. ALLWEIN
JEFFREY S. ALVIS
BROCK A. ANDERSEN
TERRENCE D. ANDERSON
LUIS A. ARCE
JONATHAN D. AUTEN
STEVEN R. BANKS
BETH BEAL
RICHARD L. BECKER
HOWARD M. BENNETT
STEVEN J. BERNICK
DONALD S. BERRY
SHAAN R. BHOJWANI
KATHRYN L. BIDSTRUP
ANTHONY M. BIELAWSKI
KASINA J. BLEVINS
JOY U. BLITZ
JOANNA G. BOLTON
ROGER BOODOO
WESLEY D. BOOSE
JOSEPH B. BORAWSKI
JEFFREY J. BORUT
SONYA L. BROCK
DAREN R. BROOKS
WILLIAM M. BROWN III
KRISTIN M. BROWSKE
CAROL L. BUDZIK
JEREMIAH D. BURNETT
SHARI L. BUZOLICH
KEVIN A. BYRD
MARIA A. CAGGIANO
JACOB J. CARMICHAEL
MICHAEL J. CARUSO
DARREN CHERRY
EMILY M. CHRISTMAN
PAUL S. CHUNG
ROBERT N. CLAPP
DELBERT D. CLARK
EDMUND J. CLARK
MAX A. CLARK II
OTIS C. COLVIN
JUSTIN M. COX
WIRT W. CROSS, JR.
MICHAEL A. DARRACQ
MARK R. DEBUSE
MICKEY B. DEEL
JAMES G. DEMITRACK
TAI A. DO
JEREMY P. DOAK
BENJAMIN J. DRINKWINE
LINDA C. DUNN
SUPAKUNYA K. EDMONSON
MARCIA L. EHRMANN
JONATHAN N. ELLIOT
DANIEL P. ELLIOTT
OCTAVIANO ESPINOSA
CHARLES C. FALZON
DOMINICK R. FERNANDEZ
MELISSA K. FISCHESSER
KYLE R. FLANAGAN
MICHAEL C. FLANAGAN
DAVID T. FOSTER
IAN M. FOWLER
WARREN K. FREY
DAVID L. FURMAN
ERICKA GAIR
GREGORY A. GATES
JACOB J. GLASER
JASON A. GORDON
WENDY T. GORDON
CONTESSA D. GRAY
LESLYE M. GREEN
DAVID E. GREENE
STACY S. GRIFFIN
MARAT V. GRIGOROV
TIFANI C. GRIZZELL
DAVID A. HAMPTON
ROBERT B. HANSEN
JAMES M. HARRISON
MARGARET A. HARVEY
JOSEPH D. HEBREO
DAVID A. HELTZEL
RICHARD E. HEYWOOD III
OKSANA B. HIRNIAK
THANH D. HOANG
KATHERINE Z. HOLCOMB
JAMES R. HOLLIS
JENNIFER L. HOLMES
ROBERT O. HOLMES, JR.
JOHN M. HOLST
WAYNE F. HOMAN, JR.
BARBARA G. HOOVER
AARON R. HUBER
DONALD W. HURST
WALT HWANG
JENNIFER R. ISNER
CHRISTOPHER R. JODLOWSKI
GRETCHEN K. JOHNSON
MARK D. JOHNSON
JOANNE F. JOHNSTON
JUSTIN E. JONES
GRANT A. KIDD
AILEEN KIM
TAMARA J. KINDELAN
LISA S. KLA
JENNIFER F. M. KLIMPEL
THAD D. KLIMPEL
RICHARD A. KOCH
ROBERT J. KRAUSE
JAYRAM KRISHNAN
BRIAN W. LEGENDRE
DANIEL Y. LESLEY
JAMES M. LIANG
RHONDA A. LIZEWSKI
SERGIO R. LOMBARDO
MARK F. LUND
MONICA A. LUTGENDORF
JONATHAN R. MAHER
SCOTT N. MARGRAF
MERLE B. MARTIN
JAMES MASTERSON
ANNE R. MCDONOUGH
JACQUELINE C. MCDOWELL
JIAN M. MEI
EDWIN T. MELENDEZMURPHY
MICHAEL G. MERCADO
ANIS MILADI
BRANDON W. MILLER
GEORGIANA L. MILLER
ALICEA M. MINGO
ROBERT R. MITCHELL
JOHN D. MOORE
EIMANEH MOSTOFIAN
NICOLAS B. MOYADELPINO
LOUIS J. MOYER
CHRISTOPHER D. NGUYEN
QUOC H. NGUYEN
KATE E. OLIVER
MARIUSZ A. OLSZEWSKI
JUSTIN ONEESE
EAMON B. OREILLY
JULIANNE L. PALUMBO
JOHN E. PEACOCK
SOLOMON M. PEARCE
CALEB J. PODRAZA
GREGORY R. POMICTER
MATTHEW D. POND
SCOTT M. PUGH
SUZANNE K. PUGH
TODD A. QUACKENBUSH
ALBIN S. QUIKO
ERIK L. RAMEY
LAURA B. RAMSAY
JAMES C. RAPLEY III
JENNIFER M. REEM
DAVID L. RICH
VERONICA C. RIOS
DUSTIN J. ROBERTS
JOHN J. ROBERTS
JASON H. ROCKWOOD
CHRISTOPHER J. ROGAN
JESSE J. ROHLOFF
DARIN M. ROLFE
JAMES A. ROTHSCHILD
ERICA L. SCHIPPER
NICOLE L. SHARKEY
PAUL E. SHATTUCK
DAVID W. SHEPHERD
SHANNON E. SHORT
JOEL M. SLADE
PAUL N. SLOVIN
WAYNE R. SMITH
EMILY S. SPAHR
STEPHEN J. STAUB
TIMOTHY G. STEGEMANN
CHRISTINE R. STEHMAN
TODD H. STERLING
KRISTIN A. STEVENS
SUSAN T. STEVENS
HUNTER S. STOLLDORF
VICTOR STONE
ROBERT J. SUMMERLEE
MATTHEW H. SWARTZ
LUKASZ SWISTUN
BRIAN D. TERRIEN
JOSEPH B. THIES
NICOLE L. TRAMONTINI
JON R. VANDERWEELE
ELLIE L. VENTURA
MICHAEL L. VILLARROEL
SARAH A. VILLARROEL
RICHARD J. WACLAWSKI
LESLIE A. WALDMAN
KANE T. WALSH
PATRICK D. WEBB
SCOTT A. WELCH
MONTE D. WILBER
KIMBERLY D. WILLIAMS
GEOFFREY W. WILSON

