

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### FEMA ACCOUNTABILITY ACT OF 2009

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

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

The legislative clerk read as follows:

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

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

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

S. 713

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

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

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

(b) DEFINITIONS.—In this Act—

(1) the term "Administrator" means the Administrator of FEMA;

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

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

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

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

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

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

(b) PLAN.—

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

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

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

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

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

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

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

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

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

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

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

The Committee amendment was agreed to.

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

S. 713

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