

6, at 10 a.m., the Senate proceed to executive session to resume consideration of Executive Calendar No. 309, the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court, and that the time until 2 p.m. be divided equally in alternating 1-hour blocks with the Republicans controlling the first hour; that at 2 p.m. the time be divided 15 minutes each as follows: Senator SESSIONS, Senator LEAHY, Senator MCCONNELL and Senator REID, in that order; that at 3 p.m., without further intervening action or debate, the Senate proceed to vote on confirmation of the nomination of Sonia Sotomayor; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, 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.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 3435 AND S. 1023

Mr. REID. Mr. President, I further ask unanimous consent that upon disposition of the nomination of Justice Sotomayor and the Senate resuming legislative session, the Senate then proceed to consideration of Calendar No. 146, H.R. 3435; that the bill be considered under the following limitations; that each amendment be debated for a period of 30 minutes, equally divided and controlled in the usual form; that if there is a sequence of votes, then prior to each vote there be 2 minutes of debate, equally divided and controlled in the usual form; that after the first vote in a sequence, the remaining votes be limited to 10 minutes each: Harkin amendment regarding income limits, the Kyl amendment regarding status report substitute, the Gregg amendment regarding the budget resolution, the Vitter amendment regarding termination of TARP, the Coburn amendment regarding donations, the Thune amendment regarding government ownership plan, and the Isakson amendment regarding home purchases; that once the agreement is entered, the amendments be filed at the desk and printed in the RECORD; further, that upon disposition of the listed amendments, the bill be read a third time, the Senate proceed to vote on passage of the bill; provided further that on Tuesday, September 8, at 5:30 p.m., the Senate proceed to the motion to reconsider the vote by which cloture was not invoked on the Dorgan amendment No. 1347 to S. 1025, the Travel Promotion Act, and that the motion to proceed be agreed to, and the Senate then vote on the motion to invoke cloture on the Dorgan amendment; that if cloture is invoked on the amendment, then postcloture time be considered to have begun running at 10:30 a.m., Tuesday, September 8.

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

Mr. REID. Mr. President, on the final paragraph of my consent agreement, where I said that the Senate proceed to the motion to reconsider the vote by which cloture was not invoked on the Dorgan amendment No. 1347 to S. 1025, it should be S. 1023.

And Mr. President, the record should be very clear that the vote we take Monday night on the Travel Promotion Act is only on cloture. The 30 hours would still run and we would have to have final passage on the bill whenever the 30 hours runs out or whenever there is an agreement that we can vote on it.

So Mr. President, I further ask unanimous consent that after the 30 hours is up, at the end of postcloture time, the amendment be agreed to, and the bill be read a third time and the Senate vote on passage of the legislation.

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

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.

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

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

#### FEMA ACCOUNTABILITY ACT OF 2009

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 69, S. 713.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 713) to require the administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment; as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 713

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the “FEMA Accountability Act of 2009”.

(b) DEFINITIONS.—In this Act—

(1) the term “Administrator” means the Administrator of FEMA;

(2) the terms “emergency” and “major disaster” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(3) the term “FEMA” means the Federal Emergency Management Agency.

#### SEC. 2. TRANSFER, STORAGE, SALE, AND DISPOSAL OF HOUSING UNITS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition, which shall include appropriate criteria for formaldehyde testing and exposure of the individual temporary housing units.

(b) PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock;

(B) transferring, selling, or otherwise disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock; and

(ii) are in usable condition, based on the criteria established under subsection (a)(2); and

(C) disposing of the temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (a)(2).

(2) APPLICABILITY OF DISPOSAL REQUIREMENTS.—The plan established under paragraph (1) shall be subject to the requirements of section 408(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(c) IMPLEMENTATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan described in subsection (b).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of the Senate and the House of Representatives a report on the status of the transfer, distribution, sale, or other disposal of [the unused temporary housing units purchased by FEMA.] temporary housing units under this section.

Mr. WARNER. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

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

The Committee amendment was agreed to.

The bill (S. 713), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

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(1) the term “Administrator” means the Administrator of FEMA;

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(3) the term “FEMA” means the Federal Emergency Management Agency.