CONFIRMATION

Executive nomination confirmed by the Senate, Monday, September 21, 2009:

DEPARTMENT OF DEFENSE

J. MICHAEL GILMORE, OF VIRGINIA, TO BE DIRECTOR OF OPERATIONAL TEST AND EVALUATION, DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 2009

Ms. SLAUGHTER. Madam Speaker, on rollcall 718, I inadvertently voted "no." I intended to vote "aye." I would like the RECORD to reflect that.

EARMARK DECLARATION

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 2009

Mr. TURNER. Madam Speaker, Statement for the CONGRESSIONAL RECORD on Member Requests in the FY2010, Departments of Defense, Transportation, Housing and Urban Development, Labor, and Health and Human Services Appropriations Acts.

1. Project—Integrated Electrical Starter/Generator (IES/G)

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: GE Aviation Systems, Electrical Power

Address of Requesting Entity: 740 E. National Rd, Vandalia, OH 45377

Description of Request: Funding would be used to help develop a pre-prototype, sensorless IES/G to demonstrate the feasibility of supplying both main engine start function and the electrical power necessary to operate all aircraft systems.

2. Project—Production of Nanocomposites for Aerospace Applications

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: NanoSperse, LLC

Address of Requesting Entity: 2000 Composite Drive, Kettering, OH 45420

Description of Request: Funding being requested will transition nano-materials technology into Air Force applications.

