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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SERRANO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 25, 2009.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Richard Fowler, Ninth Street Baptist Church, Covington, Kentucky, offered the following prayer:

Lord, God, Jehovah, I lift Your name in praise and thanksgiving for Your providing this Nation with resources, talent and opportunity. I seek Your forgiveness for our many sins of waste and frivolity. I seek Your guidance, direction and leadership in the areas of economics, social welfare for the masses and international peace.

I ask for Your wisdom in bountiful supply on our Nation's leadership as they address the serious issues, both national and international.

Bless them with the powers that bring a lasting peace to our cities, prosperity to our economy, hope to our youth, civility to our government, honor to our past and respect for our future. May they be constantly reminded that they are representatives of all the people of this Nation, both small and great.

May we be mindful of Your words, that it is more blessed to give than to receive.

In the Name of Jesus Christ, I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas 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.

WELCOMING REV. RICHARD FOWLER

The SPEAKER pro tempore. Without objection, the gentleman from Kentucky (Mr. DAVIS) is recognized for 1 minute.

There was no objection.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today to honor Rev. Richard B. L. Fowler, a dedicated community servant and spiritual leader from the Fourth District.

Reverend Fowler was born and raised in Covington, Kentucky. He earned his bachelor's degree in engineering science from the University of Cincinnati and then attended the Cincinnati Bible Seminary, where he earned a master's in ministry degree.

He served our great country during the Vietnam War as a member of the Army stationed in Germany. Upon completing his military duty, Reverend Fowler began an impressive 28-year career with Procter and Gamble. During his tenure with the company, he acknowledged his call into the ministry and was ordained in 1979.

Reverend Fowler has served as pastor of the Ninth Street Baptist Church in Covington since 1983. And in addition to his duties at the Ninth Street Baptist Church, Reverend Fowler has contributed to his community as a member of numerous boards and committees, including the United Way, Northern Kentucky Children's Home, the Northern Kentucky Juvenile Delinquency Prevention Council, and our local community and technical college. He is also the founder and organizer of OASIS Incorporated, a nonprofit agency for education, community advocacy and substance abuse recovery.

On the 25th of June, Reverend Fowler marked the beginning of legislative business in the House of Representatives by offering the opening prayer on the House floor.

Mr. Speaker, please join me in commending Reverend Fowler in offering him our sincerest thanks for his years of service to Kentucky and to our Nation.

ELECTING CERTAIN MINORITY MEMBERS TO A STANDING COMMITTEE

Mr. PENCE. On behalf of the House Republican Conference I offer birthday wishes to our beloved floor director, Jay Pierson, and I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That the following Members be, and are hereby, elected to the following standing committee:

COMMITTEE ON EDUCATION AND LABOR—Mr. Kline of Minnesota, to rank before Mr. Petri, and Mr. McKeon, to rank before Mr. Hoekstra.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

WELCOMING HOME PRIVATE FIRST CLASS ANDREW PARKER, AMERICAN HERO

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Mr. Speaker, it is my honor today to offer a warm welcome home to a soldier who sacrificed for his country and to thank all of those who are working to make his return home a successful one. Private First Class Andrew Parker enlisted in the United States Army after graduating from Lamoille Union High School in 2007. On November 20, 2008, his MRAP vehicle was struck by a roadside bomb near Kandahar, Afghanistan. Andrew suffered injuries that left him paralyzed from the chest down.

During the months that Andrew spent recovering in DOD and VA hospitals, his neighbors and friends in Vermont worked together to complete an incredible project to modify his home to make it accessible to him upon his return. His kindergarten teacher, the Hyde Park VFW and countless other businesses, organizations and individuals donated time, money and labor to make it possible for Andrew to return home to a new addition to his home, a living room, a bedroom, a bath and a bay for his new van.

Now Andrew will have the resources he needs to focus on rebuilding his strength as he works to fulfill his new dream of becoming a teacher. He should know that all Vermonters and all Americans are with him in spirit as he continues on his courageous journey.

HEALTH CARE REFORM

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, yesterday, Secretary Sebelius spoke in the Energy and Commerce Committee and said that one of the concerns with health care was in Kansas there were not many choices. Indeed that is the concern across the Nation. But as we look at solutions for the health insurance crisis, establishing Uncle Sam's Health Insurance Company may not be the answer.

Under those circumstances, you get to buy insurance from any State, no matter where you live. You get to bypass State mandates, and you get to bargain for better prices and better quality as a group. But private plans you still have to buy only within your State. You have to stick within your State mandates, which add to the costs, and you don't get to join bigger groups and bargain for better price and quality.

As we work on health care, let's continue to work together and find solutions. We can do this. We can drive down price and improve quality. But let's make sure that all the choices are fair and that we have competition.

INVESTMENT IN AMERICAN STEEL ACT OF 2009

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, last night I introduced the Investment in American Steel Act of 2009.

My bill will ensure that as our Nation moves toward an energy-efficient, green economy that we continue to invest both in American-made steel and our Nation's steel workers.

The production of wind turbines in the United States offers an exciting opportunity for thousands of American steelworkers and manufacturers nationwide.

The American Recovery and Reinvestment Act included an important provision, providing manufacturers with a tax credit for investing in clean, renewable energy, and one of them being wind energy. While I fully support the initiative, I believe if a company receives a tax credit for building windmills here in the United States, they should use American-made steel to build those windmills.

My bill will encourage the use of American steel in windmills by giving the full tax credit to companies using U.S. steel. The less U.S. steel they use, the lower the tax credit would go. During this difficult economic time, it is more important than ever that we make an investment in both our Nation's workers and in the U.S. steel market. My bill will accomplish just that.

NORTH KOREA

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as a fighter pilot who flew 62 combat missions in Korea against aggression in the fifties, Americans need to know that just as North Korea prepares to launch a missile aimed at American citizens in Hawaii, the Democrats slashed 19 missile interceptors from the Defense Department budget that we are voting on today.

The President's failure to sternly address North Korea's provocative threat is extremely troubling. Added to the fact that the Democrats are cutting missile interceptors, I'm very, very concerned for the future of this country, the safety of our Nation, and the security of our homeland.

The President comes across as lacking resolve. The Democrats in Congress look weak, and that is not a good place for America to be in. Wake up, America.

THE PROUD ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I have introduced H.R. 2681, the PROUD Act, which will allow motivated students who are immigrants to apply for U.S. citizenship.

America is the land of opportunity. And it is wrong to unfairly punish innocent young people who came to America by no choice of their own. A high school graduate, upon turning 18, may apply by presenting their transcripts to prove that they have completed grades 6 through 12, show that they understand U.S. history, government, civics, and additionally can prove they are of good moral character.

The PROUD Act will be a positive impact in schools and communities throughout the Nation. This is one piece of the puzzle. There is more that needs to be done for comprehensive immigration reform.

Today the President will hold a long anticipated meeting about immigration. Now is the time to act. We need reform now more than ever.

I urge my colleagues to support H.R. 2681, the PROUD Act, and work towards comprehensive immigration reform.

HOT DOG DIPLOMACY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, we have all seen the bold and brave students defy the imperial regime of President Ahmadinejad of Iran as they struggle for freedom.

The people of Iran are being shot, assaulted and arrested by their repressive government. This is the same government that supplies arms and money to insurgents that are at war with our military in Iraq and Afghanistan.

The Iranian Revolutionary Guard, a state sponsor of terror, or more appropriately called the ''Demons of Democracy'', are killing their own people, mostly students, whose only crime is speaking out in public against these tough tyrants.

As the Fourth of July nears, the most sacred of all days of liberty, how about we invite the sons of freedom and the daughters of democracy of Iran for a bit of ''Hot Dog Diplomacy?'' The youth of Iran have shown more tenacity and love of freedom than the world has seen in years.

There would be no better way to honor the Fourth of July, our Founders and our heritage, than to celebrate this glorious day by opening our embassies not to the Iranian Government, but to these students who desire freedom and liberty.

And that's just the way it is.

HONORING COACH ED THOMAS OF PARKERSBURG, IOWA

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Mr. Speaker, a year ago, I stood in this well with a heavy heart and asked for a moment of silence for the Town of Parkersburg that was destroyed by an F5 tornado. The high school was destroyed, and the most visible face of the recovery in Parkersburg was legendary football coach Ed Thomas, whose home was destroyed in that tornado. Coach Thomas emerged from the rubble with tears in his eyes, pledged to rebuild the school, rebuild the community and help heal the sorrow.

Ed and his wife, Jan, moved into an apartment above the True Value Hardware store in downtown Parkersburg. Ed went back to what he did best, working with young people and inspiring them to become better people.

Yesterday morning, as Coach Thomas was at the school he loved working with young people, a lone gunman entered the school and shot and killed Ed Thomas in front of 20 to 30 high school students.

Ed Thomas coached for 37 years. He had a career record of 292–84, including two State championships, 19 State playoff appearances, and, get this, in a town of 280 students in high school, four of his students played in the National Football League.

Coach Thomas said, ''We don't talk about winning and losing. We talk about the little things. If we take care of the little things, the rest will take care of itself.''

Mr. Speaker, I will be asking for everyone to give their thoughts and prayers to Ed's wife, Jan, their extended family and the community of Parkersburg as they struggle with this senseless loss.

SMOKING IN THE MOVIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, at a time when policy makers are doing everything they can to reduce smoking in our society, one area of smoking prevention remains unchallenged: Smoking in the movies.

Studies have shown that viewing smoking in the movies normalizes smoking among youth. It glamorizes smoking through the attractiveness of the actors and characters who smoke. These attitude changes lead to smoking experimentation, which in turn leads to harmful and addictive habits.

Tobacco is still depicted in three-quarters of youth-rated movies and 90 percent of R-rated movies. Movies targeting impressionable youth should be the last place for gratuitous smoking images.

Dartmouth Medical School found that up to one-half of the youth smoking initiation is explained by exposure to smoking in the movies in their studies.

Parents should know they are exposing their kids to glamorized depictions of smoking when they allow them to see youth-related movies by the rating system.

□ 1015

HONORING TUN JUAN AGUON SANCHEZ

(Mr. SABLAN asked and was given permission to address the House for 1 minute.)

Mr. SABLAN. Mr. Speaker, I rise today to recognize a remarkable gentleman from the Northern Mariana Islands. Tun Juan Aguon Sanchez has made many exceptional contributions to the history, art and culture of the people of the Northern Mariana Islands.

But Tun Juan's greatest legacy is his poetry, written in vernacular Chamorro. Tun Juan's poems touch on life in the islands, the value of respecting other people, and the essential ingredients to making a life worth living. Tun Juan's poems are lyrical reminders of the love we feel for our island home.

Tun Juan also wrote about the world beyond our islands. At a time when our sole access to the outside world was a government radio station and a weekly newspaper, Tun Juan captured our admiration for leaders like President John F. Kennedy and his Holiness Pope John Paul, II.

Tun Juan's work has recently been collected so that for generations to come, his words will continue to convey the perspective, the faith and the love that he had for the people of the Northern Mariana Islands.

Tan Iku, Godspeed and Si Yu'us Ma'a'se for all that you have done for your people and islands.

ALL-OF-THE-ABOVE ENERGY STRATEGY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, the Old Book contains an admonition to lawmakers with these words: Woe to you because you load people down with burdens they can hardly carry, and you yourselves will not lift a finger to help them.

In the midst of the worst economy in a generation, remarkably, House Democrats are poised this week to load the American people down with a national energy tax, and the American people deserve to know it.

Now there is lots of debate about what this bill will cost the average American, but there is no dispute the Democrat cap-and-trade bill will raise the cost of energy to every household in America, every small business, every family farm; and it will cost millions of American jobs. And the vote is tomorrow.

If you oppose a national energy tax, I say call your Congressman. If you think the Democrat cap-and-trade bill will cap growth and trade jobs, call your Congressman. And if you believe the American people deserve an all-of-the-above energy strategy that will create jobs, achieve energy independence and a cleaner environment, endorse the Republican alternative and call your Congressman.

A minority in Congress plus the American people equals a majority. We can reject cap-and-trade this week, and so we must.

INALIENABLE RIGHTS

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I want to take this opportunity to say how thankful I am to live in such a great country, a country where we have inalienable rights guaranteed to us by our Nation's founding documents, and the knowledge that our government is set up to protect those rights.

We know that we are guaranteed the right to peaceful, public protest, and we see many great Americans utilizing that right here in Washington, D.C., on a daily basis. It is not until haunting and disturbing images of blatant violence and oppression run across the front pages of our newspapers and TV screens that we realize how important these rights are.

The people of Iran are expressing themselves peacefully in the streets, and are being viciously attacked by armed guards and police. The violence needs to end now, and the people of Iran should be heard.

I want to commend President Obama for his leadership and his judgment in such a difficult and intense foreign policy crisis, and I agree with his resistance to instigate a foreign nation through demagoguery, a distinct difference from the carelessness that sometimes was used by administrations in the past.

Let me be clear, I know the world understands that the United States will always vehemently oppose oppression and violence against a nation's people and we will do everything we can to ensure this type of behavior is not tolerated. I thank President Obama for his thoughtful leadership on this matter and offer my support in the future.

