



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, FRIDAY, SEPTEMBER 25, 2009

No. 137

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose spirit searches all things, send us Your truth and mercy today. Guide our lawmakers along a path that leads to the hearts and needs of those on life's stormy seas. Give our Senators a grace that will take away fear and provide them with courage and faith. Increase their understanding of the scope of their tasks as servants of Your kingdom, as You inspire them to stay within the circle of Your loving providence. Lord, imbue them with understanding and sympathy, as well as with a sense of justice that they may be champions of liberty and instruments of Your peace. May this be a day in which the Senate exemplifies to America unity, courage, and civility. Today, as we welcome a new lawmaker, we ask Your blessings for the Honorable PAUL KIRK, Jr.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the appropriations bill for the Department of Defense. There will be no rollcall votes during today's session, but at 3:30 p.m. today, PAUL KIRK will be sworn in as the new Senator from Massachusetts, filling in for the late Senator Kennedy.

As I speak, we have an international war on terrorism, we have American troops stationed in Iraq and Afghanistan, and we have a Defense appropriations bill which is now before the Senate. The appointment of the Chairman of the Joint Chiefs of Staff, ADM Michael Mullen, expires on September 30. It would be absolutely unacceptable to allow his position to be vacant at a time when our Nation is so engaged internationally. I hope we can count on the cooperation of all my colleagues in allowing this nomination to proceed without delay—immediately.

Mr. President, would you announce the business of today.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3326, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the committee report which accompanies H.R. 3326 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### HEALTH CARE

Mr. MCCAIN. Mr. President, for at least several months, Congress, as we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S9861

know, has been considering comprehensive health reform legislation written and moved through committees without bipartisan support. The Senate Finance Committee, now the last committee, is apparently considering a proposal that was originally believed to possibly garner bipartisan support. However, it has not. At the end of the day, the bill has ended up being divided along partisan lines.

I agree that bipartisanship alone does not propose good legislation, but I can guarantee that partisan legislation pushed through Congress on artificial deadlines will not engender confidence or the support of the American people. Not one of the bills in the House or Senate committees has received a Republican legislator's vote—now they are counting on perhaps one—nor did any of the bills deserve the vote of any Member of Congress. I hope reason will prevail this week.

Unfortunately, as written, the administration's and Senator BAUCUS's proposal does not warrant the support of the American people or Members of Congress. During the August recess we saw millions of Americans come to townhall meetings across this country and express their concerns. While some have dismissed these peaceful revolutionaries and impugned their motives, I believe these citizens should be listened to. This peaceful resolution is like nothing I have ever seen in my nearly 30 years of elected office. Americans have made it abundantly clear they do not want government taking over their health care decisions. But, unfortunately, that is the reality of the proposals before the Senate Finance Committee and those that have already been passed. Senator BAUCUS's proposal is not any different. It increases or creates new government control in all aspects of our health care system, increases health care taxes, and makes cuts to Medicare that reduce benefits and weaken its fiscal health.

The administration's bill being considered this week in the Finance Committee puts Washington in control of health insurance regulations by defining what is "acceptable health insurance coverage" and what Americans must pay for this coverage. Washington also seeks to tell Americans that they have no more than four insurance plan coverage levels available to them, the least costly of which would be more expensive than many individual and small group policies today.

In addition, the proposal decides which health care industry should be taxed and then imposes billions in new taxes on them. There are new taxes on prescription drugs, there are new taxes on medical devices, there are new taxes on laboratory tests, and there are new taxes on insurance companies.

The Congressional Budget Office has confirmed what we know: that these taxes will be passed on to the consumers and will drive up health insur-

ance premiums, directly contradicting the goal all of us shared together. This week CBO Director Douglas Elmendorf in the Senate Finance Committee said:

Our judgment is that that piece of legislation would raise insurance premiums by roughly the amount of the money collected.

If there are some out there who are not concerned by this massive government expansion, here is the kicker. The tax increases start right away even though many coverage provisions do not begin for 4 years, making the real 10-year implementation cost between \$1.5 and \$2 trillion. While it may seem to most Americans that reform is all about regulating health insurers and getting people covered, America's seniors who depend on Medicare would be wrong to assume their benefits will not be affected under the proposal that is being considered in the Senate Finance Committee.

The administration's proposal under consideration in the Finance Committee cuts \$500 billion from Medicare and allocates it to creating a new entitlement that we know taxes and costs too much. Instead of improving Medicare's financial stability, the proposal cuts nearly \$120 billion from hospitals serving Medicare patients, more than \$40 billion from Medicare home health providers, and approximately \$130 billion of the cuts come from Medicare Advantage.

CBO confirmed the obvious—that taking \$130 billion from Medicare Advantage is a cut in the extra benefits provided to seniors despite protestations that this is not a cut from the other side and from President Obama.

From the Associated Press:

Congress' Chief Budget Officer is contradicting President Barack Obama's oft-stated claim that seniors would not see their Medicare benefits cut under a health care overhaul.

Candidate Obama campaigned to make this cut, but now we hear the other side twist themselves in circles trying to obscure the facts. Americans should understand what is in these proposals and make up their own minds. But the other side must not agree. Why else would Democrats vote down an amendment in the Senate Finance Committee that would have simply required the legislative language to be posted online for 72 hours before voting on the proposals? This is what happens when you do not have online or prior information concerning amendments.

The Finance Committee passed a Democratic amendment earlier Wednesday by voice vote that they thought would have no impact on the bill's bottom line. Hours later, the committee staff learned from CBO that Senator DEBBIE STABENOW's amendment on foster care would actually cost \$600 million. This is why we need to have cost estimates and online scrutiny not only by Members of Congress and their staffs but by the American people before we adopt amendments.

Let me read from the press release issued by Senator BAUCUS this week:

At the urging of Senate Finance Committee Chairman Max Baucus, the Centers for Medicare and Medicaid Services [known as CMS] has cracked down on insurance compan[ies] . . . The CMS investigation into the beneficiary letter was prompted by a Baucus request.

This is a press release issued by the office of the Senator from Montana himself. And what did Senator BAUCUS's urging result in? A gag order from the acting head of the CMS Center for Drug and Health Plan Choices. Shockingly, the CMS subgroup ordered health plans offering Medicare Advantage benefits to stop communicating with their members what the CBO tells us is true, that taking \$130 billion from Medicare Advantage is a cut.

Let's be clear. This is government-imposed restrictions on free speech. How is it that we have an agency of government telling a private corporation they are not free to express their opinions or views on anything the Congress does?

So where does this leave us? The proposal expands failing Medicaid, increases government control in the health care of every American, and drives up premiums by raising taxes on health care and health insurance. Then the proposal forces you or your employer to purchase their more expensive insurance. But to hide the impact, we are going to subsidize some Americans for this more expensive coverage, and if they do not purchase this more expensive coverage, the proposal tells the IRS to come after them with new tax penalties.

The recent poll this morning, published in various newspapers, shows there continues to be waning support and a lack of understanding of the President's proposal. I think that is perfectly logical because the President says: If you like your present health insurance, you can keep it. Then CBO determines, and others, if your employer provides you with health care benefits and chooses the government option, then you as the employee do not have the ability to keep your health insurance policy if you like it.

So I think it is pretty clear the strategy of the administration is to try to ram something through the Senate and the House, rewrite it in conference, and certainly without Republican participation. I hope that is not the case.

I look forward to continued discussion of this very vital issue for the American people on the floor of the Senate and in the various forums around the country. I intend to continue to have health care townhall meetings in my State as they have been very helpful both in informing my constituents and my constituents informing me.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER.

The ACTING PRESIDENT pro tempore.

The Republican leader is recognized.

#### HEALTH CARE WEEK X, DAY III

Mr. MCCONNELL. Mr. President, Senators are still hashing out the details of the Democrat health care proposal that they plan to bring to the floor, and it isn't getting any better.

Americans wanted us to work together on reforms that improve the system we have. What they are getting instead is a bill that creates an entirely different system in which government plays a bigger and bigger role in people's health care decisions. They are slapping this plan together as quickly as possible, and then they are going to force it on the American people whether they like it or not. That is what is going on this week in the hearing room of the Finance Committee.

Supporters of this bill are watching the clock. They know the longer it sits out there, the more Americans will oppose this trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care choices that millions of Americans now enjoy. That is why they struck down a commonsense amendment this week that would have given the American people 72 hours to look at the details of this legislation.

They are rushing it through, hoping no one gets to see the fine print. Why else would they deny this 72-hour amendment that gives people the time they need to read a 1,000-page bill? Why else would they be dismissing anyone who raises a peep of opposition? Why else would they be asking people to forward fishy e-mails to the White House? And why else would the administration order an investigation into a private company for telling its clients the truth about what this legislation would mean for them?

More and more, it seem like supporters of this legislation just don't believe that the American people know what is best for themselves, so they want to keep them in the dark about the details. But that is not the way democracy works. And that is why Republicans sent a letter to the Department of Health and Human Services yesterday calling on the HHS Secretary to rescind the gag order that it placed on companies that want to tell seniors how health care legislation will affect them. Seniors deserve to know what is in this bill, and insurers should be free to tell them.

But until that gag rule is lifted, we will tell seniors ourselves, because it hits them hard. It cuts services that millions of seniors currently enjoy. It could force seniors off the plans they

have with nearly \$140 billion in cuts to one popular Medicare plan; it calls for nearly \$120 billion in Medicare cuts for hospitals that care for seniors; more than \$40 billion in cuts to home health agencies; and nearly \$8 billion in cuts to hospice care.

Everyone agrees Medicare needs reform. This isn't reform. Lawmakers want to use Medicare as a piggy bank to pay for their experiment, and seniors are going to suffer for it. The response we keep getting from the administration is that hundreds of billions of dollars in cuts to Medicare won't affect services. Who can blame seniors for scratching their heads over that one? How do you cut half a trillion dollars from something without anybody noticing the difference? Seniors, rightly, just aren't buying it.

Americans want reform. They want lower costs. They want greater access for people without insurance. And they want Congress to deliver commonsense solutions to all these problems. What they are getting instead is a trillion-dollar experiment that cuts Medicare, raises taxes, and threatens the health care options that millions of Americans now enjoy. And they are being told it all has to be done as fast as possible to meet some artificial deadline that no one can explain.

Americans want us to slow down, and Congress is putting its foot on the accelerator. Americans want to know what this bill would mean for them, and Congress won't let them read it before a vote, won't even allow them 72 hours to look over the details of a 1,000 page piece of legislation that will affect one of the most significant aspects of their lives. Americans have concerns about what they're hearing, and they are being told to shut up, sit down, and take the health care we give you.

This is precisely the kind of condescending attitude from lawmakers in Washington that ordinary Americans are tired of. This is the kind of thing they are protesting and speaking out against across the country. And over the last few months, Congress hasn't given them any reason to believe that their concerns aren't exactly right.

I yield the floor.

Mr. COCHRAN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FAA REAUTHORIZATION ACT

Mr. DORGAN. Mr. President, last evening the Senate passed a 3-month extension—until December 31—of the Federal Aviation Administration reauthorization bill, and I wanted to mention a word about that.

The 3-month extension is necessary because the authorization ends at the end of this month, September 30. This is such an important issue, so I hope we are able to find time on the floor of the Senate—I have talked to the majority leader, Senator REID, about finding time on the floor to consider the FAA reauthorization bill, which includes important provisions to modernize our air traffic control system.

Let me talk about the process for getting a bill considered on the floor just for a moment. It has been difficult here to get things done on the floor of the Senate. Sometimes we have had cooperation, sometimes not. Sometimes on very noncontroversial things we have had to file cloture just on the motion to proceed. It takes 2 days to get cloture, have a vote on cloture, and then the minority has insisted on 30 hours postcloture. So you have to take the better part of a week just to get to a piece of legislation, even the noncontroversial ones. So my hope would be that perhaps we could get more cooperation particularly when it comes to passing the FAA Reauthorization Act.

The FAA Reauthorization Act is critically important because we need to modernize the air traffic control system. I chair the Aviation Subcommittee, and that is why I wish to bring this bill to the floor, along with my colleague, Senator ROCKEFELLER, and move rather rapidly on the issue of modernization of the air traffic control system.