## SEC. 2. TRANSFER, STORAGE, SALE, AND DISPOSAL OF HOUSING UNITS.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) complete an assessment to determine the number of temporary housing units purchased by FEMA that FEMA needs to maintain in stock to respond appropriately to emergencies or major disasters occurring after the date of enactment of this Act; and

(2) establish criteria for determining whether the individual temporary housing units stored by FEMA are in usable condition, which shall include appropriate criteria for formaldehyde testing and exposure of the individual temporary housing units.

(b) PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a plan for—

(A) storing the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock;

(B) transferring, selling, or otherwise disposing of the temporary housing units in the inventory of FEMA that—

(i) are in excess of the number of temporary housing units that the Administrator has determined under subsection (a)(1) that FEMA needs to maintain in stock; and

(ii) are in usable condition, based on the criteria established under subsection (a)(2); and

(C) disposing of the temporary housing units in the inventory of FEMA that the Administrator determines are not in usable condition, based on the criteria established under subsection (a)(2).

(2) APPLICABILITY OF DISPOSAL REQUIREMENTS.—The plan established under paragraph (1) shall be subject to the requirements of section 408(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)) and other applicable provisions of law.

(c) IMPLEMENTATION.—Not later than 9 months after the date of enactment of this Act, the Administrator shall implement the plan described in subsection (b).

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the appropriate committees of the Senate and the House of Representatives a report on the status of the transfer, distribution, sale, or other disposal of temporary housing units under this section.

## THE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar items Nos. 150 and 151, H.R. 1275 and H.R. 2938, en bloc.

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

Mr. WARNER. I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related to the bills be printed in the RECORD.

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

## UTAH RECREATIONAL LAND EXCHANGE ACT OF 2009

The bill (H.R. 1275), to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes, was ordered to a third reading, was read the third time, and passed.

## EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF HYDROELECTRIC PROJECT

The bill (H.R. 2938), to extend the deadline for commencement of construction of a hydroelectric project, was read the third time, and passed.

## AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. WARNER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 171, at the desk, and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 171) authorizing the use of the Capitol Grounds for an event to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 171) was agreed to.

## GOSPEL MUSIC HERITAGE MONTH

Mr. WARNER. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 226 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 226) designating September 2009 as “Gospel Music Heritage Month” and honoring gospel music for its valuable contributions to the culture of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. I ask unanimous consent 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 any statements be printed in the RECORD.

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

The resolution (S. Res. 226) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 226

Whereas gospel music is a beloved art form of the United States;

Whereas gospel music is a cornerstone of the musical traditions of the United States and has spread beyond origins in African-American spirituals to achieve popular cultural and historical relevance;

Whereas gospel music has spread beyond geographic origins in the United States to touch audiences around the world; and

Whereas gospel music is a testament to the universal appeal of a historical art form of the United States that both inspires and entertains across racial, ethnic, religious, and geographical boundaries: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2009 as “Gospel Music Heritage Month”; and

(2) recognizes the valuable contributions to the culture of the United States derived from the rich heritage of gospel music and gospel music artists.

## COMMEMORATING THE 45TH ANNIVERSARY OF THE WILDERNESS ACT

Mr. WARNER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 244, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 244) commemorating the 45th anniversary of the Wilderness Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. 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 any statements be printed in the RECORD.

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

The resolution (S. Res. 244) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 244

Whereas September 3, 2009, will mark the 45th anniversary of the date of enactment of the Wilderness Act (16 U.S.C. 1131 et seq.), which gave to the people of the United States the National Wilderness Preservation System, an enduring resource of natural heritage;

Whereas great writers of the United States, including Ralph Waldo Emerson, Henry David Thoreau, Willa Cather, George Perkins Marsh, Mary Hunter Austin, and John Muir, poets such as William Cullen Bryant, and painters such as Thomas Cole, Frederic Church, Frederic Remington, Georgia O'Keefe, Albert Bierstadt, and Thomas Moran, have defined the distinct cultural value of wild nature and unique concept of wilderness in the United States;