NATIONAL MEDIA GIVES FREE PASS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, as this replica of a check demonstrates, the national media are giving the Obama administration a free pass worth who-knows-how-much on any number of major national issues such as the economy, energy, and health care.

The national media seldom mentions that the President's budget would double the national debt in 5 years and triple it in 10. The national media don't tell the American people that the President's cap-and-trade energy plan will cost every family $1,600. The national media don't report that the 46 million uninsured that is used to justify the President's health care plan is really only 10 million people after you deduct those who are eligible for Medicare and Medicaid, who can afford health insurance, and who are without health insurance for just a couple of months between jobs.

Americans don't want the media to give the Obama administration a free pass. They want the facts.

HEALTH CARE FOR ALL

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, there was much media speculation as to where Mr. Steve Jobs had a liver transplant. It came out yesterday that he had his liver transplant in Memphis, Tennessee, my home town, at the Methodist Hospital, a hospital known for its liver transplant center which has the lowest morbidity rate of any transplant center in the United States.

Memphis has been a medical center for years, with St. Jude Children's Research Hospital, the finest research hospital for children's illnesses, catastrophic illnesses, and cancer; for Southern College of Optometry; for LeBonheur Children's Hospital; for Campbell's Clinic for orthopedics and other particular medical specialties. We are proud of our medical community.

We are sorry Mr. Jobs had to have a liver transplant, but we are happy he came to Memphis and chose the best. But it shouldn't be that only the wealthy can come to Memphis and have the best medical care available. We need to pass a health care plan that is affordable and quality with a public plan to let every American have the opportunity to get the best medical attention that is available, and come to Memphis and receive it.

COMPREHENSIVE ENERGY PLAN NEEDED

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, Democrats are the ones with no new ideas. They always turn to their worn-out idea of tax, tax, tax. The American people don't want a national energy tax; they want energy independence. The House Republican plan is the comprehensive energy solution this country desperately needs. House Republicans recognize that as gas prices and home utility bills rise, American families are dealt a greater economic hardship.

The Democrats' answer to the worst recession in decades is a national energy tax that will lead to higher energy prices and further job losses. Thousands of dollars in extra energy costs and millions of jobs lost is a high price to pay for an energy plan that will do little to clean up our environment. The American people deserve better. The American Energy Act introduced by Republicans is an all-of-the-above plan that will provide independence, more jobs here at home, and a cleaner environment.

The American people don't want a national energy tax. They want energy independence. The House Republican plan is the comprehensive energy solution this country desperately needs.

HEALTH CARE REFORM

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, the United States has the most expensive health care in the world, which is a tremendous burden on the American family and businesses and threatens our economic future. The status quo is unsustainable and unacceptable, and I applaud all of the committees for their hard work on the draft proposal released last week. It is an important step forward to ensure that every American has access to quality, affordable health care.

But I believe if we are to meet the stated goals of reform, it is also critical that a robust public plan option be linked with the strengths of Medicare. It is a system that we know and, in particular, has an existing health provider network so that a public plan can truly compete in the private market and lower costs for all Americans.

Mr. Speaker, health care must be accessible. And in order to be accessible to Americans living in both rural and urban areas, it has to be accepted by providers. It has to have doctors. I am concerned that the initial version does not provide the provider infrastructure already in place for Medicare. We know it and we can use it, and this is a serious oversight that needs to be revisited.

Mr. Speaker, I know we can meet the challenges for health care for all Americans, a uniquely American plan unparalleled in quality, low cost and real choice. Let's do it.

PRESERVING CAPITALISM IN AMERICA AMENDMENT

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, a growing number of Americans are concerned about the future of capitalism in this country. The current economic recession has opened the door to government intervention in private enterprise on a scale many have never seen. A majority of Americans oppose the government takeover of the auto manufacturers and want the government out as soon as possible.

Just as troubling as the government's rapid control over private industry is the failure to present an exit strategy. With no apparent limit on the government's ability to expand its ownership of business, the only solution is a constitutional amendment.

Yesterday I introduced H.J. Res. 57, the Preserving Capitalism in America Amendment. The constitutional amendment would prohibit the acquisition of any stock or equity interest in private corporations by the Federal Government. This amendment was introduced with 102 cosponsors, nearly a quarter of the membership of the House. Eight States currently have constitutional prohibitions against government investment in private corporations, and I believe similar action is necessary on the Federal level to limit government intrusion.

I urge my colleagues to join me in supporting H.J. Res. 57, the Preserving Capitalism in America amendment.

AMERICAN CLEAN ENERGY AND SECURITY ACT

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, Americans are the most innovative and the most entrepreneurial people on the face of the Earth. That is the reason that the people want us to pass the American Clean Energy and Security bill this week. This bill will give Americans what they want: More energy independence; less pollution; and most importantly, millions of new jobs of Americans building the new businesses, putting up solar panels, putting up wind towers, and stringing new electrical wire that we need.

Now, what is this going to cost Americans? According to the Congressional Budget Office, approximately the cost of one postage stamp a day: 47 cents. Do Americans want to rid ourselves of the scourge of addiction to Saudi oil for a postage stamp a day? You bet.

Do Americans want us to limit pollution and make polluters pay so Americans can have cleaner air for the cost of a postage stamp a day? You bet.

Do Americans want 3 million new jobs in this country for the cost of a postage stamp a day? You bet.

We are going to pass this bill. Americans want it.

COMPETITION IS NEEDED FOR HEALTH CARE REFORM

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as we continue to learn more about the single-payer, government takeover of the health care system proposed by my colleagues on the other side of the aisle, I would like to point out why this isn't a good idea.

First, we can't afford it. Cost estimates are now up to $3.5 trillion of money we don't have. Medicare, even with heavy subsidies from private insurance, is on the course of bankruptcy. How will we afford a Medicare-for-all program?

Let me be clear, the government cannot be both competitor and make up the rules of the game. It would be like Microsoft being put in control of the Internet. How would other companies compete with Microsoft?

A single-payer system option will erode the private insurance market that is propping up the public health plan we have today. It is becoming very clear that the public option group has the ultimate goal of destroying competition and choice and substituting it with a government takeover of our health care system.

So what is the end game here? The end game is that once the Federal Government gains full control of our health care system and steps between you and your doctor, we will have exploding budgets which will lead to rationing.

□ 1030

DEMOCRATIC HEALTH CARE PLAN

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. The Democratic Party has a new and better idea about health care. The Democratic Party, under the leadership of Barack Obama, is going to give Americans and American businesses what they've been asking for—begging for—relief from the problems in our health care system.

For the first time, people who are considered uninsurable will not have to worry about how they're going to get the money to go to the doctor to take care of their child. They will be insured. Everybody in this country will be insured. There will be the insurance companies, but there will also be a public option so people who can't find health insurance who do not have jobs will be able to be insured.

I find it interesting that the opposing party talks about no competition and no choice. I have seen too many constituents who have no choice; they can't go to the doctor, they can't get surgery because they don't have health insurance. And I have also seen the so-called ''competition'' refuse to insure some of my constituents because of preexisting health conditions. So what we have now is the ability to keep your insurance. If Americans want to keep their insurance, they should, but if they don't, or they can't, then they finally have a public option.

I urge my colleagues to vote for this health insurance plan.

REJECT THE CAP-AND-TRADE TAX

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, we just heard a speech a few moments ago about how jobs will be created through this national energy tax. Apparently those jobs will not be created in the Commonwealth of Pennsylvania in any significant way. In fact, I would like to share with my friends and the American people a letter from the Pennsylvania Public Utility Commission, three of the five commissioners who wrote me and told me about the impacts of this legislation. They said, ''Pennsylvania is the fourth largest coal producer in the Nation, distributing over 75 million tons of coal each year. Roughly 7 percent of the Nation's supply is in Pennsylvania and 58 percent of all electricity used here comes from coal. However, if the Waxman-Markey bill were to pass, Pennsylvania is looking at a bleak scenario by 2020; a net loss of as many as 66,000 jobs, a sizeable hike in electric bills of residential customers, an increase in national gas prices, and significant downward pressure on the State gross product. The cost estimates are staggering.'' Pennsylvania Public Utility Commission.

I urge my colleagues to reject this national energy tax. The industrial and agricultural heartland States of America will pay and will pay big. It's time that we reject this tax.

PERMISSION TO EXTEND TIME FOR DEBATE AND MODIFY AMENDMENT DURING FURTHER CONSIDERATION OF H.R. 2647

Mr. SKELTON. Mr. Speaker, at this time, I ask unanimous consent that during further consideration of H.R. 2647, pursuant to House Resolution 572, debate on amendment Nos. 3 and 9 each be extended to 20 minutes, and that amendment No. 2 be modified in the form that is now placed at the desk.

The SPEAKER pro tempore (Mr. COHEN). The Clerk will report the modification.

The Clerk read as follows:

At the end of subtitle E of title X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE HONORABLE JOHN M. MCHUGH.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1993, Representative John M. McHugh was elected to represent New York's 23rd Congressional district, which is located in northern New York and consists of Clinton, Hamilton, Lewis, Oswego, Madison, and Saint Lawrence counties and parts of Essex, Franklin, Fulton, and Oneida counties.

(2) Representative McHugh also represents Fort Drum, home of the 10th Mountain Division.

(3) Prior to his service in Congress, Representative McHugh served four terms in the New York State Senate, representing the 48th district from 1984 to 1992.

(4) Representative McHugh began his public service career in 1971 in his hometown of Watertown, New York, where he served for five years as a Confidential Assistant to the City Manager.

(5) Subsequently, Representative McHugh served for nine years as Chief of Research and Liaison with local governments for New York State Senator H. Douglas Barclay.

(6) Representative McHugh is known by his colleagues as a leader on national defense and security issues and a tireless advocate for America's military personnel and their families.

(7) During his tenure, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retired pay (concurrent receipt) and safeguard military retiree benefits for our troops.

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the Unites States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

(10) In the 111th Congress, Representative McHugh was appointed Ranking Member of the Armed Services Committee of the House of Representatives by the Republican membership of the House of Representatives.

(11) On June 2, 2009, the President announced his intention to nominate Representative McHugh to serve as the Secretary of the Army.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable John M. McHugh, Representative from New York, has served the House of Representatives and the American people selflessly and with distinction and that he deserves the sincere and humble gratitude of Congress and the Nation.

Mr. SKELTON (during the reading). I ask unanimous consent that the amendment be considered read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Missouri?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 572 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2647.

□ 1034

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 24, 2009, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2647

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 ''National Defense Authorization Act for Fiscal Year 2010''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Army as follows:

(1) For aircraft, $4,828,632,000.
(2) For missiles, $1,320,109,000.
(3) For weapons and tracked combat vehicles, $2,500,952,000.
(4) For ammunition, $2,070,095,000.
(5) For other procurement, $9,762,539,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

(1) For aircraft, $18,102,112,000.
(2) For weapons, including missiles and torpedoes, $3,453,455,000.
(3) For shipbuilding and conversion, $13,786,867,000.
(4) For other procurement, $5,689,176,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,712,138,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of $840,675,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Air Force as follows:

(1) For aircraft, $11,991,991,000.
(2) For ammunition, $822,462,000.
(3) For missiles, $6,211,628,000.
(4) For other procurement, $17,299,841,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement in the amount of $4,150,562,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $600,000,000.

SEC. 106. RAPID ACQUISITION FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Rapid Acquisition Fund in the amount of $55,000,000.

Subtitle B—Army Programs

SEC. 111. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL RADIO SYSTEMS.

(a) LIMITATION ON OBLIGATION OF FUNDS.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for procurement, Army, may be obligated or expended for tactical radio systems.

(b) EXCEPTIONS.—The limitation on obligation of funds in subsection (a) does not apply to the following:

(1) A tactical radio system that is approved by the joint program executive officer of the joint tactical radio system if the Secretary of Defense notifies the congressional defense committees in writing of such approval.

(2) A tactical radio system procured specifically to meet—

(A) an operational need (as described in Army Regulation 71–9 or a successor regulation); or

(B) a joint urgent operational need (as described in Chairman of the Joint Chiefs of Staff Instruction 3470.01 or a successor instruction).

(3) A tactical radio system for an unmanned ground vehicle system.

(4) Commercially available tactical radios with joint tactical radio system capabilities.

SEC. 112. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.

(a) LIMITATION ON LOW-RATE INITIAL PRODUCTION QUANTITIES.—Notwithstanding section 2400 of title 10, United States Code, with respect to covered Future Combat Systems equipment, the Secretary of Defense may procure for low-rate initial production only such equipment that is necessary for one brigade.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal years 2010 or 2011 for the procurement of covered Future Combat Systems equipment, the Secretary of Defense may obligate or expend funds only for the procurement of such equipment that is necessary for one brigade.

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation on low-rate initial production in subsection (a) and the limitation on obligation of funds in

subsection (b) do not apply if the procurement of covered Future Combat Systems equipment is specifically intended to address an operational need statement requirement.

(d) COVERED FUTURE COMBAT SYSTEMS EQUIPMENT DEFINED.—For the purposes of this section, the term ''covered Future Combat Systems equipment'' means the following:

(1) Future Combat Systems non-line of sight launcher systems.