3. Project—Open Source Research Centers

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Air Force, RDT&E

Legal Name of Requesting Entity: Radiance Technologies

Address of Requesting Entity: 3100 Presidential Dr, Suite 200, Fairborn, Ohio 45324

Description of Request: Funding being requested will provide support to government agencies that are already over-burdened with classified research requirements and do not have resources to meet the open source requirements.

4. Project—Tactical Metal Fabrication System (TacFab)

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 2647

Account: Army, RDT&E

Legal Name of Requesting Entity: BuyCASTINGS.com, Inc.

Address of Requesting Entity: 2411 Crosspointe Drive, Miamisburg, OH 45342

Description of Request: Funding being requested will help Tactical Metal Fabrication (TacFab) System design, develop and build a mobile, containerized foundry, deployable overseas as a companion to RMS, the Army's Rapid Manufacturing System.

5. Project—Ohio Clean & Green Statewide Bus Replacement Program

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3288

Account: Buses & Bus Facilities

Legal Name of Requesting Entity: Ohio Department of Transportation

Address of Requesting Entity: 2208 Arlington Avenue, #3, Columbus, Ohio 43221

Description of Request: Funding will go toward a statewide bus replacement program. Specifically, funds will help replace 78 diesel buses in the Greater Dayton RTA's fleet that have exceeded their useful lives and will become economically inefficient to continue to operate.

6. Project—Renaissance Alliance Project—St. Mary Development Corporation building acquisition and demolition

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: St. Mary Development Corporation

Address of Requesting Entity: 713 West Grand Avenue, Dayton, OH 45406

Description of Request: Funding will go toward the acquisition and demolition of a total of three buildings on Salem Avenue, and five blighted residential buildings identified by the Five Oaks Neighborhood Improvement Association for redevelopment.

7. Project—The Murphy Theatre building renovation

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: The Murphy Theatre Community Center, Inc

Address of Requesting Entity: 50 West Main Street, Wilmington, OH 45177

Description of Request: Funding will go toward the complete renovation of The Murphy Theatre. The theater is the focal point of downtown Wilmington, Ohio.

8. Project—Wright-Dunbar Redevelopment Project building renovation

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3288

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Wright-Dunbar, Inc.

Address of Requesting Entity: 1105 West Third Street, Dayton, OH 45402

Description of Request: Funding will go toward the build-out of approximately three historic buildings in this neighborhood to make them tenant-ready for business occupancy.

9. Project—Wilmington College, Wilmington, OH for facilities and equipment

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3293

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Wilmington College

Address of Requesting Entity: 1870 Quaker Way, Wilmington, Ohio 45177

Description of Request: Funding will go toward the renovation and modernization of the existing facility at Wilmington College in Clinton County, Ohio, as well as a new addition that will feature laboratory, classroom, and conference space.

10. Project—DaytonDefense, Beavercreek, OH for a job training initiative

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3293

Account: Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Requesting Entity: DaytonDefense

Address of Requesting Entity: P.O. Box 341414, Beavercreek, OH 45343–1414

Description of Request: Funds will go toward creation of a workforce center that will provide a unique capability for anticipatory response to workforce needs that are peculiar to the incoming new contracts generated by the BRAC; and subsequently in response to the accelerated workforce attrition within the defense sector.

11. Project—Workforce Services Unlimited, Inc., Circleville, OH for a job training initiative

Requesting Member: MICHAEL TURNER

Bill Number: H.R. 3293

Account: Employment and Training Administration (ETA)—Training & Employment Services (TES)

Legal Name of Requesting Entity: Workforce Services Unlimited, Inc. d.b.a. 501(c)(3)

Address of Requesting Entity: 200 East High Street, P.O. Box 220, Circleville, Ohio 43113

Description of Request: This project will supplement existing Department of Labor Emergency Grant services to Wilmington Air Park workers and primary and secondary employers, where more than 10,000 jobs are lost as a result of DHL leaving the U.S. market. The funds will also assist with retraining of workers displaced from G.M., Delphi, Ford, and numerous auto-related parts companies in the same area.

IN RECOGNITION OF CONGRESSIONAL STAFF

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 2009

Mr. McHUGH. Madam Speaker, I rise today to thank and recognize the men and women who constitute my Congressional staff. I greatly appreciate their service to me and the people of New York's 23rd Congressional District, which I have had the privilege and honor to represent since 1993.