We are still flying using ground-based radar systems that have been around for a long time. Previously, I described on the floor of the Senate that when flying began in this country and we started to haul mail by airplanes, planes could only fly during the day when the pilot could see. Then eventually they began flying at night by building big bonfires 50 or 100 miles out so the pilot could see the direction they were supposed to head. Then, with more sophistication, we developed ground-based radar and we put transponders in an airplane which send signals to a radar on the ground, and that radar then puts a little signal on a

screen that says: Here is where the airplane is. Well, that is all fine, except in most cases it's actually: This is where the airplane was. Because for the next 7 seconds that jet is elsewhere. It is moving. So you have a single dot on a ground-based radar system, and the transponder says, here is where that jet airplane is, but it is really not there anymore. It is there for just a nanosecond, and during the rest of the sweep of the radar that airplane is somewhere else.

We need to go to an entirely new system. Europe and the United States are both moving to a system that uses GPS so that we know exactly where that airplane is. It is a much more effective system and a safer system. It will save energy. It will allow airlines to fly more direct routes, so it will save time for passengers. It will be better for the environment because planes will be using less energy. All of that is true. But we can't get there until we pass the provisions that move the FAA forward with modernization that are part of the FAA reauthorization bill.

I and others have worked on this for a long time. We extended the existing reauthorization last evening until the end of the year, but between now and then we need to pass the reauthorization bill through the Senate so that we can conference it with the House and get a bill to the President.

It also includes provisions dealing with safety. For example, I have chaired two hearings on the tragic accident in Buffalo, NY, with the Colgan Air flight in which many lives were lost. We have included in this legislation issues dealing with the FAA and the issues of pilot fatigue, crew rest, pilot training, and other issues dealing with safety that are very important.

We also include the Passengers' Bill of Rights, which some of my colleagues have worked on for a long while. I included that in the mark that has now passed the Commerce Committee. It includes, for example, one little piece in the Passengers' Bill of Rights says that if you are on an airplane and you are stranded someplace on a tarmac, they can't keep you more than 3 hours without being required to take you back to the terminal. We have had examples—tragic examples, I should say—of people being stuck on an airplane for way too many hours and not allowed to come back to the terminal. Well, we put a provision in here dealing with that which relates to the Passengers' Bill of Rights.

My point is this: This is important to passengers, it is important to the airlines, and it is important to our country to get this done and get it done right. My fervent hope is that we will get time on the schedule and get it through the Senate so that we can get it to conference with the House of Representatives and see if we can get done what should have been done 2 years ago. It is called the Air Traffic Control Modernization Program. It is part of the FAA Reauthorization Act, and it is very important for this country.

#### ENERGY

Mr. President, I want to talk just for a moment about energy. I know we have been spending a lot of time dealing with health care. I believe the Finance Committee is meeting and working on a health care bill, as we speak, and that is important to continue that work. Another important issue for the Senate to address is energy. I want to talk just for a moment about the need for an expanded energy program in this country and a new set of energy policies. Just as we have reported an FAA reauthorization bill, we have also reported a bill out of the Senate Energy Committee. I worked with Senator BINGAMAN and others on a bipartisan bill, and we have reported a very important bill out of the Energy Committee which is now on the Senate calendar. If we can pass it in the Senate and House, resolve the differences, and have the President sign it, this legislation can move us in the direction toward addressing the climate change. But it also makes us less dependent upon foreign energy, thus improving our energy and our national security situation.

Here are the issues. We produce millions of barrels of oil every single day by sucking it out of our planet. We stick little straws in the dirt, and we suck oil out at a rate of about 85 million barrels a day. Think about a globe in your office or someplace at school and look at where we are relative to the size of the planet. Even though we produce 85 million barrels a day for the world, one-fourth of it comes to this patch called the United States of America. We use one-fourth of all the oil that is sucked out of our planet every single day, so we have a prodigious appetite for energy.

That is not surprising. Everything we do uses energy, and we are an advanced industrial country. We get up in the morning and turn on a switch and the light goes on. We plug in an electric razor and shave. We use it for the coffee maker or for the toaster by using electricity. We open the refrigerator which keeps the food cool all the time. We get in our cars, put a key in the ignition and ignite an engine with probably 250 horses to take us to work or to get a doughnut and coffee. We are unbelievable users of energy, and we do not even think much about it. But if tomorrow morning we awoke and none of that energy were available, our lives would change in a dramatic way.

Now think of this: Although we need one-fourth of 85 million barrels of oil today, brought to this country, almost 70 percent of the oil we use is produced elsewhere. Some of it is produced in countries that do not like us very much. Then in addition to nearly 70 percent being produced elsewhere, about 70 percent of the oil in this country is used in the transportation sector. So those are the elements of things that ought to concern us. How do we deal with all of this?

What we need to do is produce more energy at home. We also need to

produce different kinds of energy. I happen to believe we ought to produce virtually every kind of energy to the extent that we can do so, and do it with an eye and understanding on how that impacts climate change issues. We should be attending to and producing more renewable energy—including wind, solar, biomass and other renewable resources. Developing renewables will move us in the direction of addressing climate change.

So here is what we have done in the Energy Committee. We have produced a piece of legislation that maximizes the use of renewable energy.

Here is a picture of wind turbines. They are plentiful in my State and in many other States as well. We are taking energy from the wind and producing electricity. When we put up a turbine, it can blow for 10 years, 20 years or 50 years so that we are getting energy from the wind. It is renewable, increasingly reliable, carbon free, and very protective of the environment.

By producing electricity from the wind, solar or biomass resources, we are capable of extending and expanding our energy supply and in many ways, making us less dependent on foreign oil or energy that comes from foreign sources. This is especially true as we work to electrify our transportation system.

One of the things we did with respect to wind energy is, for the first time in the Senate Energy bill, establish a national renewable electricity standard. We said we believe there ought to be a requirement of how much of our nation's electricity should come from renewable energy. So we have a 15-percent requirement. When we get a bill to the Senate floor, we ought to increase it to a 20-percent requirement where 5 percent is for energy efficiency and 15 percent is for renewable energy. I would like to see if we can strengthen that standard which came out of the Energy Committee. But at least the first renewable electricity standard of 15 percent is in the committee passed bill. It is very important that we have a starting point for where we want to be.

There is this old saying: If you don't care where you are, you are never lost. That is very true for public policy in this country. If you don't care where you are, then you don't set goals. But we should set goals because we are unbelievably and dangerously dependent on energy from other countries. That doesn't make any sense to me, so we must maximize the production of renewable energy.

The problem is where the Sun shines or where the wind blows and where we can produce electricity from the wind and the Sun may not necessarily be where we most need the energy. What we need to do is produce energy where we can and move it to the load centers where they need the electricity. So we have a transmission piece in this energy legislation which is very important because it essentially will create an interstate highway of transmission

capability to maximize the production of renewable energy and move it to where it is needed, the load centers.

We cannot seem to produce or build transmission capabilities at this point to the scale we need it. We have—we built 11,000 miles of natural gas pipelines in the last 9 years in this country to move natural gas, but we have only been able to build 668 miles of interstate, high voltage transmission lines. We just can't get it done. There are 100 different ways for people to say no. We put a transmission piece in this legislation which will move us down the road to maximize the production and the movement of renewable energy. This is a positive step for this country.

Here is a chart that describes what has happened with domestic production and use of petroleum in our country from 1981 to today. It is pretty clear from this graph what has happened, and this ever growing gap is what makes us dangerously dependent on foreign oil. We use a lot of oil, and we are unbelievably dependent on foreign oil. As I indicated, some of it is from countries that don't like us very much, and that is not smart at all.

The Energy bill passed in the Energy Committee awaiting floor action is legislation that contains an amendment I successfully offered that would open access to the eastern gulf of Mexico which is closed for oil and gas production. It would open it for oil and gas production. That is very important because there are substantial amounts of production available to us in this region.

Down in the Cuban waters we have this misguided embargo against Cuba for the last 50 years that has not worked. It continues, and at the same time, the Cubans are opening their waters for oil and gas production to companies based in other countries. We understand there is about a half million barrels a day for production available in these waters. The Spanish are there, the Indians are there, Canada is there—they are all seeking to develop the resources, but American oil companies can't because of that embargo. That makes no sense to me, and we ought to remove that embargo, in my judgment. But the point is, the bill I have just described actually opens a substantial area for additional oil and gas production that came from an amendment passed with bipartisan support.

Here is another chart describing where we get our energy. It includes coal, petroleum, natural gas, hydroelectric, renewables, and nuclear. I happen to think to the extent that we can, even as we take action to protect our environment, we ought to consider all types of energy to make us less dependent on foreign energy.

Coal—I recognize, by using coal to produce energy, we release carbon into the atmosphere. That is difficult when we are dealing with a need to address climate change. In the appropriations committee I chair on energy and water, what we are doing is making sure we

are investing in finding ways to remove the carbon from fossil energy. I believe it can be done. I believe one day we will have a near-zero emission, coal-fired, electric-generating plant.

I think we ought to do a lot of everything and do it well. I believe there are so many exciting things going on that will alter our future, if we just keep investing in them and make them happen.

I want to show a chart that is kind of a Byzantine chart, actually. This might not mean much to anybody at first glance, but this is algae. It is single-cell pond scum. We have all seen in very common places, especially those of us who grew up in rural areas. In a pond when the Sun shines we will see this film develop, this green slimy stuff in a pond. It is pond scum, right? Algae.

When I became chairman of the Energy and Water Appropriations Subcommittee, I restarted the algae research work that had been discontinued for 15 years. Why would we research algae? Here is why: Because if CO<sub>2</sub> is a problem in coal-burning or fossil-fired plants, what we can do with it is take the CO<sub>2</sub> from the facility and feed it into a big old greenhouse. We can grow algae because algae grows with sunlight, water, and CO<sub>2</sub>. We get rid of the CO<sub>2</sub> by feeding it into and growing the algae, then harvesting the algae and producing a diesel fuel. We take the CO<sub>2</sub>, which is a problem because we want to protect the atmosphere.

There is research going on right now in which I believe Exxon and Dr. Craig Venter are working on for new algae research. They are taking the algae and excreting the lipids which, with little manipulation, would then become petroleum projects. Dr. Venter was also one of several leading scientists involved in the research to map the human genome which gave us the first owners manual for the human body. Dr. Venter and Dr. Francis Collins are remarkable Americans. He is now doing research in which people are trying to determine how to create synthetic microbes that would consume coal and, in the process of consuming coal, leave methane gas behind.

Isn't that interesting? Isn't it something, if we could have synthetic microbes turn coal into gas by consuming the coal? I don't know what the future holds for all of this. I do know this. The Energy bill we have passed in our Energy Committee builds on a lot of these interesting and important ideas, and I believe does it well. While I haven't mentioned nuclear, there are loan guarantee funds and other incentives that Congress has already passed to try to build some of the first few nuclear projects, which obviously don't produce carbon.

I think it is important that we recognize we should do a lot of things, do them well, make us less dependent on foreign oil, protect the environment, and provide greater national security

and energy security as a result. That is the point of it all.

The reason I have described all this—I come from a State that produces a lot of energy and I am on the Energy Committee. I am the second ranking Democrat on the committee. I am also chairman of the appropriations subcommittee that funds all energy and water projects, and that is a great opportunity for me because I come from a State that produces a lot of energy. We have virtually every form of energy. In the western half of that State, we produce a lot of oil and natural gas. We produce a lot of coal. We also have a great deal of wind and biomass. In fact we have more wind than any State in America. According to the Department of Energy, we are the Saudi Arabia of wind.

Also, we have a plant that uses lignite coal and produces from lignite coal synthetic natural gas. It is the only plant of its kind in the United States. We take CO<sub>2</sub> from that facility, put it in a pipeline to inject into the oil fields in Canada. We are taking CO<sub>2</sub>, sequestering it, selling it, using it in enhanced oil recovery because a very small amount of oil a new oil field is actually brought up until we use additional means to move it. We can do that by injecting it with CO<sub>2</sub> which stays in the ground. Then we can bring up a lot more oil. We are doing all these things.

The reason I wanted to talk about this today is we need to get that Energy bill to the floor of the Senate, get it passed, get it to the President for signature. It is a significant first step in the direction of addressing climate change but is also a significant step in making us less dependent on foreign oil.

Senator BINGAMAN and Senator MURKOWSKI, the chairman and ranking member of the Energy Committee, worked with me and other Members for many months to produce this legislation. Some say let's merge it with climate change.

We should put this energy bill and climate change together and bring it to the floor for a debate. Well, you know what. I have said I think it would be far more beneficial, as a matter of practical policy, to bring the Energy bill to the Senate floor, pass it, put that progress in the bank because it is a significant stride toward addressing climate change, then follow that up with a climate change bill behind that.