(2) Future Combat Systems unattended ground sensors.

(3) Future Combat Systems class I unmanned aerial systems.

(4) Future Combat Systems small unmanned ground vehicles.

(5) Future Combat Systems integrated control system computers.

(6) Any vehicular kits needed to integrate and operate a system listed in paragraph (1), (2), (3), (4), or (5).

Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

(a) LIMITATION OF COSTS.—Except as provided in subsection (b) or (c), of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for the procurement of Littoral Combat Ship vessels, not more than $460,000,000 may be obligated or expended for each vessel procured (not including amounts obligated or expended for elements designated by the Secretary of the Navy as a mission package).

(b) SPECIFIC REQUIREMENT FOR FISCAL YEAR 2010.—Of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for shipbuilding conversion, Navy, the Secretary of the Navy may obligate not more than $80,000,000 to produce a technical data package for each type of Littoral Combat Ship vessel, if the Secretary—

(1) is unable to—

(A) submit to the congressional defense committees a certification under subsection (g) during fiscal year 2010; and

(B) enter into a contract for the construction of a Littoral Combat Ship vessel in fiscal year 2010 because of the limitation of costs in section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended; or

(2) is unable to enter into a contract for the construction of a Littoral Combat Ship vessel in fiscal year 2010 because of the limitation of costs in subsection (a) after submitting to the congressional defense committees a certification under subsection (g).

(c) ADJUSTMENT OF LIMITATION AMOUNT.—With respect to the procurement of a Littoral Combat Ship vessel referred to in subsection (a), the Secretary may adjust the amount set forth in such subsection by the following:

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2009.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2009.

(3) The amounts of outfitting costs and post-delivery costs incurred for the vessel.

(4) The amounts of increases or decreases in costs attributable to the insertion of new technology into the vessel, as compared to the technology used in the first and second Littoral Combat Ship vessels procured by the Secretary, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology—

(A) would lower the life-cycle cost of the vessel; or

(B) is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

(d) ANNUAL REPORTS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for each fiscal year, the Secretary shall submit to the congressional defense committees a report on Littoral Combat Ship vessels. Such report shall include the following:

(1) Written notice of any change in the amount set forth in subsection (a) that is made under subsection (c).

(2) Information, current as of the date of the report, regarding—

(A) the content of any element of the vessels that is designated as a mission package;

(B) the estimated cost of any such element; and

(C) the total number of such elements anticipated.

(3) Actual and estimated costs associated with—

(A) the material and equipment for basic construction of each vessel; and

(B) the material and equipment for propulsion, weapons, and communications systems of each vessel.

(4) Actual and estimated man-hours of labor and labor rates associated with each vessel being procured (listed separately from any other man-hours and labor rates data).

(5) Actual and estimated fees paid to contractors for meeting contractually obligated cost and schedule performance milestones.

(e) DEFINITIONS.—In this section:

(1) The term ''mission package'' means the interchangeable combat systems that deploy with a Littoral Combat Ship vessel.

(2) The term ''technical data package'' means a compilation of detailed engineering plans for construction of a Littoral Combat Ship vessel.

(f) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

(g) EFFECTIVE DATE.—

(1) LIMITATION ON COSTS.—Subsections (a) and (c) shall take effect on the date that is 15 days after the date on which the Secretary of the Navy certifies in writing to the congressional defense committees the following:

(A) The Secretary has accepted delivery of the USS Freedom (LCS 1) and the USS Independence (LCS 2) following successful completion of acceptance trials.

(B) The repeal of section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) made by subsection (f) is necessary for the Secretary to—

(i) award a contract for a Littoral Combat Ship vessel in fiscal year 2010; and

(ii) maintain sufficient government oversight of the Littoral Combat Ship vessel program.

(C) The Secretary has conducted a thorough analysis of the requirements for the performance, system, and design of both Littoral Combat Ship variants and determined that further changes to such requirements will not reduce—

(i) the cost of either such variant; and

(ii) the warfighting utility of such vessel.

(D) A construction contract for a Littoral Combat Ship vessel in fiscal year 2010 will be awarded only to a contractor that—

(i) with respect to a contract for the Littoral Combat Ship vessel awarded in fiscal year 2009—

(I) is maintaining excellent cost and schedule performance; and

(II) the Secretary determines that the affordability and efficiency of the construction of such a vessel are improving at a satisfactory rate; and

(ii) based on the data available from the developmental and operational assessment testing of such contractor's vessel and associated mission packages, the Secretary, in consultation with the Chief of Naval Operations, has determined that it is in the best interest of the Navy to procure such additional Littoral Combat Ship vessels prior to the completion of operational test and evaluation.

(E) With respect to funds that are available for shipbuilding and conversion, Navy, for fiscal year 2010 for the procurement of Littoral Combat Ship vessels—

(i) such funds are sufficient to award contracts for three additional Littoral Combat Ship vessels; or

(ii) if such funds are insufficient to award contracts for three additional Littoral Combat Ship vessels, the Secretary has the ability to promote competition for the Littoral Combat Ship vessels that are procured in order to ensure the best value to the Government.

(2) REPEAL.—The repeal of section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) made by subsection (f) shall take effect on the date that is 15 days after the date on which the certification under paragraph (1) is received by the congressional defense committees.

SEC. 122. FORD-CLASS AIRCRAFT CARRIER REPORT AND LIMITATION ON USE OF FUNDS.

(a) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of the Navy shall submit to the congressional defense committees a report on the effects of using a five-year interval for the construction of Ford-class aircraft carriers. The report shall include, at a minimum, an assessment of the effects of such interval on the following:

(1) With respect to the supplier base—

(A) the viability of the base, including suppliers exiting the market or other potential reductions in competition; and

(B) cost increases to the Ford-class aircraft carrier program.

(2) Training of individuals in trades related to ship construction.

(3) Loss of expertise associated with ship construction.

(4) The costs of—

(A) any additional technical support or production planning associated with the start of construction;

(B) material and labor;

(C) overhead; and

(D) other ship construction programs, including the costs of existing and future contracts.

(b) LIMITATION ON USE OF FUNDS.—With respect to the aircraft carrier designated CVN–79, none of the amounts authorized to be appropriated for fiscal year 2010 for research, development, test, and evaluation or advance procurement for such aircraft carrier may be obligated or expended for activities that would limit the ability of the Secretary of the Navy to award a construction contract for—

(1) such aircraft carrier in fiscal year 2012; or

(2) the aircraft carrier designated CVN–80 in fiscal year 2016.

SEC. 123. ADVANCE PROCUREMENT FUNDING.

(a) ADVANCE PROCUREMENT.—With respect to a naval vessel for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract, in advance of a contract for construction of any vessel, for any of the following:

(1) Components, parts, or materiel.

(2) Production planning and other related support services that reduce the overall procurement lead time of such vessel.

(b) AIRCRAFT CARRIER DESIGNATED CVN–79.—With respect to components of the aircraft carrier designated CVN–79 for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract for the advance construction of such components if the Secretary determines that cost savings, construction efficiencies, or workforce stability may be achieved for such aircraft carrier through the use of such contracts.

(c) CONDITION OF OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of

the United States to make a payment under such contract for any fiscal year after fiscal year 2010 is subject to the availability of appropriations for that purpose for such fiscal year.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2010 program year, for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft and Government-furnished equipment associated with such aircraft.

(b) REPORT OF FINDINGS.—Not less than 30 days before the date on which a contract is awarded under subsection (a), the Secretary of the Navy shall submit to the congressional defense committees a report containing the findings required under subsection (a) of section 2306b of title 10, United States Code.

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR DDG–51 BURKE-CLASS DESTROYERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2010 program year, for the procurement of DDG–51 Burke-class destroyers and Government-furnished equipment associated with such destroyers.

(b) REPORT OF FINDINGS.—Not less than 30 days before the date on which a contract is awarded under subsection (a), the Secretary of the Navy shall submit to the congressional defense committees a report containing the findings required under subsection (a) of section 2306b of title 10, United States Code.

Subtitle D—Air Force Programs

SEC. 131. REPEAL OF CERTIFICATION REQUIREMENT FOR F–22A FIGHTER AIRCRAFT.

Section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4378) is repealed.

SEC. 132. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

(a) PLAN.—The Secretary of the Air Force shall develop a plan for the preservation and storage of unique tooling related to the production of hardware and end items for F–22 fighter aircraft. The plan shall—

(1) ensure that the Secretary preserves and stores such tooling in a manner that allows the production of such hardware and end items to be restarted after a period of idleness;

(2) with respect to the supplier base of such hardware and end items, identify the costs of restarting production; and

(3) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) RESTRICTION ON THE USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for aircraft procurement, Air Force, for F–22 fighter aircraft may be obligated or expended for activities related to disposing of F–22 production tooling until a period of 45 days has elapsed after the date on which the Secretary submits to Congress a report describing the plan required by subsection (a).

SEC. 133. REPORT ON 4.5 GENERATION FIGHTER PROCUREMENT.

(a) IN GENERAL.—Not later than 90 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on 4.5 generation fighter aircraft procurement. The report shall include the following:

(1) The number of 4.5 generation fighter aircraft for procurement for fiscal years 2011 through 2025 necessary to fulfill the requirement of the Air Force to maintain not less than 2,200 tactical fighter aircraft.

(2) The estimated procurement costs for those aircraft if procured through single year procurement contracts.

(3) The estimated procurement costs for those aircraft if procured through multiyear procurement contracts.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary determines the amount of those savings to be substantial.

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) A discussion regarding the availability and feasibility of F–35s in fiscal years 2015 through fiscal year 2025 to proportionally and concurrently recapitalize the Air National Guard.

(7) The recommendations of the Secretary regarding whether Congress should authorize a multiyear procurement contract for 4.5 generation fighter aircraft.

(b) CERTIFICATIONS.—If the Secretary recommends under subsection (a)(7) that Congress authorize a multiyear procurement contract for 4.5 generation fighter aircraft, the Secretary shall submit to Congress the certifications required by section 2306b of title 10, United States Code, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2011.

(c) 4.5 GENERATION FIGHTER AIRCRAFT DEFINED.—In this section, the term ''4.5 generation fighter aircraft'' means current fighter aircraft, including the F–15, F–16, and F–18, that—

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

(2) have the ability to deploy current and reasonably foreseeable advanced armaments.

SEC. 134. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

At least 120 days before the date on which a C–5 aircraft is retired, the Secretary of the Air Force, in coordination with the Director of the Air National Guard, shall submit to the congressional defense committees a report on the proposed force structure and basing of strategic airlift aircraft (as defined in section 8062(g)(2) of title 10, United States Code). Each report shall include the following:

(1) A list of each aircraft in the inventory of strategic airlift aircraft, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(2) A list of each strategic airlift aircraft proposed for retirement, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(3) A list of each unit affected by a proposed retirement listed under paragraph (2) and how such unit is affected.

(4) For each military installation listed under paragraph (2)(C), any changes to the mission of the installation as a result of a proposed retirement.

(5) Any anticipated reductions in manpower as a result of a proposed retirement listed under paragraph (2).

(6) Any anticipated increases in manpower or military construction at a military installation as a result of an increase in force structure related to a proposed retirement listed under paragraph (2).

SEC. 135. STRATEGIC AIRLIFT FORCE STRUCTURE.

Subsection (g)(1) of section 8062 of title 10, United States Code, is amended—

(1) by striking ''2008'' and inserting ''2009''; and

(2) by striking ''299'' and inserting ''316''.

SEC. 136. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN RETIRED C–130E AIRCRAFT.

Section 134 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 31) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (b), by striking ''subsection (d)'' and inserting ''subsection (c)''.

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

(a) PROCUREMENT.—The Secretary of Defense shall ensure that body armor is procured using funds authorized to be appropriated by this title.

(b) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each procurement account, a separate, dedicated procurement line item is designated for body armor.

SEC. 142. UNMANNED CARGO-CARRYING-CAPABLE AERIAL VEHICLES.

None of the amounts authorized to be appropriated for procurement may be obligated or expended for an unmanned cargo-carrying-capable aerial vehicle until a period of 15 days has elapsed after the date on which the Vice Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Acquisition, Technology, and Logistics certify to the congressional defense committees that the Joint Requirements Oversight Council has approved a joint and common requirement for an unmanned cargo-carrying-capable aerial vehicle type.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,506,731,000.

(2) For the Navy, $19,622,528,000.

(3) For the Air Force, $28,508,561,000.

(4) For Defense-wide activities, $21,016,672,000, of which $190,770,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LIMITATION ON OBLIGATION OF FUNDS FOR THE NAVY NEXT GENERATION ENTERPRISE NETWORK.

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Navy submits to the congressional defense committees a detailed architectural specification for the Next Generation Enterprise Network.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for—

(1) operation and maintenance for the Continuity of Service Contract for the Navy-Marine Corps Intranet; and

(2) research, development, test, and evaluation for the Next Generation Enterprise Network.

SEC. 212. LIMITATION ON EXPENDITURE OF FUNDS FOR JOINT MULTI-MISSION SUBMERSIBLE PROGRAM.

None of the funds authorized to be appropriated by this or any other Act for fiscal year 2010 may be obligated or expended for the Joint Multi-Mission Submersible program until the Secretary of Defense, in consultation with the Director of National Intelligence—

(1) completes an assessment on the feasibility of a cost-sharing agreement between the Department of Defense and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), for the Joint Multi-Mission Submersible program;

(2) submits to the congressional defense committees and the intelligence committees the assessment referred to in paragraph (1); and

(3) certifies to the congressional defense committees and the intelligence committees that the agreement developed pursuant to the assessment referred to in paragraph (1) represents the most effective and affordable means of delivery for meeting a validated program requirement.

SEC. 213. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F-35B AND F-35C JOINT STRIKE FIGHTER AIRCRAFT.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within the Navy research, development, test, and evaluation account and the Navy aircraft procurement account, a separate, dedicated line item and program element is assigned to each of the F-35B aircraft and the F-35C aircraft, to the extent such accounts include funding for each such aircraft.

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF SELECTED ACQUISITION REPORT.

(a) RESTRICTION ON OBLIGATION OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 for Research and Development, Army, for the defense acquisition programs specified in subsection (b), not more than 50 percent may be obligated prior to the date on which the Secretary of Defense submits to the congressional defense committees the comprehensive annual Selected Acquisition Report for each such program for fiscal year 2009, as required by section 2432 of title 10, United States Code.

(b) PROGRAMS SPECIFIED.—The defense acquisition programs specified in this subsection are the following:

(1) Future Combat Systems program.

(2) Warfighter information network tactical program.

(3) Stryker vehicle program.

(4) Joint Air-to-Ground Missile program.

(5) Bradley Base Sustain program.

(6) Abrams Tank Improvement program.

(7) Javelin program.

SEC. 216. RESTRICTION ON OBLIGATION OF FUNDS FOR FUTURE COMBAT SYSTEMS PROGRAM PENDING RECEIPT OF REPORT.

Not more than 25 percent of the funds authorized to be appropriated by this Act or otherwise made available for Research and Development, Army, for fiscal year 2010 for the Future Combat Systems program may be obligated or expended until 15 days after the receipt of the report required by section 214(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364).

SEC. 217. LIMITATION OF THE OBLIGATION OF FUNDS FOR THE NET-ENABLED COMMAND AND CONTROL SYSTEM.

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 25 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of Defense submits to the congressional defense committees a plan for reorganizing and consolidating the management of the Net-Enabled Command and Control system and the Global Command and Control System family of systems.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for the Net-Enabled Command and Control system in the following program elements:

(1) 33158k.

(2) 33158a.

(3) 33158n.

(4) 33158m.

(5) 33158f.

SEC. 218. LIMITATION ON OBLIGATION OF FUNDS FOR F-35 LIGHTNING II PROGRAM.

Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation for the F-35 Lightning II program, not more than 75 percent may be obligated until the date that is 15 days after the later of the following dates:

(1) The date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees certification in writing that all funds made available for fiscal year 2010 for the continued development and procurement of a competitive propulsion system for the F-35 Lightning II have been obligated.

(2) The date on which the Secretary of Defense submits to the congressional defense committees the report required by section 123 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4376).

(3) The date on which the Secretary of Defense submits to the congressional defense committees the annual plan and certification for fiscal year 2010 required by section 231a of title 10, United States Code.

SEC. 219. PROGRAMS REQUIRED TO PROVIDE THE ARMY WITH GROUND COMBAT VEHICLE AND SELF-PROPELLED ARTILLERY CAPABILITIES.

(a) PROGRAM REQUIRED.—In accordance with the Weapons Systems Acquisition Reform Act of 2009 (Public Law 111-43), the Secretary of Defense shall carry out programs to develop, test, and, when demonstrated operationally effective, suitable, survivable, and affordable, field new or upgraded Army ground combat vehicle and self-propelled artillery capabilities.

(b) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of Defense shall deliver a report to the congressional defense committees that—

(1) specifies what vehicles, or upgraded vehicles, will constitute the Army's ground combat vehicle fleet in 2015;

(2) includes the status, schedule, cost estimates, and requirements for the programs specified in paragraph (1);

(3) includes any Army force structure modifications planned that impact the requirements for new ground combat vehicles;

(4) specifies, for each program included, the alternatives considered during any analysis of alternatives, and why those alternatives were not selected as the preferred program option;

(5) quantifies and describes the loss of knowledge to the industrial base should a future self-propelled artillery cannon not be developed immediately following the cancellation of the Non-Line-of-Sight Cannon, a Manned Ground Vehicle of Future Combat Systems; and

(6) with respect to the Army's future self-propelled howitzer artillery fleet, explains the Army's plan to develop and field—

(A) automated ammunition handling;

(B) laser ignition;

(C) improved ballistic accuracy;

(D) automated crew compartments;

(E) hybrid-electric power; and

(F) band track.

(c) RESTRICTION ON USE OF FUNDS.—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army for the program elements specified in subsection (d), not more than 50 percent may be obligated or expended until 15 days after the Secretary of Defense submits the report required under subsection (b).

(d) PROGRAMS SPECIFIED.—The restriction on use of funds in subsection (c) covers the following Army program elements:

(1) Combat Vehicle Improvement Program, program element 0203735A.

(2) Advanced Tank Armament System, program element 0603653A.

(3) Artillery Systems, program element 0604854A.

Subtitle C—Missile Defense Programs

SEC. 221. INTEGRATED AIR AND MISSILE DEFENSE SYSTEM PROJECT.

Of the amounts authorized to be appropriated for research and development of the Army Integrated Air and Missile Defense project (program element 63327A), not more than 25 percent may be obligated until the Secretary of Defense has certified to the congressional defense committees that the Secretary has—

(1) carried out a review of the project;

(2) determined that the project is an affordable, executable project;

(3) determined that the project meets a current required capability; and

(4) determined that no other project could be executed, at a lower cost, that would be capable of fulfilling the required capability to the same or approximate level of effectiveness as the Army Integrated Air and Missile Defense project.

SEC. 222. GROUND-BASED MIDCOURSE DEFENSE SUSTAINMENT AND MODERNIZATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a sustainment and modernization program to ensure the long-term reliability, availability, maintainability, and supportability of the ground-based midcourse defense system to protect the United States against limited ballistic missile attacks whether accidental, unauthorized, or deliberate.

(b) PROGRAM ELEMENTS.—The program required by subsection (a) shall include each of the following elements:

(1) Sustainment and operations.

(2) Aging and surveillance.

(3) System and component level assessments, engineering analysis, and modeling and simulation.

(4) Ground and flight testing.

(5) Readiness exercises.

(6) Modernization and enhancement.

(7) Any other element the Secretary determines is appropriate.

(c) CONSULTATION.—In implementing the program required by subsection (a), the Secretary of Defense shall consult with the commanders of the appropriate combatant commands to ensure the sustainment and modernization requirements of such commands are reflected in such program.

(d) BUDGET SUBMISSION REQUIREMENT.—For each budget submitted by the President to Congress under section 1105 of title 31, the Secretary of Defense shall concurrently submit to the congressional defense committees a report that clearly identifies the amounts requested for each of the program elements referred to in subsection (b).

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report outlining the long-term sustainment and modernization plan of the Department of Defense for the ground-based midcourse defense system.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OR DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2010 or any fiscal year thereafter may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and the ability to accomplish the mission.

SEC. 224. SENSE OF CONGRESS REAFFIRMING CONTINUED SUPPORT FOR PROTECTING THE UNITED STATES AGAINST LIMITED BALLISTIC MISSILE ATTACKS WHETHER ACCIDENTAL, UNAUTHORIZED, OR DELIBERATE.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress passed and the President signed the National Missile Defense Act of 1999 (Public Law 106-38), which stated: ''It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

(2) The United States has thus far deployed 26 long-range, Ground-based, Midcourse Defense (GMD) interceptors in Alaska and California to defend against potential long-range missiles from rogue states such as North Korea.

(3) Congress has fully funded the President's budget request for the GMD sites in Alaska and California in fiscal years 2008 and 2009, as well as continued development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system the capability to engage long-range ballistic missiles like the North Korean Taepo Dong-2.

(4) Senior defense and intelligence officials have indicated that the threat to the United States from long-range missiles from rogue states is limited.

(5) Senior military officials have testified that the original threat assessments of the long-range missile threat made by the Missile Defense Agency in 2002 were ''off by a factor of 10 or 20''.

(6) It is imperative that missile defense force structure and inventory be linked to the most likely threats and validated military requirements.

(7) The Secretary of Defense, the Chairman of the Joint Chiefs, the Commander of the United States Strategic Command's Joint Functional Component Command for Integrated Missile Defense, and the Director of the Missile Defense Agency have either testified or stated that 30 operationally deployed GMD interceptors would be adequate to defend against any rogue missile threat to the United States in the near- to mid-term.

(8) The Director of the Missile Defense Agency testified that, for the first time since the establishment of the Missile Defense Agency in 2002, key elements of the Department of Defense, such as the combatant commanders and the military services, played a major role in shaping the missile defense budget for fiscal year 2010.

(9) There is currently no existing military requirement justifying the need to deploy 44 GMD interceptors, nor has that number been validated by the Department of Defense's requirements process.

(10) In testimony before Congress this year, the Director of the Missile Defense Agency indicated that a number of GMD interceptors were removed from their silos for unscheduled maintenance and refurbishment because of unanticipated problems with the interceptors were discovered.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

(1) reaffirms the principles articulated in the National Missile Defense Act of 1999;

(2) should continue to fund robust research, development, test, and evaluation of the current GMD system deployed in Alaska in California to ensure that the system will work in an operationally effective, suitable, maintainable, and survivable manner to defend the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate);

(3) should continue the development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system a capability to counter long-range ballistic missiles like the North Korean Taepo Dong-2; and

(4) should set future missile defense force structure and inventory requirements based on a clear linkage to the threat and the military requirements process that takes into account the views of key Department of Defense stakeholders such as the combatant commanders and the military services.

SEC. 225. ASCENT PHASE MISSILE DEFENSE STRATEGY.

(a) DEPARTMENT OF DEFENSE STRATEGY FOR ASCENT PHASE MISSILE DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a strategy for ascent phase missile defense.

(b) MATTERS INCLUDED.—The strategy required by subsection (a) shall include each of the following:

(1) A description of the programs and activities contained, as of the date of the submission of the strategy, in the program of record of the Missile Defense Agency that provide or are planned to provide a capability to intercept ballistic missiles in their ascent phase.

(2) A description of the capabilities that are needed to accomplish the intercept of ballistic missiles in their ascent phase, including—

(A) the key technologies and associated technology readiness levels, plans for maturing such technologies, and any technology demonstrations for such capabilities;

(B) concepts of operation for how ascent phase capabilities would be employed, including the dependence of such capabilities on, and integration with, other functions, capabilities, and information, including those provided by other elements of the ballistic missile defense system;

(C) the criteria to be used to assess the technical progress, suitability, and effectiveness of such capabilities;

(D) a comprehensive plan for development and investment in such capabilities, including an identification of specific program and technology investments to be made in such capabilities;

(E) a description of how, and to what extent, ascent phase missile defense can leverage the capabilities and investments made in boost phase, midcourse, and any other layer or elements of the ballistic missile defense system;

(F) a description of any other challenges or limitations associated with ascent phase missile defense; and

(G) any other information the Secretary determines is necessary.

(c) FORM.—The strategy shall be submitted in unclassified form, but may include a classified annex.

SEC. 226. AVAILABILITY OF FUNDS FOR A MISSILE DEFENSE SYSTEM FOR EUROPE AND THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) Missile defense promotes the collective security of the United States and NATO and improves linkages among member nations of NATO by defending all members of NATO against the full range of missile threats.

(2) The Islamic Republic of Iran possesses the largest inventory of short-and medium-range ballistic missiles in the Middle East and these missiles represent a threat to Europe and United States interests and deployed forces in the region. Neither NATO nor the United States currently possesses sufficient theater missile defense capability to counter this threat from Iran.

(3) Iran does not currently possess a long-range ballistic missile capable of reaching the United States and, if it were to develop such a capability in the near future, the long-range Ground-based Midcourse Defense (GMD) interceptors currently deployed in Alaska have sufficient range to protect the United States against an emerging threat.

(4) It is in the interest of the United States to work cooperatively with NATO to counter these threats consistent with the direction provided in the statement by the Heads of State and Government participating in the meeting of the North Atlantic Council in Strasbourg/Kehl on April 4, 2009, that: ''we judge that missile threats should be addressed in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk.''

(5) The Director of Operational Test and Evaluation for the Department of Defense has raised concerns about the operational effectiveness, suitability, and survivability of the current GMD system, and the Director of the Missile Defense Agency testified before the House Armed Services Committee on May 21, 2009, that health and status indicators forced the agency to remove several long-range interceptors for unscheduled maintenance and refurbishment.

(6) The Fiscal Year 2008 Annual Report to Congress by the Director of Operational Test and Evaluation (DOT&E) stated: ''The inherent BDMS defensive capability against theater threats increased during the last fiscal year and DOT&E expects this trend to continue'' largely due to the continued progress of the AEGIS and Terminal High Altitude Area Defense (THAAD) systems in operational testing.

