

“(A) If the Secretary finds, after notice and opportunity to comment, that the State transportation safety program previously approved is not being followed or has become inadequate to ensure enforcement of the regulations or orders, the Secretary shall withdraw approval of the program and notify the State.

“(B) A State public transportation safety program shall no longer be in effect upon the State's receipt of the Secretary's notice of withdrawal of approval.

“(C) A State receiving notice under subparagraph (A) of this paragraph may seek judicial review of the Secretary's decision under chapter 7 of title 5, United States Code.

“(D) Notwithstanding the withdrawal, a State may retain jurisdiction in administrative and judicial proceedings begun before the withdrawal if the issues involved are not related directly to the reasons for the withdrawal.

“(g) ENFORCEMENT.—

“(1) IN GENERAL.—The Secretary has the authority—

“(A) to establish, impose and compromise a civil penalty for a violation of a public transportation safety regulation promulgated or order issued under this section;

“(B) to establish, impose and compromise a civil penalty for violation of the alcohol and controlled substances testing provisions under section 5331 of this chapter;

“(C) to request an injunction for a violation of a public transportation safety regulation promulgated or order issued under this section; and

“(D) to notify the Attorney General when the Secretary receives evidence of a possible criminal violation under paragraph (5).

“(2) DEPOSIT OF CIVIL PENALTIES.—An amount collected by the Secretary under this section shall be deposited into the General Fund of the United States Treasury.

“(3) ENFORCEMENT BY THE ATTORNEY GENERAL.—At the request of the Secretary, the Attorney General shall bring a civil action—

“(A) for appropriate injunctive relief to ensure compliance with this section;

“(B) to collect a civil penalty imposed or an amount agreed upon in a compromise under paragraph (1) of this subsection; or

“(C) to enforce a subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition issued by the Secretary under this section.

“(4) JURISDICTION.—An action under paragraph (3) of this subsection may be brought in a district court of the United States in any State in which the relief is required. On a proper showing, the court shall issue a temporary restraining order or preliminary or permanent injunction. An injunction under this section may order a public transportation agency receiving assistance under this chapter to comply with this section, or a regulation promulgated under this section.

“(5) CRIMINAL PENALTY.—A person who knowingly violates this section or a public transportation safety regulation or order issued under this section shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both; except that the maximum amount of imprisonment shall be 10 years in any case in which the violation results in death or bodily injury to any person. For purposes of this subparagraph—

“(A) a person acts knowingly when—

“(i) the person has actual knowledge of the facts giving rise to the violation; or

“(ii) a reasonable person acting in the circumstances and exercising reasonable care would have that knowledge; and

“(B) actual knowledge of the existence of a statutory provision, or a regulation or a requirement required by the Secretary is not

an element of an offense under this paragraph.

“(h) EMERGENCY AUTHORITY.—

“(1) ORDERING RESTRICTIONS AND PROHIBITIONS.—If, through testing, inspection, investigation, or research carried out under this section, the Secretary decides that an unsafe condition or practice, or a combination of unsafe conditions and practices, causes an emergency situation involving a hazard of death, personal injury, or significant harm to the environment, the Secretary immediately may order restrictions and prohibitions, without regard to section 553 and section 554 of title 5, United States Code, that may be necessary to abate the emergency situation.

“(2) EMERGENCY CONDITION OR PRACTICE.—The order shall describe the condition or practice, or a combination of conditions and practices, that causes the emergency situation and promulgate standards and procedures for obtaining relief from the order. This paragraph does not affect the Secretary's discretion under this subsection to maintain the order in effect for as long as the emergency situation exists.

“(3) REVIEW OF ORDERS.—After issuing an order under this subsection, the Secretary shall provide an opportunity for review of the order under section 554 of title 5, United States Code. If a petition for review is filed and the review is not completed by the end of the 30-day period beginning on the date the order was issued, the order stops being effective at the end of that period unless the Secretary decides in writing that the emergency situation still exists.