I know some have interpreted my remarks as saying I do not support climate change legislation. Well, I have already spoken on the floor to clarify that point. I do not support a cap-and-trade bill as it relates to the market trade portion of cap and trade.

I do not intend and do not have any interest in consigning the price of energy tomorrow to the decisions in a \$1 trillion carbon securities market that will be populated by investment banks and speculators today that are going to tell us what they believe the price of carbon should be tomorrow.

I have had way too much acquaintance with markets that are broken and markets that do not work in recent years to believe that is what we ought to do. I do believe there is something significant happening with respect to our climate changing. I believe this country should take, at a minimum, a series of important "no regret" steps in addressing those issues.

But I have great difficulty with those who believe we should do cap-and-trade bill when you talk about carbon marking trading, given the experience we have had in recent years in other markets. We have discovered that time on the Senate floor is evaporating quickly because health care is taking longer than one would have expected.

We must also do financial reform. I would hope that financial reforms come after health care. My own view is we do financial reform first this year because that would have established the foundation by which people could have confidence in the system that steered this country's economy into the ditch. I have expressed this to the President.

But I understand health care is a very serious problem as well. So we need to consider health care and financial reform. I also hope we can consider the issue of FAA reauthorization; all these things and others are needed to be done before the end of the year. The majority leader understands all of that, is working very hard to try to fit the pieces of that puzzle into the time available.

My only point for expressing the point on the floor is that I would very much hate to lose some important work on energy that affects virtually every form of energy, including energy efficiency, the first ever national RES, more transmission, additional access to oil, and more that will make us less dependent on foreign oil and start to address climate change.

All of that is part of a plan that I think is a plan that will advance the interests of this country. So my hope is that in the coming weeks, as we think through and talk through what should be our agenda in the near future, my hope is we can find a way to move these important parts of an energy bill.

This, I think, should represent a significant opportunity for bipartisanship at a time when there has been precious little. Too little bipartisanship exists right now. But if there is any area in which most of us would believe our country's best interests reside, it has to be producing more energy and doing it the right way, protecting our environment at the same time. That is very much what this Energy bill strives to do.

It will advance our country's interests, and so my hope is that when the calendar turns for the new year, we will have sent to the President's desk an energy policy that has a lot to commend in it for this country's future. I visited personally with the President, the Majority Leader and others about

this idea and commit to working with them on it.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### NATIONAL MESOTHELIOMA AWARENESS DAY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 288 submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 288) Designating September 26, 2009, as "National Mesothelioma Awareness Day."

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

Mr. DORGAN. Mr. President, 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 interviewing action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 288) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 288

Whereas mesothelioma is a terminal cancer related to exposure to asbestos that affects the lining of the lungs, abdomen, heart, or testicles;

Whereas workers who are exposed to asbestos on a daily basis over a long period of time are most at risk, but even short-term exposures to asbestos can cause the disease;

Whereas exposure to asbestos for as little as 1 month can cause mesothelioma 20 to 50 years later;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975, and more than 3,000 products sold in the United States contain asbestos;

Whereas there is no known safe level of exposure to asbestos;

Whereas millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

Whereas the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

Whereas the National Cancer Institute recognizes a clear need for new treatments to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

Whereas the need to develop treatments for mesothelioma was overlooked for decades;

Whereas even the best available treatments for mesothelioma typically have only

a very limited effect, and a person diagnosed with mesothelioma is expected to survive between 8 and 14 months;

Whereas mesothelioma has claimed the lives of such heroes and public servants as Admiral Elmo Zumwalt, Jr., and Congressman Bruce F. Vento;

Whereas many mesothelioma victims were exposed to asbestos while serving in the Navy;

Whereas it is believed that many of the firefighters, police officers, and rescue workers who served at Ground Zero on September 11, 2001, may be at increased risk of contracting mesothelioma in the future; and

Whereas cities and localities throughout the United States will recognize September 26, 2009, as "Mesothelioma Awareness Day":

Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 26, 2009, as "National Mesothelioma Awareness Day"; and

(2) calls on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to observe National Mesothelioma Awareness day with appropriate ceremonies and activities.

#### RECESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate stand in recess until 3:15.

There being no objection, the Senate, at 12:10 p.m., recessed until 3:15 p.m. and reassembled when called to order by the Presiding Officer.

The PRESIDING OFFICER. The Senator from Hawaii.

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

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

#### ENERGY SECURITY THROUGH TRANSPARENCY ACT

Mr. CARDIN. Mr. President, I rise today to discuss a bill that will increase energy security and combat poverty through greater transparency in the oil, gas and mining industries.

This week, Senator LUGAR and I, along with Senators SCHUMER, WICKER and FEINGOLD, introduced the Energy Security Through Transparency Act. This legislation will require all companies listed on U.S. exchanges to disclose their payments to foreign governments for the extraction of oil, gas and minerals on a country-by-country basis. This disclosure would apply to all companies that file with the Securities and Exchange Commission, SEC, regardless of where they are based, and would be added to existing SEC requirements.

This legislation will set a new international standard for corporate and State behavior.

With this bill, we are changing the paradigm within the world's oil, gas and mining companies operate, and,

importantly, changing the nature of their relationship with the governments in the countries in which they operate.

This is critical to our energy security, our national security and for the welfare of the citizens of these countries.

When we look at countries situated on oil and natural gas reserves, we think these countries have won the global version of the economic lottery. But what economists have found by studying these resource-rich countries is that they often fare worse than their resource-poor neighbors, both economically and politically.

In these countries rich in natural resources, governments do not provide the most basic of information concerning natural resource revenues. This lack of transparency facilitates and even encourages corruption. This often leads to grinding poverty in countries that are paradoxically rich in natural resources.

This legislation will provide much-needed regulatory and legal support to existing initiatives such as the Extractive Industries Transparency Initiative, EITI, and Publish What You Pay.

It is critical that the United States lead by example on transparency. That is why this legislation also encourages the United States to become an implementing country under EITI.

U.S. implementation of EITI would have practical and symbolic value on a number of fronts.

While this legislation puts human rights front and center in the global energy discussion, it also empowers people to fight corruption and hold their governments accountable. Greater transparency will lead to greater stability in countries that benefit from their natural resources and will lessen volatility in the global energy market, making them more conducive for long-term investments.

Just as importantly, U.S. implementation would bolster the momentum for the EITI, helping to make it a truly global standard for transparency in extractive industries. Leading by example is one of the most powerful ways the U.S. can encourage other countries to sign on to the initiative.

I look forward to working with our colleagues to ensure passage of this important and timely legislation.

#### THE SITUATION IN HONDURAS

Mr. LEAHY. Mr. President, on Monday, September 21, President Manuel Zelaya returned to Tegucigalpa, Honduras, for the first time since he was deposed and exiled in a June 28th coup d'etat, taking refuge in the Brazilian Embassy. His return has led to the installation of a curfew, violence between Zelaya's supporters and Honduran security forces, and troubling reports of the detention and physical abuse of his supporters.

I am encouraged by reports that representatives of Roberto Micheletti,

who currently occupies the Presidency, have met with President Zelaya. As divided as these two factions are, these talks need to continue in order to resolve this situation peacefully before the country descends into further bloody confrontations between civilians and police, or it leads to violent fractures within the military.

I continue to believe that the proposal for the restoration of President Zelaya and early elections, put forward by Costa Rican President Oscar Arias, has the best chance of resolving this conflict. Brute force, like that reported from Honduras this week, will achieve nothing but further polarization.

If President Zelaya is guilty of violating the law, as some have maintained, there are constitutional procedures for dealing with that. But by abusing the law themselves and simply throwing him out of the country, those who claim to have acted in the interests of the Honduran people only compounded the country's problems. Honduras, an impoverished country that needs the support of the United States and its neighbors, can ill afford this crisis to continue.

#### REMEMBERING FRANK FERTITTA

Mr. ENSIGN. Mr. President. I wish to honor the memory of a remarkable human being who inspired those around him with kindness, generosity, and devotion. He was a man who loved his family and understood the value of education.

Lately, it seems that heads of corporations and big businesses have become about as popular as lawyers and politicians. Well, you don't have to look further than the legacy of Frank Fertitta, Jr., to understand that compassion and respect can very much be part of a successful mission statement.

The name Fertitta may be best known in Las Vegas, NV, but the lessons of how this gaming patriarch lived his life should be emulated around the world.

Frank Fertitta, Jr., moved to Las Vegas in 1960 with his lovely wife Victoria. He started as a bellman and slowly worked his way through the ranks—dealer, pit boss, general manager. But what he will be remembered for professionally is his vision and understanding of business and human nature.

In 1976, Frank opened a 5,000-square-foot building called The Casino. Those around him had their doubts about whether this venture would succeed. Instead, Frank became a pioneer of a gaming niche that catered to locals. His little experiment eventually became the Palace Station. Thirty-three years after that first venture, Station Casinos today has 18 casinos and resorts and employs more than 13,000 people. And today, another generation of Fertittas is working to keep the vision of Frank Fertitta, Jr., alive and well.

His success, however, is not what made Frank Fertitta, Jr., so extraor-

dinary. It was his character and integrity that truly made him an example to all. With the utmost respect, he was called Mr. Fertitta by longtime employees and patrons of Station Casinos. That is because he showed respect to all he came into contact with, and they knew it.

I was fortunate to know Mr. Fertitta and call him a friend. He was genuine and unwavering in his support. The kind of person you were blessed to have in your life.

Described as quiet and polite, family and faith were the foundations of his life. Mr. Fertitta showed how a successful, hard-working businessman can also be a dedicated family man. Each week his whole family gathered at his and Victoria's home for Sunday dinner. This was a tradition that all of the Fertittas have cherished over the years. Anyone who knew him knew his family came first.

He was also a consistent and valued friend to many philanthropic organizations in Las Vegas. He and Victoria were involved with the University of Nevada Las Vegas, Bishop Gorman High School, Catholic Charities of Southern Nevada, the Nevada Cancer Institute, Opportunity Village, St. Judes Ranch, and the Cleveland Clinic Lou Ruvo Center for Brain Health.

It is one thing to be generous with your resources. It is another thing to raise your children to also be generous with theirs. That was part of Mr. Fertitta's success. He was proud that his children had become such generous contributors to the community. They did so because he set such a strong example.

Las Vegas lost a visionary with the recent passing of Mr. Fertitta. He taught us all how to respect others—regardless of one's status, how to dream big, and how to give back to our communities. There aren't many people like Mr. Fertitta in the world. We should all take a page from his mission statement to ensure that his brand of success lives on.

#### ADDITIONAL STATEMENTS

##### 2009 SERVICE TO AMERICA MEDAL RECIPIENTS

• Ms. MIKULSKI. Mr. President, today I honor and congratulate three outstanding Federal employees from Maryland—Thomas Alexander Waldmann, Patricia Guerri and Deborah Jin—who have recently been awarded Service to America medals in recognition for their great work.

Our Federal employees are on the front lines every day, working hard for America. Their commitment to public service makes life better for us all. I am proud to honor these three terrific Federal employees from Maryland today.

For the past five decades, Dr. Thomas Alexander Waldmann has devoted himself to performing cutting-edge



science at the National Institutes of Health. His work has resulted in great advances in treatment for patients with multiple sclerosis, various types of cancer and AIDS. Dr. Waldmann's commitment to transforming scientific research to save and improve lives has earned him the nickname "renaissance scientist" by his peers. His seminal research extends from the study of the immune system to clinical trials of immunotherapeutic agents, which help your immune system perform better. His innovative use of clinical trials has helped transform the way trials are used to treat patients, and has led to the development of treatments for fatal forms of leukemia and lymphoma and for multiple sclerosis.

Dr. Patricia Guerry of the U.S. Naval Medical Research Center is an innovator in combating food-borne illnesses throughout the world. After the discovery of the most common cause of food-borne illnesses, the *Campylobacter* microbe, in the late 1970s, researchers struggled to understand it and develop vaccines to combat it. But Dr. Guerry was unwavering in her quest to study the *Campylobacter* microbe, overcoming many barriers and working with limited resources to develop a promising new vaccine that may be only a couple years away from human trials. Over the past 3 years, Dr. Guerry and her group have had impressive success in advancing a vaccine, working at a breakneck pace. Dr. Guerry's success is especially promising for American troops abroad, who are particularly vulnerable to food poisoning.

