

growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

SEC. 529. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 530. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

(RESCISSIONS)

SEC. 531. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are

hereby rescinded, not later than September 30, 2010, from the following accounts in the specified amounts:

(1) “Legal Activities, Assets Forfeiture Fund”, \$379,000,000, of which \$136,000,000 shall be permanently rescinded and returned to the general fund;

(2) “Office of Justice Programs”, \$42,000,000; and

(3) “Community Oriented Policing Services”, \$40,000,000.

(b) The Department of Justice shall, within 30 days of enactment of this Act, submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section.

(c) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 532. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended:

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after “)” the following: “that uses Federal funds (or funds from any source with regard to paragraphs (14) and (15)) in a manner”;

(2) by striking subsection (d); and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 533. 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.

REVIEW AND AUDIT OF ACORN FEDERAL FUNDING

SEC. 534. (a) REVIEW AND AUDIT.—The Comptroller General of the United States shall conduct a review and audit of Federal funds received by the Association of Community Organizations for Reform Now (referred to in this section as “ACORN”) or any subsidiary or affiliate of ACORN to determine—

(1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused;

(2) what steps, if any, have been taken to recover any Federal funds that were misused;

(3) what steps should be taken to prevent the misuse of any Federal funds; and

(4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.

This Act may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010”.

Mrs. MURRAY. I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Ms. MIKULSKI, Mr. INOUE, Mr. LEAHY, Mr. KOHL, Mr. DORGAN, Mrs. FEINSTEIN, Mr. REED, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. BYRD, Mr. SHELBY, Mr. GREGG, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. VOINOVICH, Ms. MURKOWSKI, and Mr. COCHRAN conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

ORDER OF BUSINESS

Mr. REID. Mr. President, we have one more vote tonight. In the last 24 hours we have had a lot of accomplishments that we are going to be able to point to. I appreciate the cooperation of the Republicans. We have a number of nominations we are going to be able to complete.

We are going to move, as soon as this next vote is over, to military construction. I have spoken to the Republican leader. We are going to do our best to finish that on Monday or Tuesday. We are going to have that one vote, the one vote I indicated. On Monday, at 5:30, we will have a judge vote. We will see if there is anything else we can have to vote on on Monday, but at least we will have that one at—5:30 will be fine.

Mr. President, we are going to be in Monday and Tuesday. I told everyone I thought this was going to be the day that REID finally called “wolf” and the wolf showed up, but it is not going to be the case. The reason it is not is because we have been able to get a lot of stuff done. I indicated to the Republican leader there were things we needed to get done. We did not get everything I wanted done, but we got things I had not put on the list done that amounts to the same.

So I am grateful for the cooperation we have gotten recently, and I look forward to a good week next week. Remember, it is only 2 days long.

EXECUTIVE SESSION

NOMINATION OF IGNACIA S. MORENO TO BE AN ASSISTANT ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider a nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Ignacia S. Moreno, of New York, to be an Assistant Attorney General.

Mr. LEAHY. Mr. President, today, the Senate will confirm yet another outstanding nominee to fill a high-level vacancy at the Department of Justice. The confirmation of Ignacia Moreno to head the Environment and Natural Resources Division is long overdue. Ms. Moreno's nomination has been stalled on the Senate Executive Calendar without explanation for almost 6 weeks. Nominations for four other Assistant Attorneys General to run divisions at the Department remain stalled by Republican objections to their consideration.

I thank Senator WHITEHOUSE for chairing the Judiciary Committee hearing on this nomination on September 9. When we reported this nomination by unanimous consent—without a single dissenting vote—on September 24, I did not imagine it would not be considered by the full Senate until November.

Senate Republicans have irresponsibly held up nominations to critical posts in the Department of Justice, depriving the President, the Attorney General, and the country of the leaders needed to head key law enforcement divisions at the Justice Department. These are leaders in our Federal law enforcement efforts. Presidents of both parties, especially newly elected ones, are normally accorded significant deference to put in place appointees for their administrations.

Yet, 10 months into President Obama's first term, even after we confirm Ms. Moreno, four nominations to be Assistant Attorneys General will remain stalled on the Senate's Executive Calendar due to Republican opposition and obstruction. These are the President's nominees to run 4 of the 11 divisions at the Justice Department—nearly half. By comparison, at this point in the Bush administration the Senate had confirmed nine Assistant Attorneys General and only one nomination was pending on the Senate Executive Calendar. The difference is that the Republican minority is refusing to consider these nominations.