“(4) CIVIL ACTIONS TO COMPEL ISSUANCE OF ORDERS.—An employee of a rail fixed guideway public transportation system provider who may be exposed to imminent physical injury during that employment because of the Secretary's failure, without any reasonable basis, to issue an order under paragraph (1) of this subsection, or the employee's authorized representative, may bring a civil action against the Secretary in a district court of the United States to compel the Secretary to issue an order. The action shall be brought in the judicial district in which the emergency situation is alleged to exist, in which the employing provider has its principal executive office, or in the District of Columbia. The Secretary's failure to issue an order under paragraph (1) of this subsection may be reviewed only under section 706 of title 5, United States Code.

“(i) EFFECT ON EMPLOYEE QUALIFICATIONS AND COLLECTIVE BARGAINING.—This section does not—

“(1) authorize the Secretary to promulgate regulations and issue orders related to qualifications of employees, except qualifications specifically related to safety; or

“(2) prohibit collective bargaining agreements between public transportation agencies and public transportation employees or their representatives, including agreements related to qualifications of the employees that are not inconsistent with regulations and orders promulgated under this section.

“(j) PUBLIC TRANSPORTATION EMPLOYEE PROTECTIONS.—Applicable provisions of the public transportation employee protection provisions under section 1413 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1142) apply to direct and indirect recipients of Federal transit assistance under this chapter.

“(k) JUDICIAL REVIEW.—A person adversely affected or aggrieved by a final action of the Secretary under this section or under section 5331 of this title may petition for review of the final action in the United States Court of Appeals for the District of Columbia or in the court of appeals for the United States for the circuit in which the person resides and

has its principal place of business. Judicial procedures require—

“(1) the petition be filed not more than 60 days after the Secretary's action becomes final;

“(2) the clerk of the court immediately send a copy of the petition filed under paragraph (3) of this section to the Secretary;

“(3) the Secretary file with the court a record of any proceeding in which the final action was issued as provided in section 2112 of title 28, United States Code; and

“(4) the court to consider an objection to a final action of the Secretary only if the objection was made in the course of the proceeding or review conducted by the Secretary or if there was a reasonable ground for not making the objection in the proceeding.”.

(b) AUTHORIZATIONS.—Section 5338 of title 49, United States Code, is amended—

(1) by redesignating subsections (e), (f) and (g) as subsections (f), (g) and (h), respectively;

(2) by inserting after subsection (d) the following:

“(e) SAFETY PROGRAM.—There are authorized to be appropriated such amounts in each fiscal year as necessary to administer section 5329 and to make grants or enter into agreements to carry out section 5329.”; and

(3) in subsection (h), as redesignated, by striking “and (d)” and inserting “(d) and (e)”.

(c) PROHIBITIONS AGAINST REGULATING OPERATIONS AND CHARGES.—Section 5334(b)(I) of title 49, United States Code, is amended by inserting “or for purposes of establishing and enforcing programs to improve the safety of the nation's public transportation systems, and reducing accidents on rail fixed guideway and bus systems for public transportation,” after “emergency.”.

(d) ALCOHOL AND CONTROLLED SUBSTANCES TESTING.—Section 5331(b)(2) of title 49, United States Code, is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(2) by inserting before subparagraph (B), as so redesignated, the following:

“(A) shall establish and implement an enforcement program, including the imposition of penalties for failure to comply with this section.”.

(e) CONFORMING AMENDMENT; REPEAL.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 53 of title 49, United States Code, is amended by striking the item relating to section 5329 and inserting the following:

“5329. Public Transportation Safety Program.”.

(2) REPEAL.—Section 5330 of title 49, United States Code, is repealed 3 years after the effective date of final regulations issued by the Secretary under section 5329 of title 49, as amended by this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 418—COMMEMORATING THE LIFE OF THE LATE CYNTHIA DELORES TUCKER

Mr. CASEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 418

Whereas the late Cynthia DeLores Tucker dedicated her life to eliminating racial barriers by championing civil rights and rights of women in the United States;

Whereas, having grown up in Philadelphia during the Great Depression, C. DeLores

Tucker overcame a childhood marked by economic hardship and segregation;

Whereas, having personally experienced the effects of racism, C. DeLores Tucker first became active in the postwar civil rights movement when she worked to register African American voters during the 1950 Philadelphia mayoral campaign;