Dr. Deborah Jin is another pioneering researcher. A research team leader at the JILA-National Institute of Standards and Technology joint institute in Boulder, CO, Deborah and her team have made great advances in the field of physics, including the creation of a new form of matter, a major discovery in the race toward superconductivity. Superconductivity—using extremely low temperatures to move electrons through a magnetic field—can potentially lead to breakthroughs in energy efficiency and computing. Deborah's team raced against six other teams worldwide to be the first to make this discovery.

These three Marylanders exemplify the very best that our Federal employees have to offer. But don't think that there aren't thousands of stories like this across the country, from Atlanta to Silver Spring. They work hard so that the American people have a government they can count on. I will continue to stand sentry so that Federal employees get the pay and benefits they have earned and the job security they deserve.●

#### TRIBUTE TO CAROL BROADNAX

● Mr. PRYOR. Mr. President, today I wish to congratulate and thank a true dedicated public servant upon her retirement. Ms. Carol Broadnax, a long-

time resident of Alexandria, VA, is retiring on October 2, 2009, after 42 years of service in our Federal Government. I want to recognize Carol's outstanding service to the public, and especially, her 30 years of Federal service at the U.S. Consumer Product Safety Commission. Carol started out at the CPSC as a clerk typist and then as a secretary in the Directorate for Communications under Kenneth Rashid and Bessie Draper at the 18th Street location, and then she moved to the agency's Bethesda, MD, location. There, she worked in the Office of the General Counsel as the secretary for Richard Allen, general law division. Over the course of her long and distinguished Federal career she served as the secretary for the following general counsels: Martin Katz, Daniel Levinson, Acting General Counsel John Mackey, James Lacy, Acting General Counsel Susan Birenbaum, Clement Erhardt, Jerry Thorn, Eric Rubel, Jeffrey Bromme, Michael Solender, William DuRoss and John "Gib" Mullan. Since 2005, she has been the administrative officer in the Office of General Counsel at the CPSC to former General Counsel Page Faulk and Acting General Counsel Lowell Martin. Carol currently works for CPSC General Counsel Cheryl Falvey. We congratulate and thank Carol for her enormous contributions to product safety and for her outstanding Federal service.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagreed to the amendment of the Senate to the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. VISCLOSKEY, Mr. EDWARDS of Texas, Mr. PASTOR, Mr. BERRY, Mr. FATTAH, Mr. ISRAEL, Mr. RYAN of Ohio, Mr. OLVER, Mr. DAVIS of Tennessee, Mr. SALAZAR, Mr. OBBY, Mr. FREILING-HUYSEN, Mr. WAMP, Mr. SIMPSON, Mr.

REHBERG, Mr. CALVERT, Mr. ALEXANDER, and Mr. LEWIS of California as managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3631. An act to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as "National Job Corps Day".

H. Con. Res. 191. Concurrent resolution directing the Clerk of the House of Representatives to make technical corrections in the enrollment of H.R. 2918.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3631. An act to amend title XVIII to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as "National Job Corps Day"; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 801. A bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes (Rept. No. 111-80).

By Mr. AKAKA, from the Committee on Veterans' Affairs:

Special Report entitled "Legislative and Oversight Activities During the 110th Congress by the Senate Committee on Veterans' Affairs" (Rept. No. 111-81).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first



and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1715. A bill to amend the United States International Broadcasting Act of 1994 to extend the authority of the Broadcasting Board of Governors to make grants for the purpose of operating Radio Free Asia; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. LUGAR):

S. 1716. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself and Mr. BURR):

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

By Mr. BENNETT:

S. 1718. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 1719. A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah; to the Committee on Energy and Natural Resources.

By Mr. REED (for himself and Mr. LEAHY):

S. 1720. A bill to amend title VII of the Public Health Service Act to provide improved training and primary care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 1721. A bill to require the Secretary of Transportation to develop a national transportation low emissions energy plan; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself, Mr. CARDIN, Mr. CASEY, Ms. KLOBUCHAR, Mrs. BOXER, and Mr. ISAKSON):

S. Res. 288. A resolution designating September 26, 2009, as "National Mesothelioma Awareness Day"; considered and agreed to.

By Mr. SPECTER:

S. Res. 289. A resolution encouraging the people of the United States to reflect on and remember the integrity and courage of the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen from extermination by Nazi Germany; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 451

At the request of Ms. COLLINS, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. BURRIS) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors

of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 583

At the request of Mr. PRYOR, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Colorado (Mr. BENNETT) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1647

At the request of Mr. REED, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1647, a bill to provide for additional emergency unemployment compensation, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1674

At the request of Mr. WYDEN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1674, a bill to provide for an exclusion under the Supplemental Security Income program and the Medicaid program for compensation provided to individuals who participate in clinical trials for rare diseases or conditions.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1692

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1692, a bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes.

S. 1694

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1694, a bill to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1699

At the request of Mr. REED, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1699, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

S. 1702

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNETT) was added as a cosponsor of S. 1702, a bill to amend the Pittman—Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain states.

S. 1709

At the request of Ms. STABENOW, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1709, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to establish a grant program to promote efforts to develop, implement, and sustain veterinary services, and for other purposes.

AMENDMENT NO. 2484

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 2484 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2555

At the request of Mr. INHOFE, his name was added as a cosponsor of amendment No. 2555 intended to be proposed to H.R. 3326, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. LEAHY):

S. 1720. A bill to amend title VII of the Public Health Service Act to provide improved training and primary

care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I, along with Senator LEAHY, introduce the Health Professions and Primary Care Reinvestment Act, which seeks to enhance the training and education of primary care providers and establish a new system for evaluating and analyzing primary care workforce programs funded by Title VII Health Professions Education and Training grants.

In 1963, in response to an impending physician shortage, Congress passed and President Johnson signed the Health Professions Educational Assistance Act into law. Qualified educational and medical institutions became eligible for grants to support primary care curriculum and faculty development, and scholarships and loans to train individuals in certain primary care health professions.

The country is, once again, facing a physician shortage. However, this time, the shortage is one component of a larger system-wide crisis.

The Health Professions and Primary Care Reinvestment Act takes an important step toward providing our primary care providers with the necessary resources for better coordinating care, integrating treatment options, and communicating with patients. It also would enhance the evaluation and analysis of programs funded by Title VII grants in an effort to ensure that funding is appropriately allocated.

The Title VII program deserves a robust evaluation and restructuring and I believe that the provisions set forth in the Health Professions and Primary Care Reinvestment Act will accomplish that goal. My colleagues on the Health, Education, Labor, and Pensions Committee agreed and voted to include similar provisions in the Affordable Health Choices Act, which was reported out of the Committee on July 15, 2009.

We must continue our efforts to reform our health care system. In doing so, we must not forget about the important need to ensure an adequate workforce to care for patients. I look forward to the full Senate considering these vitally important reforms.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1720

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Professions and Primary Care Reinvestment Act".

#### SEC. 2. EDUCATION AND TRAINING FOR DELIVERY SYSTEM REFORM.

(a) MEDICAL HOME TRAINING.—Section 747(a) of the Public Health Service Act (42 U.S.C. 293k(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) to plan, develop, and operate a demonstration program that provides training in new competencies, as recommended by the Advisory Committee on Training in Primary Care Medicine and Dentistry, which may include—

"(A) providing training to primary care providers relevant to providing care through patient-centered medical homes (as defined by the Secretary for purposes of this paragraph, taking into account the criteria of the National Committee for Quality Assurance and other certifying entities);

"(B) developing tools and curricula relevant to patient-centered medical homes; and

"(C) providing continuing education relevant to patient-centered medical homes."

(b) PRIORITIES OF DELIVERY SYSTEM REFORM.—Section 747 of the Public Health Service Act (42 U.S.C. 293k) is amended by striking subsection (c) and inserting the following:

"(c) PRIORITIES IN MAKING AWARDS.—In awarding grants or contracts under this section, the Secretary shall give priority to qualified applicants that—

"(1) have a record of training the greatest percentage of providers, or that have demonstrated significant improvements in the percentage of providers trained, who enter and remain in primary care practice;

"(2) have a record of training individuals who are from underrepresented minority groups or from a rural or disadvantaged background;

"(3) provide training in the care of vulnerable populations such as children, older adults, homeless individuals, victims of abuse or trauma, individuals with mental health or substance-related disorders, individuals with HIV/AIDS, and individuals with disabilities;

"(4) establish formal relationships and submit joint applications with federally qualified health centers, rural health clinics, area health education centers, or clinics located in underserved areas or that serve underserved populations;

"(5) provide training in interdisciplinary, integrated care through collaboration among health professionals, including physician assistants, nurse practitioners, pharmacists, dentists, geriatricians, and mental and behavioral health professionals;

"(6) provide training in enhanced communication with patients, evidence-based practice, chronic disease management, preventive care, health information technology, or other competencies as recommended by the Advisory Committee on Training in Primary Care Medicine and Dentistry; or

"(7) provide training in cultural competency and health literacy."

(c) OTHER AMENDMENTS.—Section 747 of the Public Health Service Act (42 U.S.C. 293k) is amended—

(1) in subsection (d)—

(A) by striking "subsection (a) may not exceed" and inserting "this section shall be"; and

(B) by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there are authorized to be appropriated \$125,000,000 for each of fiscal years 2010 through 2014. Fifteen percent of the amount appropriated in each such fiscal year shall be allocated to the physician assistant training programs described in subsection (a)(5), which prepare students for practice in primary care."

#### SEC. 3. HEALTH WORKFORCE INFORMATION AND ANALYSIS.

(a) IN GENERAL.—Section 761 of the Public Health Service Act (42 U.S.C. 294m) is amended—

(1) by redesignating subsection (c) as subsection (e);

(2) by striking subsection (b) and inserting the following:

"(b) NATIONAL CENTER FOR HEALTH WORKFORCE ANALYSIS.—

"(1) ESTABLISHMENT.—The Secretary shall establish the National Center for Health Workforce Analysis (referred to in this section as the "National Center") within the Department of Health and Human Services.

"(2) PURPOSES.—The purposes of the National Center are to—

"(A) carry out the activities under section 792(a); and

"(B) collect, analyze, and report data related to health workforce issues in coordination with the State and Regional Centers for Health Workforce Analysis described in subsection (c) (referred to in this section as the "State and Regional Centers").

"(3) FUNCTIONS.—The National Center shall—

"(A) annually evaluate the effectiveness of programs under this title, based on data reported by recipients of contracts or grants under this title, data collected from the State and Regional Centers described in subsection (c), and analyses conducted under paragraph (4);

"(B) develop and publish benchmarks for performance for programs under this title;

"(C) regularly produce and report to the relevant committees of Congress estimates of the supply, demand, and distribution of health professionals, such as physicians, dentists, nurses, physician assistants, pharmacists, mental and behavioral health professionals, public health workers, and long-term care workers, as appropriate;

"(D) establish, maintain, and make publicly available through the Internet a national health workforce database to collect data from—

"(i) longitudinal tracking systems (as defined in section 761(d)(2)) on performance measures (as developed under sections 748(d)(3), 756(d)(3), and 762(a)(3)); and

"(ii) the State and Regional Centers described in subsection (c);

"(E) establish and maintain a registry of each grant awarded under this title, including data on the project director, the institution, the type and year of the award, and the residency, fellowship, or internship program, as appropriate; and

"(F) biennially submit to the relevant committees of Congress a report on the activities of the National Center during the previous 2-year period.

"(4) COLLABORATION AND DATA SHARING.—

"(A) IN GENERAL.—The National Center shall collaborate with Federal agencies, health professions education organizations, health professions organizations, and professional medical societies for the purpose of linking data regarding grants awarded under this title with 1 or more of the following:

"(i) Data maintained by the Centers for Medicare & Medicaid Services.

"(ii) Data on participation in the National Health Service Corps.

"(iii) Data sets maintained by health professions education organizations, health professions organizations, or professional medical societies.

"(iv) Other data sets, as the Secretary determines appropriate.

"(B) CONTRACTS FOR HEALTH WORKFORCE ANALYSIS.—For the purpose of carrying out the activities described in subparagraph (A),

the National Center may enter into contracts with health professions education organizations, health professions organizations, or professional medical societies.

“(C) STATE AND REGIONAL CENTERS FOR HEALTH WORKFORCE ANALYSIS.—

“(1) IN GENERAL.—The Secretary shall award grants to, or enter into contracts with, eligible entities for purposes of—

“(A) collecting, analyzing, and reporting to the National Center data regarding programs under this title and data related to health workforce issues;

“(B) conducting, broadly disseminating, and making publicly available through the Internet research and reports on State, regional, and national health workforce issues, including research on the supply, demand, and distribution of health professionals;

“(C) evaluating the effectiveness of programs under this title and other policies related to health workforce issues; and

“(D) providing technical assistance to local and regional entities on the collection, analysis, and reporting of data related to health workforce issues.