New York's 23rd Congressional District encompasses 11 counties in Northern and Central New York: Clinton, Essex, Franklin, Fulton, Hamilton, Jefferson, Lewis, Madison, Oneida, Oswego, and St. Lawrence. It is bounded by Lake Champlain on the east, the St. Lawrence River to the north, and Lake Ontario to the west. Additionally, it includes the Thousand Islands and most of the Adirondack Park, which have both long been world renowned for their incredible beauty. The District is also home to historic battlefields, such as Fort Ticonderoga, Ogdensburg, Plattsburgh and Sackets Harbor, and it has been the birthplace of national leaders including former Vice President William A. Wheeler of Malone and former House of Representatives Minority Leader Bertrand H. Snell of Colton. However, most importantly, it is where a capable, generous, independent, proud, and resourceful people reside.

During the time I have had the honor of representing the people of Northern and Central New York, I have been blessed to have had a dedicated and talented staff. Given my time as staff to former New York State Senator H. Douglas Barclay, I can well appreciate their efforts. While I value the efforts of everyone who has served on my staff, at this time I would like to recognize the following men and women who have served during the 111th Congress: Michael Backus, Donna Bell, Karen Brayton, Diane Henderson, Mike Holland, Anne LeMay, Mira Lezell, Jason Miller, Ruth Mary Ortloff, Matt Satterley, John Sweeney, Robert Taub, Melanie Turpin, Stephanie Valle, and Kate Wehrle. As I have candidly confessed on more than one occasion, I simply could have never fulfilled the duties of my office without their tireless efforts. Accordingly, at this time, I wish to thank them for their excellent service and wish them my best for a productive future.

CONGRATULATING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF THEIR 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the National Association for the Advancement of Colored People (NAACP) on the occasion of their 100th anniversary, which is being celebrated at the annual Freedom Fund Banquet at Mohegan Sun at Pocono Downs in Plains Township, Luzerne County, Pennsylvania, on Thursday, September 24, 2009.

The NAACP, with more than a half million members, is the largest and oldest civil rights organization in the United States that dedicates itself to the advocacy of civil rights, social justice and equal opportunity under the law.

Founded on February 12, 1909, the NAACP is widely recognized and frequently conducts voter mobilization and advocates for equal opportunity in both the public and private sectors.

From the ballot box to the classroom, the dedicated workers, organizers and leaders who forged this great organization and maintain its status as a champion of social justice fought long and hard to ensure that the voices of all ethnic minorities would be heard. For 100 years, it has been the talent and tenacity of NAACP members that has saved lives and changed many negative aspects of American society.

As honorary co-chairs of this event, Robert Soper, president and CEO of Mohegan Sun at Pocono Downs and David Lee, president of the United Way of Wyoming Valley, deserve credit for raising awareness to the valuable place the NAACP holds in our American society.

Likewise, the founders and current officers and executive committee members of the Wilkes-Barre branch of the NAACP, deserve recognition and appreciation for the role they play in preserving the traditions of the NAACP and highlighting the organization's positive influence for future generations to emulate.

The Wilkes-Barre branch of the NAACP was formed February 10, 1930, when it received its first charter. That charter was re-activated in 1984 and the NAACP subsequently has provided uninterrupted service to northeastern Pennsylvania.

Since the re-activation of the local charter, presidents of the organization have included: Audrey Spence, Bob Crawford, Tyrone Edmunds, Constance Wynn, Bonnie Wynder and Ronald Felton, who has held the office of president since 1997 and is the longest serving president to date.

In 1998, President Felton was elected to the Executive Committee of the Pennsylvania State Conference of the NAACP Branches and he continues to serve in that capacity to this day.