The nomination we consider today, President Obama's nomination of Ignacia Moreno to be the Assistant Attorney General in charge of the Environment and Natural Resources Division, has been on the Senate Executive Calendar for almost 6 weeks, even though it was reported by the Judiciary Committee without a single Republican Senator dissenting. By comparison, a Democratic majority in the Senate confirmed President Bush's nomination of Thomas Sansonetti to the position only 1 day after it was reported by the Judiciary Committee.

The President nominated Dawn Johnsen to be the Assistant Attorney General in charge of the Office of Legal Counsel at the Justice Department on February 11. Her nomination has been pending on the Senate Executive Calendar since March 19. That is the longest pending nomination on the calendar by over 2 months. We did not treat President Bush's first nominee to head the Office of Legal Counsel the same way. We confirmed Jay Bybee to that post only 49 days after he was nominated by President Bush and only 5 days after his nomination was reported by the committee. Of course, his work in the Office of Legal Counsel is now the subject of an ongoing review by the Office of Professional Responsibility.

Mary Smith's nomination to be the Assistant Attorney General in charge of the Tax Division has been pending on the Senate's Executive Calendar since June 11—nearly 5 months. We confirmed President Bush's first nomination to that position, Eileen O'Connor, only 57 days after her nomination was made and 1 day after her nomination was reported by the Committee. Her replacement, Nathan Hochman, was confirmed without delay, just 34 days after his nomination.

Chris Schroeder's nomination to be the Assistant Attorney General in charge of the Office of Legal Policy has been pending on the Senate Executive Calendar since July 28. It was reported by voice vote without a single dissenting voice. President Bush's first nominee to head that division, Viet Dinh, was confirmed 96 to 1 only 1 month after he was nominated and only a week after his nomination was reported by the committee. The three nominees to that office that succeeded Mr. Dinh—Daniel Bryant, Rachel Brand, and Elisabeth Cook—were each confirmed by voice vote in a shorter time than Professor Schroeder's nomination has been pending. Ms. Cook was confirmed 13 days after her nomination was reported by the committee, even though it was the final year of the Bush Presidency. By contrast, the majority leader may have to file another cloture position in order to overcome Republican obstruction and obtain Senate consideration of Professor Schroeder's nomination.

Instead of withholding consents and filibustering President Obama's nominees, the other side of the aisle should join us in treating them fairly. We should not have to fight for months to schedule consideration of the President's judicial nominations and nomination for critical posts in the executive branch.

Upon the announcement of her nomination, President Obama described Ignacia Moreno as a "talented individual" whose leadership will help us "preserve our environment." I agree. Ignacia Moreno is a well-qualified nominee who has chosen to leave a lucrative private practice to return to government service.

Ms. Moreno currently works for General Electric, where she oversees that corporation's compliance with State and Federal laws. Prior to that, she spent 7 years in the Energy and Natural Resources Division, where she served as a Special Assistant and later Principal Counsel to the Assistant Attorney General. I am confident that Ms. Moreno's significant experience will be put to good use when she is confirmed to return to the Justice Department.

I congratulate Ms. Moreno and her family on her confirmation today. I thank her many supporters for helping to free this nomination for Senate consideration.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ignacia S. Moreno, of New York, to be an Assistant Attorney General?

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr.

BYRD), the Senator from Delaware (Mr. CARPER), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. ISAKSON), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—93

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Barrasso	Franken	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennet	Gregg	Nelson (FL)
Bennett	Hagan	Pryor
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Boxer	Hutchison	Risch
Brown	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Bunning	Johanns	Sanders
Burr	Johnson	Schumer
Burriss	Kaufman	Sessions
Cantwell	Kerry	Shaheen
Cardin	Kirk	Shelby
Casey	Klobuchar	Snowe
Coburn	Kohl	Specter
Cochran	Kyl	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Corker	LeMieux	Udall (CO)
Cornyn	Levin	Udall (NM)
Crapo	Lieberman	Vitter
Dodd	Lincoln	Warner
Dorgan	Lugar	Webb
Durbin	McCain	Whitehouse
Ensign	McCaskill	Wicker
Enzi	McConnell	Wyden

NOT VOTING—7

Byrd	DeMint	Voinovich
Carper	Isakson	
Chambliss	Landrieu	

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 3082, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3082) making appropriations for military construction, the Department Of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.