(7) The proposed European locations of the long-range missile defense system allow for the defense of both Europe and the United States against long-range threats launched from the Middle East, but a limited deployment of GMD interceptors on the east coast of the United States would provide comparable defense of our homeland and the most pressing threat to Europe is from medium-range ballistic missiles.

(b) RESERVATION OF FUNDS.—Of the funds made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $353,100,000 shall be available only for a missile defense system for Europe and the United States as described in paragraph (1) or (2) of subsection (c).

(c) USE OF FUNDS.—Funds reserved under subsection (b) may be obligated and expended by the Secretary of Defense—

(1) on the research, development, test, and evaluation of—

(A) the proposed midcourse radar element of the ground-based midcourse defense system in the Czech Republic; and

(B) the proposed long-range missile defense interceptor site element of such defense system in Poland; or

(2) on the research, development, test, and evaluation, procurement, site activation, construction, preparation of, equipment for, or deployment of an alternative integrated missile defense system that would protect Europe and the United States from the threats posed by all types of ballistic missiles, if the Secretary submits to the congressional defense committees a report certifying that the alternative missile defense system is expected to be—

(A) consistent with the direction of the North Atlantic Council to address ballistic missile threats to Europe and the United States in a prioritized manner that includes consideration of the level of imminence of the threat and the level of acceptable risk;

(B) at least as cost-effective, technically reliable, and operationally available in protecting Europe and the United States from missile threats as the ground-based midcourse defense system described in paragraph (1);

(C) deployable in a sufficient amount of time to counter current and emerging ballistic missile threats (as determined by the intelligence community) launched from the Middle East that could threaten Europe and the United States; and

(D) interoperable with other components of missile defense and compliments NATO's missile defense strategy.

Subtitle D—Reports

SEC. 231. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY STORAGE DEVICE REQUIREMENTS AND INVESTMENTS.

(a) ASSESSMENT REQUIRED.—The Comptroller General shall conduct an assessment of the degree to which requirements, technology goals, and research and procurement investments in energy storage technologies are coordinated within and among the military departments, appropriate Defense Agencies, and other elements of the Department of Defense. In carrying out such assessment, the Comptroller General shall—

(1) assess expenses incurred by the Department of Defense in the research, development, testing, and procurement of energy storage devices;

(2) compare quantities of types of devices in use or under development that rely on commercial energy storage technologies and that use military-unique, proprietary, or specialty devices;

(3) assess the process by which a determination is made by an acquisition official of the Department of Defense to pursue a commercially available or custom-made energy storage device;

(4) assess the coordination of Department of Defense-wide activities in energy storage device research, development, and use;

(5) assess whether there is a need for enhanced standardization of the form, fit, and function of energy storage devices, and if so, formulate a recommendation as to how, from an organizational standpoint, the Department should address that need; and,

(6) assess whether there are commercial advances in portable power technology, including hybrid systems, fuel cells, and electrochemical capacitors, that could be better leveraged by the Department.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings and recommendations of the Comptroller General with respect to the assessment conducted under subsection (a).

(c) COORDINATION.—In carrying out subsection (a), the Comptroller General shall coordinate with the Secretary of Energy and the heads of other appropriate Federal agencies.

SEC. 232. ANNUAL COMPTROLLER GENERAL REPORT ON THE F-35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the F-35 Lightning II aircraft acquisition program and shall, not later than March 15 of each of 2010 through 2015, submit to the congressional defense committees a report on the results of the most recent review.

(b) MATTERS TO BE INCLUDED.—Each report on the F-35 program under subsection (a) shall include each of the following:

(1) The extent to which the acquisition program is meeting development and procurement cost, schedule, and performance goals.

(2) The progress and results of developmental and operational testing and plans for correcting deficiencies in aircraft performance, operational effectiveness, and suitability.

(3) Aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

SEC. 233. REPORT ON INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

Of the amounts authorized to be appropriated in this Act for program element 35884L for intelligence planning and review activities, not more than 25 percent of such amounts may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Intelligence submits the report required under section 923(d)(1) of the National Defense Authorization Act for 2004 (Public Law 108-136; 117 Stat. 1576), including the elements of the report described in subparagraphs (D), (E), and (F) of such section 923(d)(1).

SEC. 234. REPORT ON FUTURE RESEARCH AND DEVELOPMENT OF MAN-PORTABLE AND VEHICLE-MOUNTED GUIDED MISSILE SYSTEMS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on future research and development of man-portable and vehicle-mounted guided missile systems to replace the current Javelin and TOW systems. Such report shall include—

(1) an examination of current requirements for anti-armor missile systems;

(2) an analysis of battlefield uses other than anti-armor;

(3) an analysis of changes required to the current Javelin and TOW systems to maximize effectiveness and lethality in situations other than anti-armor;

(4) an analysis of the current family of Javelin and TOW warheads and specifically detail how they address threats other than armor;

(5) an examination of the need for changes to current or development of additional warheads or a family of warheads to address threats other than armor;

(6) a description of any missile system design changes required to integrate current missile systems with current manned ground systems;

(7) a detailed and current analysis of the costs associated with the development of next-generation Javelin and TOW systems and additional warheads or family of warheads to address threats other than armor, integration costs for current vehicles, integration costs for future vehicles and possible efficiencies of developing and procuring these systems at low rate and full rate based on current system production; and

(8) an analysis of the ability of the industrial base to support development and production of current and future Javelin and TOW systems.

(b) RESTRICTION ON USE OF FUNDS.—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army, for missile and rocket

advanced technology (program element 0603313A), not more than 70 percent may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).

Subtitle E—Other Matters

SEC. 241. ACCESS OF THE DIRECTOR OF THE TEST RESOURCE MANAGEMENT CENTER TO DEPARTMENT OF DEFENSE INFORMATION.

Section 196 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

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

''(h) ACCESS TO INFORMATION.—The Director shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the duties of the Director under this section.''.

SEC. 242. INCLUSION IN ANNUAL BUDGET REQUEST AND FUTURE-YEARS DEFENSE PROGRAM OF SUFFICIENT AMOUNTS FOR CONTINUED DEVELOPMENT AND PROCUREMENT OF COMPETITIVE PROPULSION SYSTEM FOR F-35 LIGHTNING II.

(a) ANNUAL BUDGET.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 235. Budget for competitive propulsion system for F-35 Lightning II

''(a) ANNUAL BUDGET.—Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter, the Secretary of Defense shall include, in the materials submitted by the Secretary to the President, a request for such amounts as are necessary for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II.

''(b) FUTURE-YEARS DEFENSE PROGRAM.—In each future-years defense program submitted to Congress under section 221 of this title, the Secretary of Defense shall ensure that the estimated expenditures and proposed appropriations for the F-35 Lighting II, for each fiscal year of the period covered by that program, include sufficient amounts for the full funding of the continued development and procurement of a competitive propulsion system for the F-35 Lightning II.

''(c) REQUIREMENT TO OBLIGATE AND EXPEND FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 or any year thereafter, for research, development, test, and evaluation and procurement for the F-35 Lightning II Program, the Secretary of Defense shall ensure the obligation and expenditure in each such fiscal year of sufficient annual amounts for the continued development and procurement of two options for the propulsion system for the F-35 Lightning II in order to ensure the development and competitive production for the propulsion system for the F-35 Lightning II.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by at the end the following new item:

''235. Budget for competitive propulsion system for F-35 Lightning II.''.

(c) CONFORMING REPEAL.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 213.

SEC. 243. ESTABLISHMENT OF PROGRAM TO ENHANCE PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN DEFENSE RESEARCH PROGRAMS.

(a) PROGRAM ESTABLISHED.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

''§ 2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education

''(a) PROGRAM ESTABLISHED.—The Secretary of Defense, acting through the Director of Defense Research and Engineering and the Secretary of each military department, shall carry out a program to provide assistance to covered educational institutions to assist the Department in defense-related research, development, testing, and evaluation within the science, technology, engineering, and mathematics fields.

''(b) PROGRAM OBJECTIVE.—The objective of the program established under subsection (a) is to enhance science, technology, mathematics, and engineering research and education at covered educational institutions. Such objective shall be accomplished through initiatives designed to—

''(1) enhance research and educational capabilities of the institutions in areas of science, technology, engineering, or mathematics that are important to national defense, as determined by the Secretary;

''(2) encourage the participation of such institutions in the research, development, testing, and evaluation programs and activities of the Department of Defense;

''(3) increase the capacity of such institutions to contribute to the national security functions of the Department of Defense through participation in research, development, testing, and evaluation programs and activities in which such institutions might not otherwise have the opportunity to participate;

''(4) increase the number of graduates engaged in scientific, technological, mathematic, and engineering disciplines important to the national security functions of the Department of Defense, as determined by the Secretary;

''(5) conduct collaborative research and educational opportunities between such institutions and defense research facilities;

''(6) encourage research and educational collaborations between such institutions and other institutions of higher education; or

''(7) encourage research and educational collaborations between such institutions and business enterprises that historically perform defense-related research, development, testing and evaluation.

''(c) ASSISTANCE PROVIDED.—Under the program established by subsection (a), the Secretary of Defense may provide covered educational institutions with funding or technical assistance, including any of the following:

''(1) The competitive awarding of grants, cooperative agreements or contracts to establish Centers of Excellence for Research and Education in scientific disciplines important to national defense, as determined by the Secretary.

''(2) The competitive awarding of undergraduate scholarships or graduate fellowships in support of research in scientific disciplines important to national defense, as determined by the Secretary.

''(3) The competitive awarding of grants, cooperative agreements, or contracts for research in areas of science, technology, engineering, and mathematics that are important to national defense, as determined by the Secretary.

''(4) The competitive awarding of grants, cooperative agreements, or contracts for the acquisition of equipment or instrumentation necessary for the conduct of research, development, testing, evaluation or educational enhancements in scientific disciplines important to national defense, as determined by the Secretary.

''(5) Support to assist in attraction and retention of faculty in scientific disciplines critical to the national security functions of the Department of Defense.

''(6) Making Department of Defense personnel available to advise and assist faculty at such institutions in the performance of defense research in scientific disciplines critical to the national security functions of the Department of Defense.

''(7) Establishing partnerships between defense laboratories and such institutions to encourage involvement of faculty and students in scientific research important to the national security functions of the Department of Defense.

''(8) Encouraging the establishment of a program or programs creating partnerships between such institutions and corporations that have routinely been awarded research, development, testing, or evaluation contracts by the Secretary of Defense for the purpose of involving faculty and students in scientific research critical to the national security functions of the Department of Defense.

''(9) Encouraging the establishment of a program or programs creating partnerships between such institutions and other institutions of higher education that have experience in conducting research, development, testing, or evaluation programs with the Department of Defense for the purpose of involving faculty and students in scientific research critical to the national security functions of the Department of Defense.

''(10) Other such non-monetary assistance in support of defense research as the Secretary finds appropriate to enhance science, mathematics, or engineering programs at such institutions, which may be provided directly through the Department of Defense or through contracts or other agreements entered into by the Secretary with private-sector entities that have experience and expertise in the development and delivery of technical assistance services to such institutions.

''(d) DEFINITION OF COVERED EDUCATIONAL INSTITUTION.—In this section the term 'covered educational institution' means an institution of higher education eligible for assistance under title III or V of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2361 the following new item:

''2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.''.

SEC. 244. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (f) of section 2374a of title 10, United States Code, is amended by striking ''September 30, 2010'' and inserting ''September 30, 2013''.

SEC. 245. EXECUTIVE AGENT FOR ADVANCED ENERGETICS.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the executive agent for advanced energetics.

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

(1) ESTABLISHMENT.—Not later than one year after the date of the enactment of this Act, and in accordance with Directive 5101.1, the Secretary of Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) SPECIFICATION.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

(A) Assessment of the current state of, and advances in, research, development, and manufacturing technology of energetic materials in both foreign countries and the United States.

(B) Development of strategies to address matters identified as a result of the assessment described in subparagraph (A).

(C) Development of recommended funding strategies to retain sufficient explosive domestic

production capacity, continue the development of innovative munitions, and recruit the next generation of scientists and engineers of advanced energetics.

(D) Recommending changes to strengthen the energetic capabilities of the Department of Defense.

(E) Such other roles and responsibilities as the Secretary of Defense considers appropriate.

(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:

(1) The term ''Directive 5101.1'' means Department of Defense Directive 5101.1, dated September 3, 2002, or any successor directive relating to the responsibilities of an executive agent of the Department of Defense.

(2) The term ''executive agent'' had the meaning given the term ''DoD Executive Agent'' in Directive 5101.1.

SEC. 246. STUDY ON THORIUM-LIQUID FUELED REACTORS FOR NAVAL FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly carry out a study on the use of thorium-liquid fueled nuclear reactors for naval power needs pursuant to section 1012, of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 303).

(b) CONTENTS OF STUDY.—In carrying out the study required under subsection (a), the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall, with respect to naval power requirements for the Navy strike and amphibious force—

(1) compare and contrast thorium-liquid fueled reactor concept to the 2005 Quick Look, 2006 Navy Alternative Propulsion Study, and the navy CG(X) Analysis of Alternatives study;

(2) identify the benefits to naval operations which thorium-liquid fueled nuclear reactors or uranium reactors would provide to major surface combatants compared to conventionally fueled ships, including such benefits with respect to—

(A) fuel cycle, from mining to waste disposal;

(B) security of fuel supply;

(C) power needs for advanced weapons and sensors;

(D) safety of operation, waste handling and disposal, and proliferation issues compared to uranium reactors;

(E) no requirement to refuel and reduced logistics;

(F) ship upgrades and retrofitting;

(G) reduced manning;

(H) global range at flank speed, greater forward presence, and extended combat operations;

(I) power for advanced sensors and weapons, including electromagnetic guns and lasers;

(J) survivability due to increased performance and reduced signatures;

(K) high power density propulsion;

(L) operational tempo;

(M) operational effectiveness; and

(N) estimated cost-effectiveness; and

(3) conduct a ROM cost-effectiveness comparison of nuclear reactors in use by the Navy as of the date of the enactment of this Act, thorium-liquid fueled reactors, and conventional fueled major surface combatants, which shall include a comparison of—

(A) security, safety, and infrastructure costs of fuel supplies;

(B) nuclear proliferation issues;

(C) reactor safety;

(D) nuclear fuel safety, waste handling, and storage;

(E) power requirements and distribution for sensors, weapons, and propulsion; and

(F) capabilities to fully execute the Navy Maritime Strategic Concept.

(c) REPORT.—Not later than February 1, 2011, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report on the results of the study required under subsection (a).

SEC. 247. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

(a) AUTHORITY TO ESTABLISH.—The Secretary of Defense may establish a program to be known as the Visiting NIH Senior Neuroscience Fellowship Program at—

(1) the Defense Advanced Research Projects Agency; and

(2) the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury.

(b) ACTIVITIES OF THE PROGRAM.—In establishing the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary shall require the program to—

(1) provide a partnership between the National Institutes of Health and the Defense Advanced Research Projects Agency to enable identification and funding of the broadest range of innovative, highest quality clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(2) provide a partnership between the National Institutes of Health and the Defense Center of Excellence for Psychological Health and Traumatic Brain Injury that will enable identification and funding of clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(3) use the results of the studies described in paragraph (1) and (2) to enhance the mission of the National Institutes of Health for the benefit of the public; and

(4) provide a military and civilian collaborative environment for neuroscience-based medical problem-solving in critical areas affecting both military and civilian life, particularly post-traumatic stress disorder.

(c) PERIOD OF FELLOWSHIP.—The period of any fellowship under the Program shall not last more than 2 years and shall not continue unless agreed upon by the parties concerned.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,398,432,000.

(2) For the Navy, $35,330,997,000.

(3) For the Marine Corps, $5,570,823,000.

(4) For the Air Force, $34,451,654,000.

(5) For Defense-wide activities, $29,016,532,000.

(6) For the Army Reserve, $2,572,196,000.

(7) For the Naval Reserve, $1,292,501,000.

(8) For the Marine Corps Reserve, $228,925,000.

(9) For the Air Force Reserve, $3,088,528,000.

(10) For the Army National Guard, $6,268,884,000.

(11) For the Air National Guard, $5,919,461,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,932,000.

(13) For the Acquisition Development Workforce Fund, $100,000,000.

(14) For Environmental Restoration, Army, $415,864,000.

(15) For Environmental Restoration, Navy, $285,869,000.

(16) For Environmental Restoration, Air Force, $494,276,000.

(17) For Environmental Restoration, Defense-wide, $11,100,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $267,700,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $109,869,000.

(20) For Cooperative Threat Reduction programs, $434,093,000.

(21) For the Overseas Contingency Operations Transfer Fund, $5,000,000.

Subtitle B—Environmental Provisions

SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF AVAILABLE FUNDS FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

Section 2694c of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''to carry out this section'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) SOURCE OF FUNDS.—(1) Amounts described in paragraph (2) shall be available for activities under this section.

''(2) Amounts described in this paragraph are amounts available for any of the following:

''(A) Operation and maintenance.

''(B) Military construction.

''(C) Research, development, test, and evaluation.

''(D) The Support for United States Relocation to Guam Account established under section 2824 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4730; 10 U.S.C. 2687 note).''.

SEC. 312. REAUTHORIZATION OF TITLE I OF SIKES ACT.

(a) REAUTHORIZATION.—Section 108 of the Sikes Act (16 U.S.C. 670f) is amended by striking ''fiscal years 2004 through 2008'' each place it appears and inserting ''fiscal years 2010 through 2015''.

(b) CLARIFICATION OF AUTHORIZATIONS.—Such section is further amended—

(1) in subsection (b), by striking ''There are authorized'' and inserting ''Of the amounts authorized to be appropriated to the Department of Defense, there are authorized''; and

(2) in subsection (c), by striking ''There are authorized'' and inserting ''Of the amounts authorized to be appropriated to the Department of the Interior, there are authorized''.

SEC. 313. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) AUTHORITY.—Section 103 of the Sikes Act (16 U.S.C. 670c-1) is amended—

(1) in subsection (a)—

(A) by inserting after ''and individuals'' the following: '', and into interagency agreements with the heads of other Federal departments and agencies,''; and

(B) in paragraph (2), by inserting ''or interagency agreement'' after ''cooperative agreement'';

(2) in subsection (b), by inserting ''or interagency agreement'' after ''cooperative agreement''; and

(3) in subsection (c), by inserting ''and interagency agreements'' after ''cooperative agreements'' the first place it appears.

(b) CLERICAL AMENDMENTS.—The heading for such section is amended by inserting ''**AND INTERAGENCY**'' after ''**COOPERATIVE**''and the table of contents for such Act is conformed accordingly.

SEC. 314. REAUTHORIZATION OF PILOT PROGRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY INSTALLATIONS IN GUAM.

Section 101(g)(1) of the Sikes Act (16 U.S.C. 670a(g)(1)) is amended by striking ''fiscal years 2004 through 2008'' and inserting ''fiscal years 2010 through 2015''.

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $68,623 during fiscal year 2010 to the Former Nansemond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is final payment to reimburse the Environmental Protection Agency for all costs incurred in overseeing a time critical removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) of this Act for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the agency at the Former Nansemond Ordnance Depot Site.

Subtitle C—Workplace and Depot Issues

SEC. 321. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) REQUIREMENT.—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) by striking ''A function'' and inserting ''No function'';

(2) by striking ''10 or more''; and

(3) by striking ''may not be converted'' and inserting ''may be converted''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 540 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

''(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.

''(C) In this paragraph, the term 'preliminary planning' with respect to a public-private competition means any action taken to carry out any of the following activities:

''(i) Determining the scope of the competition.

''(ii) Conducting research to determine the appropriate grouping of functions for the competition.

''(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

''(iv) Determining the baseline cost of any function for which the competition is conducted.''.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 323. INCLUSION OF INSTALLATION OF MAJOR MODIFICATIONS IN DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 2460 of title 10, United States Code, is amended in the second sentence—

(1) by striking ''and'' before ''(2)''; and

(2) by inserting before the period at the end the following: '', and (3) the installation of major modifications, including performance or safety modifications''.

SEC. 324. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

The second sentence of section 4544(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ''in addition to the contracts and cooperative agreements in effect as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181)''.

SEC. 325. COST-BENEFIT ANALYSIS OF ALTERNATIVES FOR PERFORMANCE OF PLANNED MAINTENANCE INTERVAL EVENTS AND CONCURRENT MODIFICATIONS PERFORMED ON THE AV-8B HARRIER WEAPONS SYSTEM.

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Navy, in consultation with the Commandant of the Marine Corps, shall carry out a thorough economic analysis of the costs and benefits associated with each alternative the Secretary is considering for the performance of planned maintenance interval events and concurrent or stand alone modifications performed on the AV-8B Harrier weapons system. Such analysis shall be performed in accordance with Department of Defense Instruction 7043.1, entitled ''Economic Analysis for Decisionmaking'', and Office of Management and Budget Circular A-94, entitled ''Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs'' and dated October 29, 1992, and, for each such alternative, shall include an assessment of the following:

(1) The effect of the loss of workload on organic depot labor rates associated with each alternative.

(2) The effect on the depot net operating result for each such alternative.

(3) The effect on long-term sustainment of depot-level capabilities for future support of core workload throughout the life cycle of the AV8B Harrier weapons system.

(4) The risk to readiness, the aviation safety risk, and the enterprise-wide financial risk associated with each such alternative.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the cost-benefit analysis required in subsection (a). The report shall include each of the following:

(1) The criteria and rationale used to classify work as organization-level maintenance or depot-level maintenance.

(2) An explanation of the core logistics capabilities and associated workload requirements for the AV-8B weapons system, including an explanation of how such requirements were determined and rationale for classifying the planned maintenance interval events and concurrent or stand alone modifications on the AV-8B as above core workload.

(3) An assessment of the effects of proposed workload transfer on the Department of the Navy's division of depot maintenance funding between public and private sectors in accordance with section 2466(a) of title 10, United States Code.

(c) PROHIBITION ON CONTRACTING ACTIVITIES.—The Secretary of the Navy may not enter into a contract for the performance of planned maintenance interval events or associated depot-level maintenance activities, including concurrent or stand alone modifications, by non-Federal Government personnel until 90 days after the date on which the Secretary completes the assessment required under subsection (a) and submits the report required under subsection (b).

SEC. 326. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TEMPORARY SUSPENSION OF PENDING STUDIES.—The Secretary of Defense shall halt all pending public-private competitions being conducted pursuant to section 2461 of title 10, United States Code, or Office of Management and Budget Circular A-76 that had not resulted in conversion to performance to a contractor as of March 26, 2009, until such time as the Secretary may review such competitions.

(b) REVIEW AND APPROVAL PROCESS.—

(1) REVIEW REQUIRED.—Before recommencing any pending study for a public-private competition halted under subsection (a), the Secretary of Defense shall review all the studies halted by reason of that subsection and take the following actions with respect to each such study:

(A) Describe the methodology and data sources along with outside resources to gather and analyze information necessary to estimate cost savings.

(B) Certify that the estimated savings are still achievable.

(C) Document the rationale for rejecting an individual command's request to cancel, defer, or reduce the scope of a decision to conduct the study.

(D) Consider alternatives to the study that would provide savings and improve performance such as internal reorganizations.

(E) Include any other relevant information to justify recommencement of the study.

(2) TERMINATION OF CERTAIN STUDIES.—The Secretary of Defense shall terminate any study for a public-private competition that has been conducted for longer than 18 months (beginning with preliminary planning and ending with the exhaustion of General Accountability Office protests), or submit to Congress a written justification for continuing of the study.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense may not recommence a study halted pursuant to subsection (a) until the Secretary submits to Congress a report describing the actions taken by the Secretary under paragraphs (1) and (2) of subsection (b).

SEC. 327. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

During the period beginning on the date of the enactment of this Act and ending on September 30, 2012, no study or competition regarding the conversion to performance by a contractor of any Department of Defense function may be begun or announced pursuant to 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76.

SEC. 328. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for pre-award and post-award debriefings of Federal employee representatives in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f)), and subparts 15.505 and 15.506 (as in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

SEC. 329. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

(a) PROTEST JURISDICTION OF THE COMPTROLLER GENERAL.—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(E) Conversion of a function that is being performed by Federal employees to private sector performance.''.

(b) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

''(i) any official who is responsible for submitting the agency tender in such competition; and''.

(c) PREJUDICE TO FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Section 3557 of title 31, United States Code, is amended—

(A) by inserting ''(a) EXPEDITED ACTION.—'' before ''For any protest''; and

(B) by adding at the end the following new subsection:

''(b) INJURY TO FEDERAL EMPLOYEES.—In the case of a protest filed by an interested party described in subparagraph (B) of section 3551(2) of this title, a showing that a Federal employee has been displaced from performing a function or part thereof, and that function is being performed by the private sector, is sufficient evidence that a conversion has occurred resulting in concrete injury and prejudice to the Federal employee as a consequence of agency action.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) The heading of section 3557 of such title is amended to read as follows:

''§ 3557. Protests of public-private competitions''.

(B) The item relating to section 3557 in the table of sections at the beginning of chapter 35 of such title is amended to read as follows:

''3557. Protests of public-private competitions.''.

(d) DECISIONS ON PROTESTS.—Section 3554(b) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively;

(2) by inserting after subparagraph (E) the following new subparagraph (F):

''(F) cancel the solicitation issued pursuant to the public-private competition conducted under Office of Management and Budget Circular A-76 or any successor circular;''; and

(3) in subparagraph (G), as redesignated by paragraph (1), by striking '', and (E)'' an inserting '', (E), and (G)''.

(e) APPLICABILITY.—The amendments made by this section shall apply—

(1) to any protest or civil action that relates to a public-private competition conducted after the date of the enactment of this Act under Office of Management and Budget Circular A-76, or any successor circular; or

(2) to a decision made after the date of the enactment of this Act to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76.

Subtitle D—Energy Security

SEC. 331. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.

Of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide, $5,000,000 is for the Director of Operational Energy Plans and Programs to carry out the duties prescribed for the Director under section 139b of title 10, United States Code, to be made available upon the confirmation of an individual to serve as the Director of Operational Energy Plans and Programs.

SEC. 332. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON FUEL DEMAND MANAGEMENT AT FORWARD-DEPLOYED LOCATIONS.

Not later than February 1, 2010, the Director of Operational Energy Plans and Programs of the Department of Defense (or, in the event that no individual has been confirmed as the Director, the Secretary of Defense) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any specific actions that have been taken to implement the following three recommendations made by the Comptroller General:

(1) The recommendation that each of the combatant commanders establish requirements for managing fuel demand at forward-deployed locations within their respective areas of responsibility.

(2) The recommendation that the head of each military department develop guidance to implement such requirements.

(3) The recommendation that the Chairman of the Joint Chiefs of Staff require that fuel demand considerations be incorporated into the Joint Staff's initiative to develop joint standards of life support at forward-deployed locations.

SEC. 333. CONSIDERATION OF RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary of Defense shall consider renewable fuels, including domestically produced algae-based, biodiesel, and biomass-derived fuels, for testing, certification, and use in aviation, maritime, and ground transportation fleets.

(b) REPORT.—Not later than February 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Secretary's consideration of renewable fuels that includes each of the following:

(1) An assessment of the use of renewable fuels, including domestically produced algae-based, biodiesel, and biomass-derived fuels, as alternative fuels in aviation, maritime, and ground transportation fleets (including tactical vehicles and applications). Such assessment shall include technical, logistical, and policy considerations.

(2) An assessment of whether it would be beneficial to establish a renewable fuel commodity class that is distinct from petroleum-based products.

SEC. 334. DEPARTMENT OF DEFENSE GOAL REGARDING PROCUREMENT OF RENEWABLE AVIATION FUELS.

(a) Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2922g. Goal regarding procurement of renewable aviation fuels

''It shall be the goal of the Department of Defense—

''(1) for fiscal year 2025, and each subsequent fiscal year, to procure from renewable aviation fuel sources not less than 25 percent of the total quantity of aviation fuel consumed by the Department of Defense in the contiguous United States; and

''(2) to procure fuels from renewable aviation fuel sources whenever the use of such renewable

aviation fuels is consistent with the operational energy strategy required by section 139b(d) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2922f the following new item:

''2922g. Goal regarding procurement of renewable aviation fuels.''.

Subtitle E—Reports

SEC. 341. ANNUAL REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.

Section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter, the Secretary, acting through the Executive Agent, shall submit to the congressional defense committees a report on the procurement of military working dogs for the fiscal year preceding the fiscal year during which the report is submitted. Such a report may be combined with the report required under section 2582(f) of title 10, United States Code, for the same fiscal year as the fiscal year covered by the report under this subsection. Each report under this subsection shall include the following for the fiscal year covered by the report:

''(1) The number of military working dogs procured from domestic breeders by each military department or Defense Agency.

''(2) The number of military working dogs procured from non-domestic breeders by each military department or Defense Agency.

''(3) The total cost of procuring military working dogs from domestic breeders and the total cost of procuring such dogs from non-domestic breeders.

''(4) The total cost of procuring military working dogs for each military department or Defense Agency.''.

Subtitle F—Other Matters

SEC. 351. AUTHORITY FOR AIRLIFT TRANSPORTATION AT DEPARTMENT OF DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL CARGOES.

(a) IN GENERAL.—Section 2642(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, for military airlift services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of airlift capacity without any negative effect on national security objectives or the national security interests contained within the United States commercial air industry.''.

(b) ANNUAL REPORT.—Not later than March 1 of each year for which the paragraph (3) of section 2642(a) of title 10, United States Code, as added by subsection (a), is in effect, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report describing, in detail, the Secretary's use of the authority under that paragraph, including—

(1) how the authority was used;

(2) the frequency of use of the authority;

(3) the Secretary's rationale for the use of the authority; and

(4) for which agencies the authority was used.

SEC. 352. REQUIREMENTS FOR STANDARD GROUND COMBAT UNIFORM.

The Secretary of Defense, in consultation with the Director of the Defense Logistics Agency, shall standardize the design of future ground combat uniforms. The future ground combat uniforms designed pursuant to this section shall be designed to—

(1) increase the interoperability of ground combat forces;

(2) eliminate any uniqueness that could pose a tactical risk in a theater of operations;

(3) maximize conformance with personal protective gear and body armor;

(4) ensure standard coloration and pattern for the uniform;

(5) be appropriate to the terrain, climate, and conditions in which the forces may be operating;

(6) minimize production costs; and

(7) minimize costs to the services for issuing the new standard ground combat uniform.

SEC. 353. RESTRICTION ON USE OF FUNDS FOR COUNTERTHREAT FINANCE EFFORTS.

(a) RESTRICTION.—Of the amounts authorized to be appropriated by this Act for fiscal year 2010, not more than 90 percent may be obligated or expended to support personnel and operations for Department of Defense counterthreat finance efforts, except for activities carried out by Department of Defense personnel and by personnel employed pursuant to a contract entered into by the Secretary of Defense, until the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Treasury, and the Attorney General, submits to the congressional defense committees a report on—

(1) the nature and extent of the mission of such counterthreat finance efforts;

(2) the nature and extent of future cost requirements associated with the mission;

(3) the nature and extent of Department of Defense resources required to support the mission;

(4) the nature and extent of support, including personnel and funding support, from other departments and agencies required to execute the mission, including Department of Defense force planning and funding initiatives; and

(5) the nature and extent of both existing and future contractor support necessary to meet the mission requirements of the mission.

(b) COUNTERTHREAT FINANCE EFFORTS DEFINED.—In this section, the term ''counterthreat finance efforts'' has the meaning given that term pursuant to the Department of Defense memorandum dated December 2, 2008, and entitled ''Directive-Type Memorandum 08-034 – DOD Counterthreat Finance Policy'' or any successor memorandum or related guidelines or regulations.

SEC. 354. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2010 for the Office of the Secretary of Defense for budget activity four, line 270, not more than 90 percent may be obligated until 15 days after the information cited in the classified annex accompanying this Act relating to the provision of classified justification material to Congress is provided to the congressional defense committees.

SEC. 355. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) TACTICAL WHEELED VEHICLES PROGRAM.—The Secretary of the Army may conduct a 12-month condition-based maintenance demonstration program on tactical wheeled vehicles, specifically the high mobility multi-purpose wheeled vehicle, the heavy expanded mobility tactical truck and the family of medium tactical vehicles.

(b) GUIDED MISSILE DESTROYER PROGRAM.—The Secretary of the Navy may conduct a 12-month demonstration program on at least four systems or components of the guided missile destroyer class of surface combatant ships.

(c) ISSUES TO BE ADDRESSED.—The demonstration programs described in subsections (a) and (b) shall address—

(1) the top 10 maintenance issues;

(2) non-evidence of failures; and

(3) projected return on investment analysis for a 10-year period.

(d) OPEN ARCHITECTURE.—The demonstration programs' design, system integration, and operations shall be conducted with an open architecture designed to—

(1) interface with the extensible markup language industry standard to provide diagnostic and prognostic reasoning for systems, subsystems or components;

(2) facilitate common software systems, diagnostics tools, reference models, diagnostics reasoners, electronic libraries, and user interfaces for multiple ship and vehicle types; and

(3) support the Department of Defense's Class V interactive electronic technical manual operations.

(e) REPORT.—The Secretary of the Army and the Secretary of the Navy shall submit a report to the congressional defense committees, not later than October 1, 2010, that assesses whether the respective military department could reduce maintenance costs and improve operational readiness by implementing condition-based maintenance for the current and future tactical wheeled vehicle fleets and Navy surface combatants.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Subtitle B—Reserve Forces

Subtitle C—Authorization of Appropriations

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2010, as follows:

(1) The Army, 547,400.

(2) The Navy, 328,800.

(3) The Marine Corps, 202,100.

(4) The Air Force, 331,700.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 547,400.

''(2) For the Navy, 328,800.

''(3) For the Marine Corps, 202,100.

''(4) For the Air Force, 331,700.''.

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE DUTY END STRENGTHS FOR FISCAL YEARS 2011 AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE DUTY END STRENGTHS.—

(1) AUTHORITY.—For each of fiscal years 2011 and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number

greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army active duty end strengths under paragraphs (1) and (2) are—

(A) to support operational missions; and

(B) to achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(3) FISCAL-YEAR 2010 BASELINE.—In this subsection, the term ''fiscal-year 2010 baseline'', with respect to the Army, means the active-duty end strength authorized for those services in section 401(1).

(4) ACTIVE-DUTY END STRENGTH.—In this subsection, the term ''active-duty end strength'' means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—If the Secretary of Defense determines under subsection (a) that an increase in the Army active duty end strength for a fiscal year is necessary, then the budget for the Department of Defense for that fiscal year as submitted to the President shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2010 active duty end strength authorized for the Army under section 401(1).

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2010, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,700.

(6) The Air Force Reserve, 69,500.

(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,818.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,555.

(6) The Air Force Reserve, 2,896.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2010 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,395.

(2) For the Army National Guard of the United States, 27,210.

(3) For the Air Force Reserve, 10,417.

(4) For the Air National Guard of the United States, 22,313.

SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:

(A) For the Army National Guard of the United States, 2,191.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2010, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2010, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2010, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

SEC. 416. SUBMISSION OF OPTIONS FOR CREATION OF TRAINEES, TRANSIENTS, HOLDEES, AND STUDENTS ACCOUNT FOR ARMY NATIONAL GUARD.

(a) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of the Army shall submit to the congressional defense committees a report evaluating options, and including a recommendation, for the creation of a Trainees, Transients, Holdees, and Students Account within the Army National Guard.

(b) ELEMENTS OF REPORT.—At a minimum, the report shall address—

(1) the timelines, cost, force structure changes, and end strength changes associated with each option;

(2) the force structure and end strength changes and growth of the Army National Guard needed to support such an account;

(3) how creation of such an account may affect plans under the Grow the Force initiative; and

(4) the impact of such an account on readiness and training ratings for Army National Guard forces.

(c) SENSE OF CONGRESS REGARDING ARMY NATIONAL GUARD END STRENGTH.—

(1) FINDINGS.—Congress finds the following:

(A) The President's budget for fiscal year 2010 included a 2.82 percent increase in end strength for the Army, but only a 1.59 percent end strength increase for the Army National Guard.

(B) The disproportionate growth in the end strengths of the reserve components is inconsistent with the emphasis placed by the Department of Defense on responding to asymmetric threats at home and abroad.

(2) SENSE OF CONGRESS.—In light of such findings, Congress is concerned about unit readiness and the effect of pre-deployment cross-leveling on the Army National Guard and it is the sense of Congress that an increase in Army National Guard end strength should be considered in the deliberations of the next quadrennial defense review conducted under section 118 of title 10, United States Code.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2010 a total of $135,723,781,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.

SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REPEAL.—Section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4581) is repealed.

(b) EFFECT ON EARLIER TRANSFER.—The repeal of section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 by subsection (a) shall not affect the validity of the transfer of funds made pursuant to subsection (e) of such section before the date of the enactment of this Act.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Military Personnel Policy Generally

SEC. 501. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM NUMBER OF DAYS' LEAVE MEMBERS MAY ACCUMULATE AND CARRYOVER.

Section 701(d) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

SEC. 502. RANK REQUIREMENT FOR OFFICER SERVING AS CHIEF OF THE NAVY DENTAL CORPS TO CORRESPOND TO ARMY AND AIR FORCE REQUIREMENTS.

Section 5138(a) of title 10, United States Code, is amended—

(1) by striking ''not below the grade of rear admiral (lower half) shall be detailed'' and inserting ''shall be appointed''; and

(2) by adding at the end the following new sentence: ''An appointee who holds a lower regular grade shall be appointed as Chief of the Dental Corps in the regular grade of rear admiral.''.

SEC. 503. COMPUTATION OF RETIREMENT ELIGIBILITY FOR ENLISTED MEMBERS OF THE NAVY WHO COMPLETE THE SEAMAN TO ADMIRAL (STA–21) OFFICER CANDIDATE PROGRAM.

Section 6328 of title 10, United States Code, is amended by adding the following new subsection:

''(c) TIME SPENT IN SEAMAN TO ADMIRAL PROGRAM.—The months of active service after January 1, 2011, in pursuit of a baccalaureate-level degree under the Seaman to Admiral (STA-21) program of the Navy for officer candidates selected for the program after January 11, 2010, shall be excluded in computing the years of service of an officer who was appointed to the grade of ensign in the Navy upon completion of the program to determine the eligibility of the officer for voluntary retirement. Such active service shall be counted in computing the years of active service of the officer for all other purposes.''.

Subtitle B—Joint Qualified Officers and Requirements

SEC. 511. REVISIONS TO ANNUAL REPORTING REQUIREMENT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and their education and experience''; and

(B) by adding at the end the following new subparagraph:

''(C) A comparison of the number of officers who were designated as a joint qualified officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a joint qualified officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.''.

(2) by striking paragraphs (3), (4), (6), and (12);

(3) by redesignating paragraph (5) as paragraph (3);

(4) by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively;

(5) by inserting after paragraph (8), as so redesignated, the following new paragraph:

''(9) With regard to the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

''(A) The Joint Forces Staff College.