Under President Felton's leadership, the Wilkes-Bane NAACP has handled complaints of racial discrimination, hosted racial summits, improved race relations, hosted diversity picnics, endeavored to increase representation of minority teachers in the region, raised awareness of constitutional rights, promoted voter registration and participation, promoted awareness of Rev. Dr. Martin Luther King Jr. and the holiday named in honor of him, promoted the first ever NAACP history tour to Colonial Williamsburg for NEPA high school students, advocated for juvenile rights in the justice system, participated in a presidential summit on America's Future headed by Gen. Colin Powell, participated in League of Women Voters discussions to encourage citizen participation in the election process and helped raise awareness of the injustice associated with racial profiling.

Serving on the Wilkes-Bane NAACP executive committee are: David Barber, Peggy Felton, Clinton Harrison, Angel Jirau, David Wallin and Sid Williams.

Madam Speaker, please join me in congratulating the NAACP for 100 years of remarkable service to this nation. In fostering appreciation of and justice for racial minorities, the NAACP has become a champion for human rights and a beacon of human civility and deserves the respect and admiration of the entire nation.

INTRODUCING TRIBAL HEALTH BENEFITS CLARIFICATION ACT OF 2009

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 2009

Mr. BECERRA. Madam Speaker, I rise to introduce the "Tribal Health Benefits Clarification Act of 2009" with Representatives DEVIN NUNES, NICK RAHALL, JOE BACA, SHELLEY BERKLEY, MARY BONO MACK, DAN BOREN, TOM COLE, WALLY HERGER, DALE KILDEE, JOHN KLINE, JERRY LEWIS, BEN RAY LUJÁN, KEVIN McCARTHY, BETTY McCOLLUM, FRANK PALLONE, EARL POMEROY, GEORGE RADANOVICH, and HEATH SHULER. This bipartisan legislation will clarify that medical care and health coverage provided by Indian tribes for their members, as well as health care provided by the Indian Health Service, or IHS, are not taxable under the Internal Revenue Code.

The federal government has a longstanding policy of providing medical care to Indians. To effect this policy, 25 U.S.C. section 1601 states a "major national goal of the United States is to provide the quantity and quality of health services which will permit the health status of Indians to be raised to the highest possible level," and specific authorization for IHS is provided in 25 U.S.C. section 13.

However, statistics on the health status of Native Americans compared with the general population are alarming. Native Americans have a life expectancy that is nearly 5 years shorter than other Americans, and death rates from diseases such as tuberculosis, alcoholism, and diabetes that are many times higher than in the general population.

Despite this overwhelming need, funds appropriated for IHS programs have been consistently inadequate to meet even basic health care requirements. In fact, IHS has found that per beneficiary, the IHS received 40 percent less funding than the average cost of a mainstream health insurance plan, thus limiting health care services and contributing to poorer health outcomes among the population it is intended to serve.

To address the needs of their people in the face of the IHS funding shortfall, many Indian tribal governments have dedicated portions of their revenues to funding health care programs. The IRS and federal courts have consistently held that payments made under similar social benefit programs for the promotion of general welfare are not taxable. However, the test to determine whether a benefit falls under this doctrine is based on facts and circumstances and is difficult to apply. In addition, no formal guidance has been issued by the IRS to assist in these determinations. Statutory language is needed to clarify the tax treatment of these medical care benefits.

The "Tribal Health Benefits Clarification Act of 2009" would provide a statutory clarification that, consistent with the federal government's policy of providing health care services to Indians, neither health care provided by IHS nor medical care provided by an Indian tribe to its members is subject to income taxation.

I urge my colleagues to join us in supporting this important bipartisan legislation to further the federal government's stated goal of raising the health status of the Native American community.

CELEBRATING THE 60TH WEDDING ANNIVERSARY OF BOB AND CLEOLA RICHARDSON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 2009

Mr. ENGEL. Madam Speaker, I rise today to celebrate the longstanding and happy marriage of two of my constituents, Bob Fred Calvin Richardson and Cleola Johnson Richardson. This August 20 they celebrated their 60th wedding anniversary.

Bob and Cleola took their wedding vows at a garden ceremony at Mrs. Richardson's home in Meadville, Pennsylvania on August 20, 1949. They have since moved to Mt. Vernon, NY, where they owned and operated their business Richardson Electronics. They have been residents of Mt. Vernon for 45 years.

