

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 Sep-

tember 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. AL-EXANDER, 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 dis-

tribute 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 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: 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: