

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund that is compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—Annually, the Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate and make available to the public a report that—

(A) describes the use of amounts from the Flame Fund; and

(B) includes any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretaries shall submit to the committees described in paragraph (2) an estimate of anticipated wildfire suppression costs for the applicable fiscal year and the subsequent fiscal year.

(B) PEER REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic peer review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretaries shall submit an estimate under subparagraph (A) during—

- (i) the first week of February of each year;
- (ii) the first week of April of each year;
- (iii) the first week of July of each year; and
- (iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

- (i) climate, weather, and other relevant data; and
- (ii) models and other analytic tools.

(E) TERMINATION OF AUTHORITY.—The authority under this section shall terminate at the end of the third fiscal year in which no appropriations to or withdrawals from the Flame Fund have been made for a period of 3 consecutive fiscal years.

COHESIVE WILDFIRE MANAGEMENT STRATEGY

SEC. 432. (a) STRATEGY REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall provide for—

- (1) the identification of the most cost-effective means for allocating fire management budget resources;
- (2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;
- (3) employing the appropriate management response to wildfires;
- (4) assessing the level of risk to communities;
- (5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;
- (6) assessing the impacts of climate change on the frequency and severity of wildfire; and
- (7) studying the effects of invasive species on wildfire risk.

(c) REVISION.—At least once during each 5-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretaries shall revise the strategy submitted under that subsection to address any changes affecting the

strategy, including changes with respect to landscape, vegetation, climate, and weather.

PROHIBITION ON NO-BID CONTRACTS AND GRANTS

SEC. 433. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, or other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States, or Federally recognized Indian tribes; or

(3) such contracts or grants are authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a grant or contract with an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b (e)).

SEC. 434. (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.

SEC. 435. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111-11) is amended by striking “December 18, 2008” and inserting “September 20, 2009”.

TAR CREEK SUPERFUND SITE

SEC. 436. (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).

This Act may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010”.

AUTHORIZING MAJOR MEDICAL FACILITY LEASES FOR THE DEPARTMENT OF VETERANS AFFAIRS FOR FISCAL YEAR 2010

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1717.

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

The legislative clerk read as follows:

A bill (S. 1717) to authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

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

Mr. AKAKA. Mr. President, today, with Ranking Member Richard Burr, I have introduced legislation that would authorize the Department of Veterans Affairs to proceed with certain medical facility leases for fiscal year 2010. These leases include facilities in nine different States, including South Carolina, Georgia, California, Alabama, Pennsylvania, North Carolina, Kansas, Texas, and Florida.

We are moving this bill at this time because I have been advised that VA can proceed with preliminary steps relating to these leases in advance of an appropriation, if authorization is in place. While I hope that the Senate will pass an appropriations bill for VA as soon as possible, this is something we can do today. I will soon introduce another bill to fully authorize VA's construction projects. In the meantime, I urge my colleagues to support this bill, which will enable VA to secure the space it needs to care for veterans from all conflicts.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

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

The bill (S. 1717) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1717

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

SECTION 1. AUTHORIZATION OF FISCAL YEAR 2010 MAJOR MEDICAL FACILITY LEASES.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following fiscal year 2010 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for that location:

(1) Anderson, South Carolina, Outpatient Clinic, in an amount not to exceed \$4,774,000.

(2) Atlanta, Georgia, Specialty Care Clinic, in an amount not to exceed \$5,172,000.

(3) Bakersfield, California, Community Based Outpatient Clinic, in an amount not to exceed \$3,464,000.

(4) Birmingham, Alabama, Annex Clinic and Parking Garage, in an amount not to exceed \$6,279,000.

(5) Butler, Pennsylvania, Health Care Center, in an amount not to exceed \$16,482,000.

(6) Charlotte, North Carolina, Health Care Center, in an amount not to exceed \$30,457,000.

(7) Fayetteville, North Carolina, Health Care Center, in an amount not to exceed \$23,487,000.

(8) Huntsville, Alabama, Outpatient Clinic Expansion, in an amount not to exceed \$4,374,000.

(9) Kansas City, Kansas, Community Based Outpatient Clinic, in an amount not to exceed \$4,418,000.

(10) Loma Linda, California, Health Care Center, in an amount not to exceed \$31,154,000

(11) McAllen, Texas, Outpatient Clinic, in an amount not to exceed \$4,444,000.

(12) Monterey, California, Health Care Center, in an amount not to exceed \$11,628,000.

(13) Montgomery, Alabama, Health Care Center, in an amount not to exceed \$9,943,000.

(14) Tallahassee, Florida, Outpatient Clinic, in an amount not to exceed \$13,165,000.

(15) Winston-Salem, North Carolina, Health Care Center, in an amount not to exceed \$26,986,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2010 or the year in which funds are appropriated for the Medical Facilities account \$196,227,000 for the leases authorized in subsection (a).

EXTENDING PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3614.

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

The legislative clerk read as follows:

A bill (H.R. 3614) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that a Landrieu amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table; that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The amendment (No. 2556) was agreed to, as follows:

Strike sections 2 and 3.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 3614), as amended, was read the third time and passed, as follows:

H.R. 3614

Resolved, That the bill from the House of Representatives (H.R. 3614) entitled "An Act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.", do pass with the following amendment:

Strike sections 2 and 3.

UNANIMOUS CONSENT AGREEMENT—NO. 422

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that at 4:30 p.m., Tuesday, September 29, the Senate proceed to executive session to consider Calendar No.

422, the nomination of Jeffrey Viken, to be U.S. district judge; that there be 60 minutes of debate with respect to the nomination, with the time equally divided and controlled between the chairman and ranking member of the Judiciary Committee or their designees; that at 5:30 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be considered made and laid upon the table; 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.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 435 to and including 457, and all nominations on the Secretary's desk in the Air Force, Army and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid on the table en bloc; that no further motions be in order; and that any statements relating to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc, are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Ralph J. Jodice, II

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William J. Rew

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Christopher D. Miller

IN THE ARMY

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12211:

To be major general

Brig. Gen. Joseph B. DiBartolomeo

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Benjamin C. Freakley

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. John D. Gardner

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Frank G. Helmick

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Mark P. Hertling

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Colonel Robin B. Akin
Colonel Robert P. Ashley, Jr.
Colonel Jeffrey L. Bannister
Colonel Joseph L. Bass
Colonel Lewis M. Boone
Colonel Clarence K.K. Chinn
Colonel Kenneth R. Dahl
Colonel Gordon B. Davis, Jr.
Colonel Scott F. Donahue
Colonel Edward F. Dorman, III
Colonel Randal A. Dragon
Colonel Billy D. Farris, II
Colonel Terry R. Ferrell
Colonel Paul E. Funk, II
Colonel Ricky D. Gibbs
Colonel Harold J. Greene
Colonel Christopher K. Haas
Colonel William C. Hix
Colonel Stephen B. Leisenring
Colonel Stephen R. Lyons
Colonel Jonathan A. Maddux
Colonel Mark A. McAlister
Colonel John J. McGuinness
Colonel Michael K. Nagata
Colonel Bryan R. Owens
Colonel James F. Pasquarette
Colonel Victor Petrenko
Colonel Aundre F. Piggee
Colonel John S. Regan
Colonel Bryan T. Roberts
Colonel John G. Rossi
Colonel William J. Scott
Colonel Thomas C. Seamands
Colonel Charles L. Taylor
Colonel Stephen M. Twitty
Colonel Jeffery L. Underhill
Colonel Darrell K. Williams
Colonel Peter B. Zwack

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David J. Conboy

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James V. Young, Jr.

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Ivan N. Black