Bob and Cleola have four wonderful children, Paula, Marilyn, Robert and Candice, ten grandchildren, as well as two great grandchildren. I want to congratulate Bob and Cleola Richardson on their 60th anniversary and wish them the best of luck as they spend the rest of their lives together.

NATIONAL POW/MIA RECOGNITION DAY

HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 2009

Ms. TSONGAS. Madam Speaker, I rise today to recognize September 18th as National POW/MIA Recognition Day and to honor and remember the members of our armed forces who were prisoners of war and those who to this day remain missing in action.

I want to take this opportunity to thank our veterans, especially our POWs and MIAs for their service, and show them our respect and gratitude for the sacrifice that they and their families have made for our country.

President Kennedy once said "a nation reveals itself not only by the men it produces, but also by the men it honors, the men it remembers." We long remember our veterans and the lessons they teach us, and we recommit ourselves to never rest until every American who is believed to be imprisoned is freed, and every American who is missing is fully accounted for.

We also owe a debt of gratitude to the family members of POWs and MIAs for weathering agonizing uncertainty during such a difficult time. We, and countless people around the world, are the beneficiaries of their courage and their vigilance. This solemn day of recognition serves as an important reminder to always honor our duty to support those who serve.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 21, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor during the week of Monday, September 14, 2009.

Had I been present on Monday, September 14, 2009, I would have voted "aye" on rollcall vote No. 696 (on motion to suspend the rules and agree to H. Res. 6), "aye" on rollcall vote No. 697 (on motion to suspend the rules and agree to H. Res. 459), "aye" on rollcall vote No. 698 (on motion to suspend the rules and agree to H. Con. Res. 59).

Had I been present on Tuesday, September 15, 2009, I would have voted "Present" on rollcall vote No. 699 (On agreeing to H. Res. 744), "aye" on rollcall vote No. 700 (on motion to suspend the rules and agree to H. Res. 317), "no" on rollcall vote No. 701 (on motion to suspend the rules and agree to H.R. 22), "aye" on rollcall vote No. 702 (on motion to suspend the rules and agree to H.R. 3137)

Had I been present on Wednesday, September 16, 2009, I would have voted "no" on rollcall vote No. 703 (On agreeing to the resolution H. Res. 746), "aye" on rollcall vote No. 704 (on motion to suspend the rules and agree to H. Res. 260), "aye" on rollcall vote No. 705 (On agreeing to the Hall (TX) amendment to H.R. 3246), "aye" on rollcall vote No. 706 (On agreeing to the Donnelly (IN) amendment to HR. 3246), "aye" on rollcall vote No. 707 (On agreeing to the Massa amendment to H.R. 3246), "aye" on rollcall vote No. 708 (On motion to recommit with instructions to H.R. 3246), "no" on rollcall vote No. 709 (On passage of H.R. 3246)

Had I been present on Thursday, September 17, 2009, I would have voted "aye" on rollcall vote No. 710 (On agreeing to the Hoekstra amendment to HR. 3221), "aye" on rollcall vote No. 711 (On agreeing to the McMorris Rodgers amendment to HR. 3221), "aye" on rollcall vote No. 712 (On agreeing to the Foxx amendment to HR. 3221), "aye" on rollcall vote No. 713 (On agreeing to the Himes amendment to H.R. 3221), "aye" on rollcall vote No. 714 (On agreeing to the Minnick amendment to HR. 3221), "aye" on rollcall vote No. 715 (On agreeing to the Schauer amendment to H.R. 3221), "aye" on rollcall vote No. 716 (On agreeing to the Teague amendment to HR. 3221), "aye" on rollcall vote No. 717 (On agreeing to the Guthrie amendment to HR. 3221, I would have voted "aye" on rollcall vote No. 718 (On motion to recommit with instructions to H.R. 3221) because as an original cosponsor and a strong supporter of H.R. 3571, the Defund ACORN Act, I agree that it is absolutely necessary to prevent all Federal taxpayer dollars from going to ACORN, and "no" on rollcall vote No. 719 (On passage of H.R. 3221).

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 22, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 23

9:30 a.m.