“(2) ELIGIBLE ENTITIES.—To be eligible for a grant or contract under this subsection, an entity shall—

“(A) be a State, a State workforce commission, a public health or health professions school, an academic health center, or an appropriate public or private nonprofit entity or a partnership of such entities; and

“(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(d) INCREASE IN GRANTS FOR LONGITUDINAL TRACKING SYSTEMS.—

“(1) IN GENERAL.—The Secretary shall increase the amount of a grant or contract awarded to an eligible entity under this title for the establishment and maintenance of a longitudinal tracking system.”.

“(2) DEFINITION.—

“(A) IN GENERAL.—For purposes of paragraph (1), the term ‘longitudinal tracking system’ means a system that tracks students, residents, fellows, interns, or faculty who have received education, training, or financial assistance from programs under this title over a period of not less than 5 years, as specified by the Secretary.

“(B) CAPABILITY.—A longitudinal tracking system shall be capable of—

“(i) tracking participation in the National Health Service Corps, practice in federally qualified health centers, practice in health professional shortage areas and medically underserved areas, and practice in primary care; and

“(ii) collecting and reporting data on performance measures developed under sections 748(d)(3), 756(d)(3), and 762(a)(3).

“(C) GUIDELINES.—A longitudinal tracking system shall comply with guidelines issued under sections 748(d)(4), 756(d)(4), and 762(a)(4).

“(3) ELIGIBLE ENTITIES.—To be eligible to obtain an increase under this section, an entity shall be a recipient of a grant or contract under this title and have not previously received an increase under this section.”; and

(3) in subsection (e), as so redesignated—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) NATIONAL CENTER FOR HEALTH WORKFORCE ANALYSIS.—To carry out subsection (b), there are authorized to be appropriated \$1,000,000 for each of fiscal years 2010 through 2014, and such sums as may be necessary for each subsequent fiscal year.

“(B) STATE AND REGIONAL CENTERS.—To carry out subsection (c), there are authorized to be appropriated \$4,500,000 for each of fiscal

years 2010 through 2014, and such sums as may be necessary for each subsequent fiscal year.

“(C) GRANTS FOR LONGITUDINAL TRACKING SYSTEMS.—To carry out subsection (d), there are authorized to be appropriated such sums as may be necessary for fiscal years 2010 through 2014.

“(D) CARRYOVER FUNDS.—An entity that receives an award under this section may carry over funds from 1 fiscal year to another without obtaining approval from the Secretary. In no case may any funds be carried over pursuant to the preceding sentence for more than 3 years.”; and

(B) in paragraph (2), by striking “subsection (a)” and inserting “paragraph (1)”.

(b) TRANSFER OF FUNCTIONS.—Not later than 180 days after the date of enactment of this Act, all of the functions, authorities, and resources of the National Center for Health Workforce Analysis of the Health Resources and Services Administration, as in effect on the date before the date of enactment of this Act, shall be transferred to the National Center for Health Workforce Analysis established under section 761 of the Public Health Service Act, as amended by subsection (a).

(c) PREFERENCE FOR USE OF LONGITUDINAL TRACKING SYSTEMS.—Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295j(a)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(C) utilizes a longitudinal tracking system (as defined in section 761(d)(2)) and reports data from such system to the national workforce database (as established under section 761(b)(3)(D)).”.

(d) PERFORMANCE MEASURES; GUIDELINES FOR LONGITUDINAL TRACKING SYSTEMS.—

(1) ADVISORY COMMITTEE ON TRAINING IN PRIMARY CARE MEDICINE AND DENTISTRY.—Section 748(d) of the Public Health Service Act (42 U.S.C. 2931(d)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this part;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this part; and

“(5) recommend appropriation levels for programs under this part.”.

(2) ADVISORY COMMITTEE ON INTERDISCIPLINARY, COMMUNITY-BASED LINKAGES.—Section 756(d) of the Public Health Service Act (42 U.S.C. 294f(d)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this part;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this part; and

“(5) recommend appropriation levels for programs under this part.”.

(3) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a) of the Public Health Service Act (42 U.S.C. 294a(a)) is amended—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

“(3) not later than 3 years after the date of enactment of the Health Professions and Primary Care Reinvestment Act, develop, publish, and implement performance measures, which shall be quantitative to the extent possible, for programs under this title, except for programs under part C or D;

“(4) develop and publish guidelines for longitudinal tracking systems (as defined in section 761(d)(2)) for programs under this title, except for programs under part C or D; and

“(5) recommend appropriation levels for programs under this title, except for programs under part C or D.”.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 288—DESIGNATING SEPTEMBER 26, 2009, AS “NATIONAL MESOTHELIOMA AWARENESS DAY”

Mrs. MURRAY (for herself, Mr. CARDIN, Mr. CASEY, Ms. KLOBUCHAR, Mrs. BOXER, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 288

Whereas mesothelioma is a terminal cancer related to exposure to asbestos that affects the lining of the lungs, abdomen, heart, or testicles;

Whereas workers who are exposed to asbestos on a daily basis over a long period of time are most at risk, but even short-term exposures to asbestos can cause the disease;

Whereas exposure to asbestos for as little as 1 month can cause mesothelioma 20 to 50 years later;

Whereas asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975, and more than 3,000 products sold in the United States contain asbestos;

Whereas there is no known safe level of exposure to asbestos;

Whereas millions of workers in the United States have been, and continue to be, exposed to dangerous levels of asbestos;

Whereas the National Institutes of Health reported to Congress in 2006 that mesothelioma is a difficult disease to detect, diagnose, and treat;

Whereas the National Cancer Institute recognizes a clear need for new treatments to improve the outlook for patients with mesothelioma and other asbestos-related diseases;

Whereas the need to develop treatments for mesothelioma was overlooked for decades;

Whereas even the best available treatments for mesothelioma typically have only a very limited effect, and a person diagnosed with mesothelioma is expected to survive between 8 and 14 months;

Whereas mesothelioma has claimed the lives of such heroes and public servants as Admiral Elmo Zumwalt, Jr., and Congressman Bruce F. Vento;

Whereas many mesothelioma victims were exposed to asbestos while serving in the Navy;

Whereas it is believed that many of the firefighters, police officers, and rescue workers who served at Ground Zero on September

11, 2001, may be at increased risk of contracting mesothelioma in the future; and

Whereas cities and localities throughout the United States will recognize September 26, 2009, as "Mesothelioma Awareness Day": Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 26, 2009, as "National Mesothelioma Awareness Day"; and

(2) calls on the people of the United States, Federal departments and agencies, States, localities, organizations, and media to observe National Mesothelioma Awareness day with appropriate ceremonies and activities.

**SENATE RESOLUTION 289—ENCOURAGING THE PEOPLE OF THE UNITED STATES TO REFLECT ON AND REMEMBER THE INTEGRITY AND COURAGE OF THE 6,135 CHRISTIAN MEN AND WOMEN OF POLAND WHO ACTED TO SAVE THEIR JEWISH COUNTRYMEN AND COUNTRYWOMEN FROM EXTERMINATION BY NAZI GERMANY**

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 289

Whereas the year 2009 marks the 70th anniversary of the start of World War II, a war that should be remembered for introducing the world to the repulsive and unprecedented barbarism and cruelty of Nazi Germany;

Whereas Poland was the first country attacked and enslaved by the government and armed forces of Nazi Germany as part of the methodical extermination of European Jewry by Nazi Germany;

Whereas 6,135 Christian men and women of Poland acted with great integrity and courage, risking their lives and the lives of their families, to save their Jewish countrymen and countrywomen from the barbarism and extermination of the Nazis;

Whereas the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen did so in spite of the threat of their immediate execution and the execution of their families, a threat that people in no other country in Nazi-occupied Europe had to endure; and

Whereas the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen represent approximately 27 percent of the "Righteous Among the Nations" honored by Yad Vashem in the Republic of Israel: Now, therefore, be it

*Resolved*, That the Senate encourages the people of the United States to reflect on and remember the integrity and courage of the 6,135 Christian men and women of Poland who acted to save their Jewish countrymen and countrywomen from extermination by Nazi Germany.

Mr. SPECTER. Mr. President, I have sought recognition today to submit a resolution encouraging the people of the U.S. to reflect on and remember the integrity and courage of the 6,135 Polish Christians who took action to save their Jewish countrymen and countrywomen from extermination by Nazi Germany. Earlier this year I co-sponsored S. Res. 9, a resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to us be an exceptionally strong partner to the U.S. in advancing

freedom around the world. Today I want to recognize a time in history when such a freedom was challenged in Poland and around the world by a despotic regime, and more importantly pay tribute to those few who fought this tyranny and helped save innocent lives.

This year marks the 70th anniversary of the start of World War II, a war remembered for the cruelty of Nazi Germany, as well as for the forces that eventually overcame this cruelty. Following World War II, Yad Vashem and a Remembrance Authority was established to embark on a worldwide project to identify those individuals who helped Jews during the Holocaust. All rescuers of European Jews during World War II are honored today as the "Righteous Among the Nations" by Yad Vashem in the State of Israel. Poland's 6,135 "Righteous" rescuers constitute some 27 percent of the 22,765 "Righteous" throughout the world. Furthermore, while unknown in number, it is important to remember those Polish Christians who were caught and summarily executed along with their families while attempting to carry out such rescues. While their stories may never be told, it is important to mention their heroic efforts.

The 6,135 "Righteous" Polish Christians whose acts of courage and integrity have been documented by witnesses should be appropriately honored. These Polish Christians who were willing to risk their own lives and those of their families to save Polish Jews should not be forgotten. These 6,135 Polish Christians will always stand as universal exemplars and role models of human compassion who acted above and beyond the normal expectations of courage and integrity. Thus, I urge my colleagues to join me in supporting this resolution which reflects on and remembers the Polish Righteous Among the Nations.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2556. Mr. REID (for Ms. LANDRIEU (for herself and Ms. SNOWE)) proposed an amendment to the 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.

SA 2557. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 2556.** Mr. REID (for Ms. LANDRIEU (for herself and Ms. SNOWE)) proposed an amendment to the 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; as follows:

Strike sections 2 and 3.

**SA 2557.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 3326, making appropriations for the Department of Defense 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. \_\_\_\_\_. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY" and available for Program Element #0708045A, up to \$1,000,000 may be available for Advanced Ultrasonic Inspection of Helicopter Rotor Blades and Other Composite Components.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FINANCE**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Friday, September 25, 2009, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

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

**PRIVILEGES OF THE FLOOR**

Mr. INOUE. Mr. President, I ask unanimous consent that Mr. Robert Berschinski, a fellow with the Appropriations Defense Subcommittee, and Rachel Meyer, staff assistant for the Defense Subcommittee, be granted the privilege of the floor during consideration of H.R. 3326.

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

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent that Jason Lindsey, a military fellow in my office, and Tom Osterhoudt, a detailee to the Appropriations Committee, be granted the privileges of the floor during consideration of H.R. 3326, the fiscal year 2010 Defense appropriations bill.

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

Mr. COCHRAN. Mr. President, I ask unanimous consent that for the duration of H.R. 3326, the 2010 Department of Defense Appropriations Act, Senator MCCAIN's Navy fellow, Mark Holzrichter, be granted floor privileges of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Bill Curlin be granted floor privileges for the remainder of this session.

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

Mr. REID. Mr. President, I ask unanimous consent that LTC Joseph J. Martin, a U.S. Army Special Forces officer, who is currently serving as my military legislative fellow this year, be granted floor privileges for the duration of the consideration of H.R. 3326,

the Department of Defense Appropriations Act for fiscal year 2010.

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

# DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

On Thursday, September 24, 2009, the Senate passed H.R. 2996, as amended, as follows:

H.R. 2996

*Resolved*, That the bill from the House of Representatives (H.R. 2996) entitled “An Act making appropriations for the Department of the Interior, environment, 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 Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:*

## TITLE I

### DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$965,721,000, to remain available until expended, of which not to exceed \$69,336,000 is available for oil and gas management; and of which \$1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which \$3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, \$45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$965,721,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

#### CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$8,626,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, in-

cluding administrative expenses and acquisition of lands or waters, or interests therein, \$28,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled “Congressionally Designated Spending” contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho.

#### OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$111,557,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

#### FOREST ECOSYSTEM HEALTH AND RECOVERY FUND (REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106-393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

#### RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

#### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That, notwith-

standing any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

#### MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

#### UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,244,386,000, to remain available until September 30, 2011 except as otherwise provided herein: *Provided*, That \$2,500,000 is for high priority projects, which shall be carried out by the

**Youth Conservation Corps:** Provided further, That not to exceed \$22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: Provided further, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

#### CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$39,741,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$82,790,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601-9, not more than \$1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$85,001,000, to remain available until expended, of which \$30,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which \$5,146,000 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which \$54,694,000 is to be derived from the Land and Water Conservation Fund.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,500,000.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401-4414), \$45,147,000, to remain available until expended.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), \$5,000,000, to remain available until expended.

#### MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4214, 4221-4225, 4241-4246, and 1538), the Asian Elephant Conservation Act of 1997 (16

U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301-6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601-6606), \$11,500,000, to remain available until expended.

#### STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$80,000,000, to remain available until expended: Provided, That of the amount provided herein, \$7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That \$5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, after deducting \$12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall, for fiscal year 2010 and each fiscal year thereafter, apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall, for fiscal year 2010 and each fiscal year thereafter, be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not, for fiscal year 2010 and each fiscal year thereafter, exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

#### ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pur-

suant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, \$2,261,309,000, of which \$9,982,000 for planning and interagency coordination in support of Everglades restoration and \$99,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

##### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$67,438,000, of which \$3,175,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

##### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$74,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which \$20,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11) of which \$200,000 may be made available by the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$219,731,000, to remain available until expended.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 4601-10a is rescinded.

##### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$118,586,000, to be derived from the Land and Water Conservation



Fund and to remain available until expended, of which \$35,000,000 is for the State assistance program and of which \$4,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

ADMINISTRATIVE PROVISIONS  
(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY  
SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,104,340,000, to remain available until September 30, 2011, of which \$65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; and of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting

for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, \$175,217,000, to remain available until September 30, 2011, of which \$89,374,000 shall be available for royalty management activities; and an amount not to exceed \$156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent \$156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That the term “qualified Outer Continental Shelf revenues”, as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal year 2010 may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, \$10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach \$10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, \$127,180,000, to remain available until September 30, 2011: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, \$39,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS  
OPERATION OF INDIAN PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,309,322,000,

to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$74,915,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$154,794,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$566,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which \$25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110-293 (25 U.S.C. 443c); and of which not to exceed \$60,958,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2012: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant

to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 108-447, 109-379, 109-479, 110-297, and 111-11, and for implementation of other land and water rights settlements, \$47,380,000, to remain available until expended.

#### INDIAN LAND CONSOLIDATION, BIA

For consolidation of fractional interests in Indian lands and expenses associated with retermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$3,000,000, to remain available until expended.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$8,215,000, of which \$1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$93,807,956.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

#### DEPARTMENTAL OFFICES OFFICE OF THE SECRETARY SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$118,836,000; of which not to exceed \$25,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for

workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: Provided, That, for fiscal year 2010 up to \$400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than \$100: Provided further, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901–6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: Provided further, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

#### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$81,095,000, of which: (1) \$71,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) \$9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c): Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under Public Law 104–134, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section

306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

##### COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188: Provided further, That at the request of the Governor of Guam, the Secretary may transfer any mandatory or discretionary funds appropriated, including those provided under section 104(e) of Public Law 108–188, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed 3 percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided further, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

##### OFFICE OF THE SOLICITOR

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,076,000.

##### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$48,590,000.

##### OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

##### FEDERAL TRUST PROGRAMS

##### (INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$185,984,000, to remain available until expended, of which not to exceed \$56,536,000 from this or any other Act, shall be available for historical accounting, and of which \$1,500,000 shall be available for the estate planning assistance program under section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)): Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: Provided further, That

funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

##### DEPARTMENT-WIDE PROGRAMS

##### WILDLAND FIRE MANAGEMENT

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$904,637,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such

contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

#### CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,175,000, to remain available until expended: Provided, That Public Law 110-161 (121 Stat. 2116) under this heading is amended by striking "in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act" and inserting in lieu thereof "including any fines or penalties".

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 1911 et seq.), \$6,462,000, to remain available until expended.

#### WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, \$85,823,000, to remain available until expended: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training

Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

#### ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

##### EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

##### EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Pro-

vided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

#### AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

#### AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

#### REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

#### TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460ze.

#### PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Salazar* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Salazar*.

#### ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of

visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

#### PROHIBITION ON USE OF FUNDS

SEC. 109. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

#### USE OF COOPERATIVE AGREEMENTS

SEC. 110. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

#### CONFORMING AMENDMENT

SEC. 111. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term "royalty payment" shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

#### PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 112. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

#### OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 113. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which shall be deposited in the "Royalty and Offshore Minerals Management" account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

- (1) \$2,000 for facilities with no wells, but with processing equipment or gathering lines;
- (2) \$3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) \$6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

#### YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 114. Section 101(a)(1) of Public Law 109-131 is amended by striking "2009" and inserting "2013".

#### NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

- (1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;
- (2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (j)"; and
- (3) by inserting after subsection (f) the following:

"(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

"(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the 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 the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

"(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area."

#### PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 116. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term "historic attraction" mean a historic attraction within the Pearl Harbor Naval Complex, including—

- (A) the USS Bowfin Submarine Museum and Park;
- (B) the Battleship Missouri Memorial;
- (C) the Pacific Aviation Museum-Pearl Harbor; and
- (D) any other historic attraction within the Pearl Harbor Naval Complex that—
  - (i) the Secretary identifies as a Pearl Harbor historic attraction; and
  - (ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term "Monument" means the World War II Valor in the Pacific National Monument in the State of Hawaii.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) VISITOR CENTER.—The term "Visitor Center" means the visitor center located within the Pearl Harbor Naval Complex on land that is—

- (A) within the Monument; and
- (B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

- (A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and
- (B) to allow the sale of tickets to a historic attraction within the Visitor Center by—
  - (i) employees of the National Park Service; or
  - (ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

- (i) the admission of the public through the Visitor Center to a historic attraction; and
- (ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) USE OF FEES.—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) LIMITATION OF AUTHORITY.—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) PROTECTION OF RESOURCES.—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

#### ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 117. (a) IN GENERAL.—Subject to subsection (c), the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the "Compact").

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

#### GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

SEC. 118. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106-113 is amended by striking the last sentence.

#### THEODORE ROOSEVELT NATIONAL PARK, ELK REDUCTION

SEC. 119. None of the funds made available in this Act shall be used to establish or implement a plan to reduce the number of elk in Theodore Roosevelt National Park unless such plan, notwithstanding any other provision of law, allows North Dakota residents possessing a State hunting license to be deputized by the Secretary as rangers in such numbers as the Secretary deems

sufficient for purposes of culling the elk herd at the Park, and allows each such volunteer to cull one elk and remove its carcass from the Park.

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

SEC. 120. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: Provided, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization.

CONTRIBUTION AUTHORITY

SEC. 121. Title 43 U.S.C. 1473, as amended by Public Law 110-161 and Public Law 111-8, is further amended by deleting "in fiscal years 2008 and 2009 only" and inserting "in fiscal years 2008, 2009 and 2010 only".

NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 122. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) GUIDELINES.—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

- (1) the State of Hawaii;
- (2) appropriate Federal agencies;
- (3) Native Hawaiian and local government entities;
- (4) private and nonprofit organizations;
- (5) private land owners; and
- (6) other interested parties.

(d) THEMES.—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

- (1) the significance of the site as a component of World War II;
- (2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and
- (3) historic resources at the site.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL

SEC. 123. None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands 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.

SEC. 124. Any owner of private property within an existing or new National Heritage Area

may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY  
SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$842,799,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$9,000 for official reception and representation expenses, \$2,878,780,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than \$478,696,000 shall be for the Geographic Programs specified in the committee report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$35,001,000, to remain available until expended: Provided, That, at the discretion of the Administrator of the Environmental Protection Agency, from the funds included under this heading, \$500,000 may be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,308,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,308,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2011, and \$26,834,000 shall be paid to the "Science and Technology"

appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$114,171,000, to remain available until expended, of which \$78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,954,274,000, to remain available until expended, of which \$2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which \$1,387,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That, for fiscal year 2010, to the extent that there are sufficient applications, not less than 20 percent of the funds made available for the Clean Water State Revolving Fund or Drinking Water State Revolving Fund capitalization grants shall be for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; \$10,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$15,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; \$150,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the committee report accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency;



\$101,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, inter-agency agreements, and associated program support costs; \$60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; \$20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the committee report accompanying this Act; and \$1,111,274,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which \$49,495,000 shall be for carrying out section 128 of CERCLA, as amended, \$10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, \$18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, \$2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That, for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to Tribes: Provided further, That, for fiscal year 2010, notwithstanding any other provision of law, up to a total of 1.5 percent of the funds provided for the Clean Water State Revolving Funds and Drinking Water State Revolving Funds may be reserved by the Administrator for grants to territories of the United States: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure:

Provided further, That notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8, the \$300,000 made available to the Village of Crestwood for water storage improvements (as described in the table entitled "Congressionally Designated Spending" in section 430 of that joint explanatory statement) shall be made available to the City of Quincy, Illinois, for drinking water system improvements: Provided further, That, notwithstanding House Report 107-272, the amount of \$1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of \$2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System may, at the discretion of the Administrator, be made available to the city of Thomasville for those projects: Provided further, That, notwithstanding House Report 108-10, the amount of \$450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: Provided further, That, notwithstanding House Report 108-401, the amount of \$450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: Provided further, That, notwithstanding House Report 108-401, the amount of \$2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, may, at the discretion of the Administrator, be made available to Fayette County, Alabama, for water system upgrades: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to the San Bernardino Municipal Water District for the Inland Empire alternative water supply project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of San Bernardino municipal water department for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, \$170,800 may, at the discretion of the Administrator, be made available to the city of Prescott for a wastewater treatment plant construction project and \$129,200 may, at the discretion of the Administrator, be made available to the city of Wichita for a storm water technology pilot project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for a water mainline extension project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 524), the amount of \$290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension

project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for the Konza Water Main Extension project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to Johnson County, Missouri for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the Gravois Arm Sewer District for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to PWS #1 of McDonald County, Missouri for that project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110-161 (121 Stat. 1844), the amount of \$150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a Water Storage Tank (as described in the section entitled "STAG Infrastructure Grants/Congressional Priorities" on page 1264 of the joint explanatory statement) may, at the discretion of the Administrator, be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project: Provided further, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements.

#### ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

##### (INCLUDING RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized

by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110-94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to 50 percent of the funds appropriated for the Great Lakes Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, \$40,000,000 are permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### 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, may 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, up to \$2,000,000 shall be—

(1) transferred to the account used to fund the Office of Air Quality Planning and Standards of the Environmental Protection Agency; and

(2) used by the Administrator to carry out this section.

#### TITLE III

#### RELATED AGENCIES

#### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$307,012,000, to remain available until expended: Provided,

That of the funds provided, \$66,939,000 is for the forest inventory and analysis program.

#### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$276,946,000, to remain available until expended, as authorized by law; and of which \$55,145,000 is to be derived from the Land and Water Conservation Fund.

#### NATIONAL FOREST SYSTEM

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,552,429,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)) and of which \$2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b)): Provided, That, through fiscal year 2014, the Secretary of Agriculture may authorize the expenditure or transfer of such sums as are necessary to the Secretary of the Interior for removal, preparation and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands: Provided further, That \$282,617,000 shall be made available for recreation, heritage, and wilderness.

#### CAPITAL IMPROVEMENT AND MAINTENANCE

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$513,418,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That \$50,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That up to \$40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$67,784,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,050,000, to be derived from forest receipts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and 78-310).

#### RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

#### GIFTS, DONATIONS AND REQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

#### MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$2,582,000, to remain available until expended.

#### WILDLAND FIRE MANAGEMENT

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$1,817,637,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law,

\$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, \$340,285,000 is for hazardous fuels reduction activities, \$11,500,000 is for rehabilitation and restoration, \$23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$56,250,000 is for State fire assistance, \$9,000,000 is for volunteer fire assistance, \$17,252,000 is for forest health activities on Federal lands and \$9,928,000 is for forest health activities on State and private lands: Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to \$15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to \$15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed \$10,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

COLLABORATIVE FOREST LANDSCAPE  
RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), \$10,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE  
(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for wildland firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the Committees on Appropriations for the House of Representatives and Senate if the Secretary of Agriculture determines that all emergency fire suppression funds appropriated under the heading "Wildland Fire Management" will be fully obligated within 30 days.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106-224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107-107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in title IV of this Act.