Whereas C. DeLores Tucker became active in local politics, developed her skills as an accomplished fund raiser and public speaker, and quickly became the first African American and first woman to serve on the Philadelphia Zoning Board;

Whereas in 1965, in the midst of the Civil Rights Movement, C. DeLores Tucker participated in the White House Conference on Civil Rights and marched from Selma to Montgomery with Rev. Dr. Martin Luther King Jr., in support of the 1965 Voting Rights Bill, which was later signed into law by President Lyndon Johnson;

Whereas in January 1971, while still primarily focused on efforts to gain equality for all, C. DeLores Tucker was named Secretary of the Commonwealth of Pennsylvania by then-Governor Milton Shapp, making her the first female African American Secretary of a State in the Nation;

Whereas, under the leadership of C. DeLores Tucker as Secretary of the Commonwealth, Pennsylvania became one of the first states to pass the Equal Rights Amendment, lower the voting age from 21 to 18, and institute voter registration through mail;

Whereas, after leaving her position in Pennsylvania State government, C. DeLores Tucker became the first African American to serve as president of the National Federation of Democratic Women;

Whereas in 1984, C. DeLores Tucker founded the National Political Congress of Black Women, now known as the National Congress of Black Women, a non-profit organization dedicated to the educational, political, economic, and cultural development of African American Women and their families;

Whereas in 1983, C. DeLores Tucker founded the Philadelphia Martin Luther King Jr. Association for Non-Violence and, in 1986, the Bethune-DuBois Institute, both of which are dedicated to promoting the cultural and educational development of African American youth and young professionals;

Whereas C. DeLores Tucker served as a member of the Board of Trustees of the NAACP and numerous other boards, including the Points of Light Foundation and Delaware Valley College;

Whereas, in the later phase of her life, C. DeLores Tucker publicly criticized gangster rap music, arguing that such music denigrated women and promoted violence and drug use;

Whereas, as a student of history, C. DeLores Tucker led the successful campaign to have a bust of the pioneering activist and suffragist Sojourner Truth installed in the United States Capitol, along with other suffragette leaders;

Whereas C. DeLores Tucker received more than 400 honors and awards during her lifetime, including the NAACP Thurgood Marshall Award, the Martin Luther King, Jr. Distinguished Service Award, and the Philadelphia Urban League Whitney Young Award, and honorary Doctor of Law degrees from Morris College and Villa Maria College; and

Whereas the work of C. DeLores Tucker as crusader for civil rights and rights of women, through grace, dignity, and purpose has helped transform the perception of race and gender in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of the late Cynthia DeLores Tucker;

(2) salutes the lasting legacy of the achievements of C. DeLores Tucker; and

(3) encourages the continued pursuit of the vision of C. DeLores Tucker to eliminate racial and gender prejudice from all corners of our society.

Mr. CASEY. Mr. President, I rise today in support of a resolution honoring the lifetime achievements of C. DeLores Tucker. Along with her family and many friends with us today in Washington, we pay tribute to her life of service and courageous commitment to justice for women and for the African-American community.

Cynthia DeLores Nottage Tucker was born in Philadelphia, PA, on October 4, 1927 and was the tenth of eleven children in her family. Her Bahamian-born Baptist minister father and her hard-working mother approached life from a Christian perspective and encouraged their children to do so as well. She grew up in a nurturing and achievement-oriented household. "My mother and father gave us wonderful values," Tucker once told *Good Housekeeping* magazine. "They taught us to be good and loving, and to use our lives to help others."

Young DeLores originally intended to become a doctor and, as a girl, spent summers working in local hospitals. When she graduated from Girls' High of Philadelphia, her father took her to the Bahamas as a reward. During the trip, she became seriously ill and was restricted to a sickbed that kept her out of college for a year. This setback changed the course of her life. She subsequently finished her education at Temple University and the Wharton School of the University of Pennsylvania. She also received two honorary degrees, from Morris College in Alabama and Villa Maria College in Pennsylvania.