United States Senate Caucus on International Narcotics Control

To hold hearings to examine prison gangs and their connection to the drug trade.

SD–562

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the Defense Contract Audit Agency, focusing on reform.

SD–342

Judiciary

To hold hearings to examine reauthorizing the USA PATRIOT Act.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Anne S. Ferro, of Maryland, to be Administrator of the Federal Motor Carrier Safety Administration, and Cynthia L. Quarterman, of Georgia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, both of the Department of Transportation.

SR–253

Judiciary

To hold hearings to examine the nominations of Jacqueline H. Nguyen and Dolly M. Gee, both to be a United States District Judge for the Central

District of California, and Richard Seeborg and Edward Milton Chen, both to be a United States District Judge for the Northern District of California.

SD–226

SEPTEMBER 24

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Emergency Economic Stabilization Act, focusing on one year later.

SD–538

10 a.m.

Armed Services

To hold hearings to examine the President's decision on missile defense in Europe.

SD–106

Judiciary

Business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 369, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, S. 1670, to reform and modernize the limitations on exclusive rights relating to secondary transmissions of certain signals, and an original bill to extend expiring provisions of the USA PATRIOT Act, and the nominations of Paul Joseph Fishman, to be United States Attorney for the District of New Jersey, Jenny A. Durkan, to be United States Attorney for the Western District of Washington, Florence T. Nakakuni, to be United States Attorney for the District of Hawaii, and Deborah K. R. Gilg, to be United States Attorney for the District of Nebraska, all of the Department of Justice, and Joseph A. Greenaway, Jr., of New Jersey, to be United States Circuit Judge for the Third Circuit, Roberto A. Lange, to be United States District Judge for the District of South Dakota, Irene Cornelia Berger, to be United States District Judge for the Southern District of West Virginia, and Charlene Edwards Honeywell, to be United States District Judge for the Middle District of Florida.

SD–226

Joint Economic Committee

To hold hearings to examine the future of newspapers, focusing on the impact on the economy and democracy.

210–CHOB

10:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the government, focusing on performance.

SD–342

2:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a review of United States diplomatic readiness, focusing on the staffing and foreign language challenges facing the foreign service.

SD–342

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine securitization of assets, focusing on problems and solutions.

SD–538

Intelligence

Closed business meeting to consider pending intelligence matters.

S–407, Capitol

SEPTEMBER 29

9:30 a.m.

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine comprehensive immigration reform, focusing on faith-based perspectives.

SD–226

10 a.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine improving transparency and accessibility of federal contracting databases.

SD–342

2:30 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine body building products and hidden steroids, focusing on enforcement barriers.

SD–226

SEPTEMBER 30

9:30 a.m.

Veterans' Affairs

To hold hearings to examine Veterans Affairs contracts for health services.

SR–418

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Bartholomew Chilton, of Maryland, Jill Sommers, of Kansas, and Scott D. O'Malia, of Michigan, all to be a Commissioner of the Commodity Futures Trading Commission, Edward M. Avalos, of New Mexico, to be Under Secretary for Marketing and Regulatory Programs, Edward M. Avalos, and Harris D. Sherman, of California, to be Under Secretary for Natural Resources and Environment, both to be a Member of the Board of Directors of the Commodity Credit Corporation, both of the Department of Agriculture, and Kenneth Albert Spearman, of Florida, to be a Member of the Farm Credit Administration Board, Farm Credit Administration.

SR–328A

Health, Education, Labor, and Pensions

Business meeting to consider an original bill entitled "Ryan White HIV/AIDS Treatment Extension Act of 2009", and the nominations of Brenda Dann-Messier, of Rhode Island, to be Assistant Secretary for Vocational and Adult Education, and Alexa E. Posny, of Kansas, to be Assistant Secretary for Special Education and Rehabilitative Services, both of the Department of Education, and George H. Cohen, of Virginia, to be Federal Mediation and Conciliation Director, Federal Mediation and Conciliation Service.

SD–430

Judiciary

To hold hearings to examine advancing freedom of information in the New Era of Responsibility.

SD–226

OCTOBER 1

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration.

SD–366