Not more than \$88,785,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to \$5,000,000 for priority projects within the scope of the approved budget, of which \$2,500,000 shall be carried out by the Youth Conservation Corps and \$2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109-154.

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to \$2,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That, of the Federal funds made available to the Foundation, no more than \$200,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, \$2,650,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Funds provided to the Forest Service in this Act may be used for the purpose of expenses associated with primary and secondary schooling for the 2009–2010 school year of dependents of agency personnel stationed in Puerto Rico, at a cost not in excess of those authorized by the Department of Defense for that same area, when it is determined by the Chief of the Forest Service that public schools available in the locality are unable to provide adequately for the education of such dependents.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,639,868,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$779,347,000 for contract medical care, including \$48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That \$18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to \$32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That \$16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and \$7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$389,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service

and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

##### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$394,757,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: Provided further, That not to exceed \$2,700,000 from this account and the “Indian Health Services” account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

##### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian

patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

##### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE  
REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC  
HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,792,000, of which up to \$1,000 to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND  
OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,159,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION  
BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$11,195,000.

OFFICE OF NAVAJO AND HOPI INDIAN  
RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi

Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA  
NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), \$8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$634,161,000, of which not to exceed \$19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which \$1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2011; of which \$250,000 may 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; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$125,000,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, \$30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: Provided, That such funds shall be matched on a 1:1 basis by private donations: Provided further, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: Provided further, That privately contributed endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total private match: Provided further, That this appro-

priation may be made available to the Smithsonian Institution incrementally as private funding becomes available: Provided further, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: Provided further, That the unobligated balances provided under this heading in Public Law 110–161 and Public Law 111–8 are hereby rescinded.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$110,746,000, of which not to exceed \$3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF  
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$54,499,000, to remain available until expended: Provided, That of this amount, up to \$40,000,000 shall be available for repair of the National Gallery's East Building façade: Provided further, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING  
ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$22,500,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR  
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$10,225,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS  
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$161,315,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108-447.

NATIONAL ENDOWMENT FOR THE HUMANITIES  
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$161,315,000, to remain available until expended, of which \$147,015,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including \$9,500,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913.

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

The Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), as amended, \$9,500,000: Provided, That no organization shall receive a grant in excess of \$650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION  
SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$5,908,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION  
SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,507,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM  
HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$49,122,000, of which \$515,000 for the Museum's equipment replacement program, \$1,900,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$17,230,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION  
SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$3,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106-79, \$16,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

LIMITATION ON CONSULTING SERVICES  
(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 403. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 404. Estimated overhead charges, deductions, reserves or holdbacks from programs,

projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 405. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

MINING APPLICATIONS

SEC. 406. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 407. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), and Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, and 111-8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal



organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

#### FOREST MANAGEMENT PLANS

SEC. 408. Prior to October 1, 2010, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

#### PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 409. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

#### INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 410. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior should not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: Provided further, That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

#### CONTRACTING AUTHORITIES

SEC. 411. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Sec-

retaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

#### PROHIBITION ON USE OF FUNDS

SEC. 412. None of the funds made available by this or any other Act may be used in fiscal year 2010 for competitive sourcing studies and any related activities involving Forest Service personnel.

#### LIMITATION ON TAKINGS

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

#### HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 414. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, \$8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

#### EXTENSION OF GRAZING PERMITS

SEC. 415. Section 325 of Public Law 108-108 is amended by striking "fiscal years 2004-2008" and inserting "fiscal year 2010."

#### ALASKA NATIVE HEALTH CARE SERVICES

SEC. 416. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabaskan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

#### TIMBER SALE REQUIREMENTS

SEC. 417. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar. Program accomplishments shall be based on volume sold. Should Region 10 sell, in the current fiscal year, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised

using a residual value approach that assigns domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in the current fiscal year, less than the annual average portion of the decadal allowable sale quantity called for in the Tongass Land Management Plan in sales which are not deficit when appraised using a residual value approach that assigns domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (1) which is surplus to the needs of domestic processors in Alaska; and (2) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

#### COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 418. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001, as amended, is amended in subsection (e) by striking "September 30, 2009," and inserting "September 30, 2014,".

#### NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 419. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209, 20 U.S.C. 955), as amended, is further amended as follows:

(1) In the first sentence of subsection (b)(1)(C), by striking "14" and inserting in lieu thereof "18"; and

(2) In the second sentence of subsection (d)(1), by striking "Eight" and inserting in lieu thereof "Ten".

#### PROHIBITION ON USE OF FUNDS

SEC. 420. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

#### GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 421. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems emitting less than 25,000 tons of carbon dioxide equivalent per year.

#### CONGRESSIONALLY DIRECTED SPENDING

SEC. 422. Within the amounts appropriated in this Act, funding shall be allocated in the

amounts specified for those projects and purposes delineated in the table titled "Congressional Directed Spending" included in the committee report accompanying this Act.

#### PROHIBITION ON USE OF FUNDS

SEC. 423. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

#### PROHIBITION ON USE OF WILDLAND FIRE MANAGEMENT STIMULUS FUNDS IN THE DISTRICT OF COLUMBIA

SEC. 424. Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 115) for wildland fire management shall be used in the District of Columbia.

#### JUNGO DISPOSAL SITE EVALUATION

SEC. 425. Using funds made available under this Act, the Director of the United States Geological Survey may conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the "site"), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

#### BUYOUT AND RELOCATION

SEC. 426. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") is encouraged to consider all appropriate criteria, including cost-effectiveness, relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

SEC. 427. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking "Agricultural Research Service" and inserting "Department of Agriculture"; and

(2) by adding at the end the following:

"(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to

the private entity equipment, the title of which is held by the Federal Government."

SEC. 428. It is the sense of the Senate that the Senate—

(1) supports the National Vehicle Mercury Switch Recovery Program as an effective way to reduce mercury pollution from electric arc furnaces used by the steel industry to melt scrap metal from old vehicles; and

(2) urges the founders of the Program to secure private sector financial support so that the successful efforts of the Program to reduce mercury pollution may continue.

#### NATIONAL FOREST FOUNDATION

SEC. 429. Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking "fifteen Directors" and inserting "not more than 30 Directors".

#### CABIN USER FEES

SEC. 430. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

#### FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION ACTIVITIES

SEC. 431. (a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term "Flame Fund" means the Federal Land Assistance, Management, and Enhancement Fund established by subsection (b).

(3) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(4) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) ESTABLISHMENT OF FLAME FUND.—There is established in the Treasury of the United States a fund to be known as the "Federal Land Assistance, Management, and Enhancement Fund", consisting of—

(1) such amounts as are appropriated to the Flame Fund; and

(2) such amounts as are transferred to the Flame Fund under subsection (d).

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Flame Fund such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts appropriated to the Flame Fund for each fiscal year should be not less than the combined average amount expended by each Secretary concerned for emergency wildfire suppression activities over the 5 fiscal years preceding the fiscal year for which amounts are appropriated.

(C) AVAILABILITY.—Amounts appropriated to the Flame Fund shall remain available until expended.

(2) APPROPRIATION.—There is appropriated to the Flame Fund, out of funds of the Treasury not otherwise appropriated, \$834,000,000.

(3) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that further amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs.

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees described in subsection (h)(2) if the Secretaries estimate that only 60 days worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDFIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts that—

(1) are appropriated to the Secretary concerned for wildfire suppression activities for the fiscal year; but

(2) are not obligated for wildfire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts in the Flame Fund shall be available to the Secretary concerned to pay the costs of emergency wildfire suppression activities that are separate from amounts annually appropriated to the Secretary concerned for routine wildfire suppression activities.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildfire suppression activity is eligible for funding from the Flame Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretaries under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; and

(II) the Secretaries determine that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression activities for the Secretary concerned have exceeded the amounts appropriated to the Secretary concerned for those activities (not including funds deposited in the Flame Fund).

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (2) and on request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildfire suppression activities associated with the declaration.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PRE-DICTED ACTIVITIES.—

(1) IN GENERAL.—Subject to subsection (e)(2)(B)(ii), the Secretary concerned shall continue to fund routine wildfire suppression activities within the appropriate agency budget for each fiscal year.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that funding made available through the Flame Fund be used—

(A) to supplement the funding otherwise appropriated to the Secretary concerned; and

(B) only for purposes in, and instances consistent with, this section.

(g) PROHIBITION ON OTHER TRANSFERS.—Any amounts in the Flame Fund and any amounts appropriated for the purpose of wildfire suppression on Federal land shall be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildfire suppression.

(h) ACCOUNTING AND REPORTS.—

(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

## IN THE NAVY

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

*To be rear admiral*

Rear Adm. (lh) Michael H. Mittelman  
Rear Adm. (lh) Matthew L. Nathan

The following named officer for appointment as the Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 152 and 601:

*To be admiral*

Adm. Michael G. Mullen

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

*To be rear admiral (lower half)*

Capt. Charles A. Rainey

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

*To be rear admiral (lower half)*

Capt. Jonathan W. White

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

*To be rear admiral*

Rear Adm. (lh) David W. Titley

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

*To be rear admiral*

Rear Adm. (lh) Gregory J. Smith

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

*To be vice admiral*

Vice Adm. Bruce W. Clingan

## IN THE MARINE CORPS

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

*To be general*

Gen. James N. Mattis

The following named officer for appointment in the United States Marine Corps 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. Frank A. Panter, Jr.

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

*To be lieutenant general*

Maj. Gen. Thomas D. Waldhauser

The following named officer for appointment as Commander, Marine Forces Reserve, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5144:

*To be lieutenant general*

Maj. Gen. John F. Kelly

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN771 AIR FORCE nominations (40) beginning LANCE L. ANNICELLI, and ending

DAVID A. WELGE, which nominations were received by the Senate and appeared in the Congressional Record of July 14, 2009.

PN943 AIR FORCE nomination of Thomas M. Anderson, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN944 AIR FORCE nomination of Ricky B. Reaves, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN945 AIR FORCE nomination of Jose R. Pereztorres, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN946 AIR FORCE nominations (7) beginning LOYD A. GRAHAM, and ending CHRISTINE E. STAHL, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

## IN THE ARMY

PN825 ARMY nomination of Robert J. Schultz, which was received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN826 ARMY nomination of Andrea J. Fuller, which was received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN827 ARMY nominations (2) beginning PETER H. GUEVARA, and ending JEAN R. ELYSEE, which nominations were received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN828 ARMY nominations (8) beginning JAMES BANE, and ending BENOIT D. TANO, which nominations were received by the Senate and appeared in the Congressional Record of July 28, 2009.

PN853 ARMY nominations (46) beginning JOHN A. BLANKENBAKER, and ending VIRGINIA R. ZOLLER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN854 ARMY nominations (307) beginning WILLIAM L. ABERNATHY JR., and ending FRANCISCO ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN855 ARMY nominations (237) beginning GREGORY T. ADAMS, and ending SCOTT L. ZONIS, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN893 ARMY nomination of Cameron D. Wright, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN894 ARMY nomination of Andre L. Brown, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN895 ARMY nominations (6) beginning KATHLEEN E. COFFEY, and ending BRIAN R. TREND, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN947 ARMY nomination of Sonnie D. Deyampert, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN948 ARMY nomination of Douglas Lougee, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN949 ARMY nomination of James Peak, which was received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN950 ARMY nominations (12) beginning JOYVETTA LEWIS, and ending WILLIAM A. WYMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN966 ARMY nomination of Derek D. Brown, which was received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN967 ARMY nominations (2) beginning STEPHANIE LATIMER, and ending OANH K. TRAN, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN968 ARMY nominations (2) beginning MICHELLE H. MARTIN, and ending MARGARET A. MOSLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN969 ARMY nominations (9) beginning ROBERT E. POWERS, and ending MYSORE S. SHILPA, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

## IN THE NAVY

PN856 NAVY nomination of Erik J. Modlo, which was received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN857 NAVY nomination (2) beginning JOSH A. CASSADA, and ending LARRY R. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN858 NAVY nominations (72) beginning MATTHEW J. ACANFORA, and ending DAVID W. YORK, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN859 NAVY nominations (49) beginning RON J. ARELLANO, and ending JOEL A. YATES, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN860 NAVY nominations (41) beginning BENJAMIN I. ABNEY, and ending MCKINNYA J. WILLIAMSROBINSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN861 NAVY nominations (38) beginning CHRISTOPHER D. ADDINGTON, and ending KURT A. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN862 NAVY nominations (22) beginning KELLY W. BOWMAN JR., and ending MICHAEL WINDOM, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN863 NAVY nominations (32) beginning HASAN ABDULMUTAKALLIM, and ending KENYA D. WILLIAMSON, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN864 NAVY nominations (12) beginning DENISE G. BARHAM, and ending HERLINDA K. SWEENEY, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN865 NAVY nominations (17) beginning GUILLERMO R. AMEZAGA, and ending MIKE E. SVATEK, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN866 NAVY nominations (157) beginning CHRISTOPHER W. ANDERSON, and ending COLIN D. XANDER, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN867 NAVY nominations (907) beginning MATTHEW L. ABBOT, and ending STUART R. ZURN, which nominations were received by the Senate and appeared in the Congressional Record of August 3, 2009.