C. DeLores Tucker first became active in the postwar civil rights movement when she worked to register Black voters during a 1950 mayoral campaign. In July 1951, she married a friend of her brother, Bill Tucker, a construction company owner who also owned real estate in and around Philadelphia. For several years, DeLores sold real estate and insurance and was active in local politics. She also became an accomplished fundraiser and public speaker. The experience she gained in civic causes and work with her husband, helped to make her a well known figure in the city. She became the first African-American and first woman to serve on the Philadelphia Zoning Board.

As the civil rights movement gained momentum in the late 1950s and early 1960s, DeLores found the perfect channel for her activism. She joined the National Association for the Advancement of Colored People, NAACP, and helped the NAACP raise funds. She never shied away from sensitive political issues. As part of her civil rights activism, she walked with Dr. Martin Luther King, Jr. in the Selma to Montgomery march. In 1965, she participated

in the White House Conference on Civil Rights and was a strong advocate of the 1965 Voting Rights Bill signed by President Lyndon Johnson.

DeLores Tucker's life was guided by her deep convictions. Throughout the 1960s, she campaigned for African-American candidates and served on her party's state committee. Her strong will and organizing skills brought her to the attention of those in power. In January 1971, she was named Secretary of the Commonwealth by Governor Milton J. Shapp. This appointment made DeLores the first African-American woman in the United States to serve in such a role.

The responsibilities of her job were serious. As Secretary of the Commonwealth, she was the keeper of the Great Seal of the Commonwealth and had the duty of authenticating government documents through the seal's use. By statute, she was a member of a number of important state boards and commissions. She also helped implement an affirmative action program to bring more equality to Pennsylvania's hiring practices. During her tenure, she advocated for the appointment of women and African-Americans as judges and as members of state boards and commissions. She led the effort to make Pennsylvania one of the first states to develop voter registration by mail and reduce the voting age from 21 to 18. Further, she helped pass statutes that would permit students to register and vote from their college districts. *Ebony* magazine named her among the "100 most influential" African-Americans every year of her tenure.

After leaving state government, Dr. Tucker was a candidate for several political offices, including lieutenant governor and United States Senator. Although her efforts were unsuccessful, she never wavered in her commitment to public service. She continued her commitment to community service, working with underprivileged young people both in Philadelphia and across the country.

DeLores Tucker always continued to participate in politics. As a fundraiser and organizer, she was involved in Jesse Jackson's presidential campaign in 1984. She chaired the Black Caucus of her party's national committee for several years, where she worked to increase the involvement of African-American women in politics.

One of Dr. Tucker's greatest legacies was her work as a founder of the National Political Congress of Black Women in 1984 which was created to advance the interests of the African-American community, especially women. The group devised a comprehensive ten-point plan to reclaim and improve the African-American community by focusing on voter registration, educational quality and equity, welfare reform that would not victimize poor people, and fair and adequate legal services for everyone. The National Political Congress of Black Women addressed both broad national

issues as well as local issues by, for example, supporting African-American congresswomen, as well as honoring civil rights pioneers, including Myrlie Evers-Williams, Dr. Betty Shabazz, and Coretta Scott King. The organization encouraged Black women to participate in the political process as voters, candidates, policymakers, fundraisers and role models. Today, the organization is known as the National Congress for Black Women. In 1992, Dr. Tucker succeeded Shirley Chisholm as the national chair of the National Congress of Black Women and served in that role until her death in 2005.

In 1991, Dr. Tucker founded the Be-thune-DuBois Institute to promote the cultural and educational development of African-American youth. During this time, Dr. Tucker began her public criticism of some kinds of rap music. She argued that record companies should halt the distribution of popular music that she believed contained derogatory lyrics about women and minorities and had a negative impact on young people. Objecting to the sale of such lyrics to minors, she asked the Federal Bureau of Investigation to launch an inquiry. Both the NAACP and the Congressional Black Caucus supported Dr. Tucker's initiative.

Dr. Tucker rose to national prominence in African-American civil rights circles through her tireless activism and political fundraising. She worked to end racism and make the United States a more equal, multicultural society. Her career in civil rights spanned more than 50 years. Her husband, Bill Tucker, told the Washington Post that DeLores "was one of the most fearless individuals I have ever known . . . She will take on anyone, anything, if that's what she thinks is right."

Dr. Tucker chaired the Black Caucus of her party's national committee for 11 years and spoke at five national conventions. As a member of the national committee, she was one of the original organizers of the Black Caucus and the Women's Caucus. She worked tirelessly to ensure that women, African-Americans and other minorities had fair representation within her party. She was the first African-American to serve as President of the National Federation of Democratic Women. Dr. Tucker also served as a member of the NAACP Board of Trustees and on the board of the Points of Light Foundation. She was also a member of Alpha Kappa Alpha Sorority.

During her career, Dr. Tucker received more than 400 awards and honors, including the NAACP Thurgood Marshall Award, the Martin Luther King, Jr. Distinguished Service Award and the Philadelphia Urban League Whitney Young Award.

C. DeLores Tucker passed away on October 12, 2005. Her legacy lives on through the work of her husband, Bill Tucker, her many nieces and nephews, and the hundreds of people she helped and mentored during her life.

DeLores Tucker was a daughter of Philadelphia, a city that has produced many notable leaders, in fields as diverse as the fine arts, politics, science, athletics, business, literature and entertainment. In December of 1939, Marcia Davenport wrote an article in Collier's magazine about the great internationally known contralto, Philadelphia Marian Anderson. Davenport's article described Anderson as a young girl in south Philadelphia—whose father, John Anderson, died when she was ten—playing on an imaginary piano and singing despite the poverty her family lived in.

But in the heart of Anna Anderson, as she watched her child throbbing with music, there was a steadfast belief that for any worthy end, a way will come.

For DeLores Tucker, through hard work, a passion for advocacy, a strong faith and a loving family, a way did come. A way to stand up for the powerless; a way to overcome racism, prejudice, and hatred; a way to shine the bright warm light of justice and compassion in the dark corners of America. Yes, a way did come for DeLores Tucker to use her voice to sing her own hymn of equal rights and opportunity for all, especially women and African-Americans.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3315. Mr. SESSIONS (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 3316. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3317. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3318. Mr. VITTER (for himself, Mr. BARRASSO, Mr. BOND, Mr. BUNNING, Mr. COBURN, Mr. COCHRAN, Mr. CORNYN, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mrs. HUTCHISON, Mr. INHOFE, Mr. RISCH, Mr. SESSIONS, Mr. CRAPO, Mr. BROWNBARK, Mr. WICKER, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3319. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3320. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, supra; which was ordered to lie on the table.

SA 3321. Mr. BROWN, of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) proposed an amendment to the resolution S. Res. 345, deploring the rape and assault of women in Guinea and the killing of political protesters.

SA 3322. Mr. BROWN, of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) pro-

posed an amendment to the resolution S. Res. 345, supra.

SA 3323. Mr. BROWN, of Ohio (for Mrs. BOXER (for herself and Mr. FEINGOLD)) proposed an amendment to the resolution S. Res. 345, supra.

TEXT OF AMENDMENTS

SA 3315. Mr. SESSIONS (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 3310 proposed by Mr. REID to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, 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. 01. DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

"DISCRETIONARY SPENDING LIMITS

"SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

"(b) LIMITS.—In this section, the term 'discretionary spending limits' has the following meaning subject to adjustments in subsection (c):

"(1) For fiscal year 2011—

"(A) for the defense category (budget function 050), \$564,293,000,000 in budget authority; and

"(B) for the nondefense category, \$529,662,000,000 in budget authority.

"(2) For fiscal year 2012—

"(A) for the defense category (budget function 050), \$573,612,000,000 in budget authority; and

"(B) for the nondefense category, \$533,232,000,000 in budget authority.

"(3) For fiscal year 2013—

"(A) for the defense category (budget function 050), \$584,421,000,000 in budget authority; and

"(B) for the nondefense category, \$540,834,000,000 in budget authority.

"(4) For fiscal year 2014—

"(A) for the defense category (budget function 050), \$598,249,000,000 in budget authority; and

"(B) for the nondefense category, \$550,509,000,000 in budget authority.

"(5) With respect to fiscal years following 2014, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

"(c) ADJUSTMENTS.—

"(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

"(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and