PN896 NAVY nominations (6) beginning PAUL C. KERR, and ending BRUCE A. WATKINS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN897 NAVY nominations (4) beginning SCOTT A. ANDERSON, and ending GWENDOLYN WILLIS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.



PN898 NAVY nominations (38) beginning KEITH R. BARKEY, and ending JASON D. ZEDA, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN899 NAVY nominations (30) beginning PAUL S. ANDERSON, and ending MICHAEL D. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN900 NAVY nominations (51) beginning ROBIN M. ALLEN, and ending SCOTT Y. YAMAMOTO, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN901 NAVY nominations (50) beginning JAMES D. ABBOTT, and ending ROBERT W. ZURSCHMIT, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN902 NAVY nominations (28) beginning JASON T. BALTIMORE, and ending IAN S. WEXLER, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN903 NAVY nominations (61) beginning JOEL R. BEALER, and ending RICHARD G. ZEBER, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN904 NAVY nominations (21) beginning MARTIN J. ANERINO, and ending WALTER H. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN905 NAVY nominations (144) beginning ROGER S. AKINS, and ending TINGWEI YANG, which nominations were received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN951 NAVY nominations (4) beginning BRIAN J. ELLIS, and ending MATTHEW L. TUCKER, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN952 NAVY nominations (12) beginning ANTHONY T. COWDEN, and ending JARED E. SCOTT, which nominations were received by the Senate and appeared in the Congressional Record of September 14, 2009.

PN970 NAVY nominations (2) beginning NERI B. BARNEA, and ending WILLIAM O. VOELKER, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN971 NAVY nominations (2) beginning ANITA AMINOSHARIAE, and ending DENNY MARTIN, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

PN972 NAVY nominations (6) beginning TRACY D. EMERSON, and ending DAVID K. SHELLINGTON, which nominations were received by the Senate and appeared in the Congressional Record of September 17, 2009.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

### CERTIFICATE OF APPOINTMENT

The PRESIDENT PRO TEMPORE. The Chair lays before the Senate a cer-

tificate of appointment to fill the vacancy created by the death of Senator Edward M. Kennedy of Massachusetts. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there is no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS CERTIFICATE OF APPOINTMENT

*To the President of the Senate of the United States:*

This is to certify that pursuant to the power vested in me by the Constitution of the United States and the laws of the Commonwealth of Massachusetts, I, Deval L. Patrick, the Governor of said Commonwealth, do hereby appoint Paul Grattan Kirk, Jr. a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Edward M. Kennedy, is filled by election as provided by law.

Witness: His excellency our governor Deval L. Patrick, and our seal hereto affixed at Boston, Massachusetts this Twenty-Fourth day of September, in the year of our Lord 2009.

By the governor:

DEVAL L. PATRICK,  
*Governor.*  
WILLIAM FRANCIS GALVIN,  
*Secretary of Commonwealth.*

[State Seal Affixed]

The VICE PRESIDENT. If the Senator-designate will now present himself to the desk, the Chair will administer the oath of office.

Mr. KIRK, escorted by Mr. KERRY, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

### ORDERS FOR TUESDAY, SEPTEMBER 29, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11:30 a.m., Tuesday, September 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 1:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate resume consideration of H.R. 3326, the Defense appropriations bill.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

### PROGRAM

Mr. REID. Mr. President, under a previous order, the Senate will debate

the nomination of Jeffrey Viken to be U.S. district judge for the District of South Dakota from 4:30 until 5:30 Tuesday. At 5:30 p.m., the Senate will proceed to vote on confirmation of the nomination. That will be the first vote of the day.

### ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 29, 2009, AT 11:30 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4 p.m., adjourned until Tuesday, September 29, 2009, at 11:30 a.m.

### NOMINATIONS

#### Executive Nominations Received by the Senate:

##### DEPARTMENT OF THE TREASURY

MARISA LAGO, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE NEEL T. KASHKARI, RESIGNED.

##### DEPARTMENT OF JUSTICE

STEPHANIE M. ROSE, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE CHARLES W. LARSON, SR., RESIGNED.

RICHARD G. CALLAHAN, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE CATHERINE LUCILLE HANAWAY.

MICHAEL W. COTTER, OF MONTANA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE WILLIAM WALTER MERCER.

NICHOLAS A. KLINEFELDT, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE MATTHEW G. WHITAKER.

##### DEPARTMENT OF STATE

ROBERT R. KING, OF VIRGINIA, TO BE SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES, WITH THE RANK OF AMBASSADOR.

LAURA GORE ROSS, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-FOURTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:  
CARLENE H. DEL OF FLORIDA  
PAMELA A. WHITE, OF VIRGINIA  
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

TODD H. AMANI, OF NORTH CAROLINA  
ALONZO L. FULGHAM, OF VIRGINIA  
EARL W. GAST, OF CALIFORNIA  
RICHARD S. GREENE, OF VIRGINIA  
ROBERT G. HELLYER, OF CALIFORNIA  
EDWARD T. LANDAU, OF PENNSYLVANIA  
ROBERT JAMES WILSON, OF CONNECTICUT  
CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

R. DOUGLASS ARBUCKLE, OF FLORIDA  
PETER S. ARGO, OF FLORIDA  
KEVIN L. ARMSTRONG, OF CALIFORNIA  
WILLIAM R. BRANDS, OF VIRGINIA  
ALFREDA M. BREWER, OF THE DISTRICT OF COLUMBIA  
ROBERT M. CLAY, OF VIRGINIA  
TIMOTHY E. COX, OF VIRGINIA  
BARBARA A. ELLINGTON-BANKS, OF NORTH CAROLINA  
KAY JACKSON FREEMAN, OF MARYLAND  
SUSAN KOSINSKI FRITZ, OF WASHINGTON  
KAREN LOUISE RUFFING HILLIARD, OF FLORIDA  
SARAH-ANN LYNCH, OF MARYLAND  
DANA R. MANSURI, OF WASHINGTON  
PETER R. NATIELLO, OF FLORIDA  
PATRICIA L. RADER, OF MARYLAND  
JAMES B. SANFORD, OF TEXAS  
CARRIE ANN THOMPSON, OF VIRGINIA  
BRADLEY P. WALLACH, OF VIRGINIA  
MARK ANTHONY WHITE, OF FLORIDA  
ROBERT E. WUERTZ, OF FLORIDA

### CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, September 25, 2009:



## 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. HERTTLING

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. MADDEX  
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

## IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) MICHAEL H. MITTELMAN  
REAR ADM. (LH) MATTHEW L. NATHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 152 AND 601:

*To be admiral*

ADM. MICHAEL G. MULLEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. CHARLES A. RAINEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. JONATHAN W. WHITE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) DAVID W. TITLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) GREGORY J. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. BRUCE W. CLINGAN

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

GEN. JAMES N. MATTIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS 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. FRANK A. PANTER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. THOMAS D. WALDHAUSER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5144:

*To be lieutenant general*

MAJ. GEN. JOHN F. KELLY

## IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH LANCE L. ANNICELLI AND ENDING WITH DAVID A. WELGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 14, 2009.

AIR FORCE NOMINATION OF THOMAS M. ANDERSON, TO BE LIEUTENANT COLONEL.  
AIR FORCE NOMINATION OF RICKY B. REAVES, TO BE MAJOR.

AIR FORCE NOMINATION OF JOSE R. PEREZTORRES, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH LOYD A. GRAHAM AND ENDING WITH CHRISTINE E. STAHL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

## IN THE ARMY

ARMY NOMINATION OF ROBERT J. SCHULTZ, TO BE MAJOR.

ARMY NOMINATION OF ANDREA J. FULLER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH PETER H. GUEVARA AND ENDING WITH JEAN R. ELYSEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 28, 2009.

ARMY NOMINATIONS BEGINNING WITH JAMES BANE AND ENDING WITH BENOIT D. TANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 28, 2009.

ARMY NOMINATIONS BEGINNING WITH JOHN A. BLANKENBAKER AND ENDING WITH VIRGINIA R. ZOLLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

ARMY NOMINATIONS BEGINNING WITH WILLIAM L. ABERNATHY, JR. AND ENDING WITH FRANCISCO ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

ARMY NOMINATIONS BEGINNING WITH GREGORY T. ADAMS AND ENDING WITH SCOTT L. ZONIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

ARMY NOMINATION OF CAMERON D. WRIGHT, TO BE COLONEL.

ARMY NOMINATION OF ANDRE L. BROWN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH KATHLEEN E. COFFEY AND ENDING WITH BRIAN R. TRENDIA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

ARMY NOMINATION OF SONNIE D. DEYAMPERT, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF DOUGLAS LOUGEE, TO BE COLONEL.

ARMY NOMINATION OF JAMES PEAK, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JOYVETTA LEWIS AND ENDING WITH WILLIAM A. WYMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

ARMY NOMINATION OF DEREK D. BROWN, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH STEPHANIE LATIMER AND ENDING WITH OANH K. TRAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHELLE H. MARTIN AND ENDING WITH MARGARET A. MOSLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

ARMY NOMINATIONS BEGINNING WITH ROBERT E. POWERS AND ENDING WITH MYSORE S. SHILPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

## IN THE NAVY

NAVY NOMINATION OF ERIK J. MODLO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JOSH A. CASSADA AND ENDING WITH LARRY R. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH MATTHEW J. ACANFORA AND ENDING WITH DAVID W. YORK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH RON J. ARELLANO AND ENDING WITH JOEL A. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH BENJAMIN I. ABNEY AND ENDING WITH MCKINNYA J. WILLIAMSBINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER D. ADDINGTON AND ENDING WITH KURT A. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH KELLY W. BOWMAN, JR. AND ENDING WITH MICHAEL WINDOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH HASAN ABDULMUTAKALLIM AND ENDING WITH KENYA D. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH DENISE G. BARHAM AND ENDING WITH HERLINDA K. SWEENEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH GUILLERMO R. AMEZAGA AND ENDING WITH MIKE E. SVATEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER W. ANDERSON AND ENDING WITH COLIN D. XANDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH MATTHEW L. ABBOT AND ENDING WITH STUART R. ZURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 3, 2009.

NAVY NOMINATIONS BEGINNING WITH PAUL C. KERR AND ENDING WITH BRUCE A. WATERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH SCOTT A. ANDERSON AND ENDING WITH GWENDOLYN WILLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH KEITH R. BARKEY AND ENDING WITH JASON D. ZEDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH PAUL S. ANDERSON AND ENDING WITH MICHAEL D. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH ROBIN M. ALLEN AND ENDING WITH SCOTT Y. YAMAMOTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JAMES D. ABBOTT AND ENDING WITH ROBERT W. ZURSCHMIT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JASON T. BALTIMORE AND ENDING WITH IAN S. WEXLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH JOEL R. BEALER AND ENDING WITH RICHARD G. ZEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH MARTIN J. ANERINO AND ENDING WITH WALTER H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH ROGER S. AKINS AND ENDING WITH TINGWEI YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 6, 2009.

NAVY NOMINATIONS BEGINNING WITH BRIAN J. ELLIS AND ENDING WITH MATTHEW L. TUCKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

NAVY NOMINATIONS BEGINNING WITH ANTHONY T. COWDEN AND ENDING WITH JARED E. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 14, 2009.

NAVY NOMINATIONS BEGINNING WITH NERI B. BARNEA AND ENDING WITH WILLIAM O. VOELKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

NAVY NOMINATIONS BEGINNING WITH ANITA AMINOSHARIAE AND ENDING WITH DENNY MARTIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.

NAVY NOMINATIONS BEGINNING WITH TRACY D. EMERSON AND ENDING WITH DAVID K. SHELLINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 17, 2009.