''(B) The National Defense University.

''(C) Senior Service Schools.''; and

(6) by redesignating paragraph (13) as paragraph (10).

Subtitle C—General Service Authorities

SEC. 521. MEDICAL EXAMINATION REQUIRED BEFORE SEPARATION OF MEMBERS DIAGNOSED WITH OR ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) MEDICAL EXAMINATION REQUIRED.—

(1) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following new section:

''§ 1177. Members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before separation

''(a) MEDICAL EXAMINATION REQUIRED.—(1) If a member of the armed forces who has been deployed overseas in support of a contingency operation is diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury or otherwise asserts the influence of such a condition, the Secretary concerned may not authorize the involuntarily separation of the member or separation of the member under conditions other than honorable until after the member receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

''(2) In a case involving post-traumatic stress disorder, the medical examination shall be performed by a clinical psychologist or psychiatrist. In other cases, the examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, whoever is determined to be most appropriate.

''(b) PURPOSE OF MEDICAL EXAMINATION.—The medical examination required by subsection (a) shall endeavor to assess the degree to which the behavior of the member, on which the initial recommendation for an involuntarily separation or separation under conditions other than honorable is based, has been affected by post-traumatic stress disorder or traumatic brain injury.

''(c) SECRETARIAL DISCRETION.—The Secretary concerned shall review the medical examination performed under subsection (a) with respect to a member, and the findings and conclusions of any physical evaluation board conducted with respect the member, to determine the appropriate course of action with regard to the separation of the member.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1176 the following new item:

''1177. Members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury: physical evaluation board review before separation.''.

(b) REVIEW OF PREVIOUS DISCHARGES AND DISMISSALS.—Section 1553 of such title is amended by adding at the end the following new subsection:

''(d)(1) In the case of a former member of the armed forces who, while a member, was deployed in support of a contingency operation and who, at any time after such deployment, was diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury, a board established under this section to review

the former member's discharge or dismissal shall include a member who is a physician, clinical psychologist, or psychiatrist.

''(2) In the case of a former member described in paragraph (1) or a former member whose case involves personal health care issues as supporting rationale or as justification for priority consideration, the Secretary concerned shall render a final decision within six months of the receipt of an application to review a discharge or dismissal. The Secretary may delay a final decision beyond six months if the Secretary determines that, due to administrative reasons or to serve the best interest of the former member, a final decision cannot be rendered within such six-month period.

''(3) When authorized by a former member described in paragraph (1) or (2), a Member of Congress shall be advised of the decision of the board conducting the review of the former member's discharge or dismissal and the rationale used to support the decision.''.

SEC. 522. EVALUATION OF TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN IMPROVING QUALIFICATIONS OF RECRUITS FOR THE ARMED FORCES.

Section 546(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2215) is amended—

(1) in the second sentence, by striking ''in training and unit settings'' and inserting ''during training and unit assignments''; and

(2) by adding at the end the following new sentence: ''Data to make the comparison between the two groups shall be derived from existing sources, which may include performance ratings, separations, promotions, awards and decorations, and reenlistment statistics.''.

SEC. 523. INCLUSION OF EMAIL ADDRESS ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note) is amended—

(1) by inserting ''(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES.—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) INCLUSION OF EMAIL ADDRESS.—The Secretary of Defense shall further modify the DD Form 214 in order to permit a member of the Armed Forces to include an email address on the form.''.

Subtitle D—Education and Training

SEC. 531. APPOINTMENT OF PERSONS ENROLLED IN ADVANCED COURSE OF THE ARMY RESERVE OFFICERS' TRAINING CORPS AT MILITARY JUNIOR COLLEGES AS CADETS IN ARMY RESERVE OR ARMY NATIONAL GUARD OF THE UNITED STATES.

Section 2107a(h) of title 10, United States Code, is amended—

(1) by striking ''17 cadets'' and inserting ''22 cadets'';

(2) by striking ''17 members'' and inserting ''22 members''; and

(3) by striking ''17 such members'' and inserting ''22 such members''.

SEC. 532. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking ''10 full-time student positions'' and inserting ''20 full-time student positions''.

SEC. 533. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking ''One cadet'' and inserting ''Two cadets''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking ''One'' and inserting ''Two''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking ''One cadet'' and inserting ''Two cadets''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 534. PILOT PROGRAM TO ESTABLISH AND EVALUATE LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to establish at least three Language Training Centers at accredited universities, senior military colleges, or other similar institutions of higher education to create the foundational critical and strategic language and regional area expertise, as defined by the Secretary of Defense, for members of the Armed Forces, including reserve component members and Reserve Officers' Training Corps candidates, and civilian employees of the Department of Defense.

(b) DURATION.—

(1) TERMINATION DATE.—The Language Training Centers under the pilot program shall be established not later than October 1, 2010, and the authority to support the Language Training Centers under the pilot program shall terminate on September 30, 2015.

(2) EFFECT ON PARTICIPANTS.—Students participating in the pilot program before the termination date specified in paragraph (1) may be allowed to complete their studies under the program after that date.

(c) PILOT PROGRAM REQUIREMENTS.—At a minimum, the Language Training Centers shall—

(1) develop a program to graduate members of the Armed Forces and civilian employees of the Department who are skilled in critical and strategic languages from beginning through advanced skill levels;

(2) develop language proficiency training programs in designated critical and strategic languages tailored to meet operational readiness requirements;

(3) develop alternative training delivery systems and modalities to meet language and regional area requirements, prior to deployment, during deployment, and post-deployment;

(4) develop critical and strategic language programs that can be incorporated into Reserve Officers' Training Corps units to develop language skills among future military officers;

(5) develop training and education programs that would expand the pool of qualified instructors and educators for the Armed Forces; and

(6) develop a program to encourage native and heritage speakers of critical and strategic languages for recruitment into the Department of Defense or support the Civilian Linguist Reserve Corps.

(d) PROGRAM EXPANSION.—The Language Training Centers may partner with elementary and secondary educational institutions to help develop critical and strategic language skills in students who may pursue a military career.

(e) PROGRAM COORDINATION.—The Secretary of Defense shall ensure that the Language Training Centers build upon and take advantage of the experience and leadership of the National Security Education Program and the Defense Language Institute.

(f) EVALUATION.—The Secretary of Defense shall evaluate each Language Training Center in order to assess the cost and the effectiveness of the pilot program, including the following:

(1) The success of the Language Training Center in providing critical and strategic language capabilities to members and Department of Defense employees.

(2) The ability of the Language Training Center to create foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap;

(g) REPORT TO CONGRESS.—Not later than December 31, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program. The report shall include the following:

(1) A description of each Language Training Center.

(2) An assessment of the effectiveness and the cost of the pilot program taken to create the foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap.

(3) The success of each Language Training Center to provide critical and strategic language capabilities to members and Department of Defense employees.

(4) Recommendations as to whether the pilot programs should be continued, and any modifications that may be necessary to continue the program.

SEC. 535. USE OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.

(a) ADDITIONAL ELEMENT WITHIN SCHOLARSHIP PROGRAM.—Section 2121(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''in the various health professions'' and inserting ''(A) in the various health professions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces''; and

(3) by adding at the end the following new paragraph:

''(2) Under the program of a military department, the Secretary of that military department shall allocate a portion of the total number of scholarships to members of the program described in paragraph (1)(B) for the purpose of assisting such members to pursue a degree at the masters and doctoral level in any of the following disciplines:

''(A) Social work.

''(B) Clinical psychology.

''(C) Psychiatry.

''(D) Other disciplines that contribute to mental health care programs in that military department.''.

(b) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—Section 2124 of such title is amended—

(1) by striking ''The number'' and inserting ''(a) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—The number'';

(2) by striking ''6,000'' and inserting ''6,300''; and

(3) by adding at the end the following new subsection:

''(b) MENTAL HEALTH PROFESSIONALS.—Of the number of persons designated as members of the program at any time, 300 may be members of the program described in section 2121(a)(1)(B) of this title.''.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $20,000,000 shall be available to cover the additional costs incurred to implement the amendments made by this section.

SEC. 536. ESTABLISHMENT OF JUNIOR RESERVE OFFICER'S TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In addition to units of the Junior Reserve Officers' Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each military department may carry out a pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the Corps who, notwithstanding the limitation in subsection (b)(1), are in a grade above the sixth grade.

''(2) A unit of the Junior Reserve Officers' Training Corps established and supported under the pilot program must meet the requirements of this section, except—

''(A) as provided in paragraph (1) with respect to the grades in which students are enrolled; and

''(B) that the Secretary of the military department concerned may authorize a course of military instruction of not less than two academic years' duration, notwithstanding subsection (b)(3).

''(3) The Secretary of the military department concerned shall conduct a review of the pilot program. The review shall include an evaluation of what impacts, if any, the pilot program may have on the operation of the Junior Reserve Officers' Training Corps in secondary educational institutions.''.

Subtitle E—Defense Dependents' Education

SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 552. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking ''6,500'' and inserting ''5,000''.

SEC. 553. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) PERMANENT ENROLLMENT AUTHORITY.—Subsection (a)(2) of section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended by striking '', and only through the 2010-2011 school year''.

(b) COMBATANT COMMANDER ADVICE AND ASSISTANCE.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: ''The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.''.

Subtitle F—Missing or Deceased Persons

SEC. 561. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF NEW SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—Section 1509 of title 10, United States Code, is amended to read as follows:

''§ 1509. Program to resolve preenactment missing person cases

''(a) PROGRAM REQUIRED; COVERED CONFLICTS.—The Secretary of Defense shall implement a comprehensive, coordinated, integrated, and fully resourced program to account for persons described in subparagraph (A) or (B) of section 1513(1) of this title who are unaccounted for from the following conflicts:

''(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the Armed Forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 624; 10 U.S.C. 1501 note).

''(2) The Cold War during the period beginning on September 2, 1945, and ending on August 21, 1991.

''(3) The Korean War during the period beginning on June 27, 1950, and ending on January 31, 1955.

''(4) The Indochina War era during the period beginning on July 8, 1959, and ending on May 15, 1975.

''(5) The Persian Gulf War during the period beginning on August 2, 1990, and ending on February 28, 1991.

''(6) Such other conflicts in which members of the armed forces served as the Secretary of Defense may designate.

''(b) IMPLEMENTATION PROCESS.—(1) The Secretary of Defense shall implement the program within the Department of Defense POW/MIA accounting community.

''(2) For purposes of paragraph (1), the term 'POW/MIA accounting community' means—

''(A) The Defense Prisoner of War/Missing Personnel Office (DPMO).

''(B) The Joint POW/MIA Accounting Command (JPAC).

''(C) The Armed Forces DNA Identification Laboratory (AFDIL).

''(D) The Life Sciences Equipment Laboratory of the Air Force (LSEL).

''(E) The casualty and mortuary affairs offices of the military departments.

''(F) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for, such as the Stony Beach Program.

''(c) TREATMENT AS MISSING PERSONS.—Each unaccounted for person covered by subsection (a) shall be considered to be a missing person for purposes of the applicability of other provisions of this chapter to the person.

''(d) ESTABLISHMENT OF PERSONNEL FILES.—(1) The Secretary of Defense shall ensure that a personnel file is established and maintained for each person covered by subsection (a) if the Secretary—

''(A) possesses any information relevant to the status of the person; or

''(B) receives any new information regarding the missing person as provided in subsection (d).

''(2) The Secretary of Defense shall ensure that each file established under this subsection contains all relevant information pertaining to a person covered by subsection (a) and is readily accessible to all elements of the department, the combatant commands, and the armed forces involved in the effort to account for the person.

''(3) Each file established under this subsection shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person otherwise subject to such section.

''(e) REVIEW OF STATUS REQUIREMENTS.—(1) If new information (as described in paragraph (3)) is found or received that may be related to one or more unaccounted for persons covered by subsection (a), whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person, that information shall be provided to the Secretary of Defense.

''(2) Upon receipt of new information under paragraph (1), the Secretary shall ensure that—

''(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this title, relating to addition of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

''(B) the information is treated under paragraph (3) of subsection (c) and subsection (d) of such section, relating to a board review under such section, in the same manner as information received under paragraph (1) of such subsection (c).

''(3) For purposes of this subsection, new information is information that is credible and that—

''(A) is found or received after November 18, 1997, by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

''(B) is identified after November 18, 1997, in records of the United States as information that could be relevant to the case of one or more unaccounted for persons covered by subsection (a).

''(f) COORDINATION REQUIREMENTS.—(1) In establishing and carrying out the program, the Secretary of Defense shall coordinate with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the combatant commanders.

''(2) In carrying out the program, the Secretary of Defense shall establish close coordination with the Department of State, the Central Intelligence Agency, and the National Security Council to enhance the ability of the Department of Defense POW/MIA accounting community to account for persons covered by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new section:

''1509. Program to resolve preenactment missing person cases.''.

(c) CONFORMING AMENDMENT.—Section 1513(1) of such title is amended in the matter after subparagraph (B) by striking ''section 1509(b) of this title who is required by section 1509(a)(1) of this title'' and inserting ''subsection (a) of section 1509 of this title who is required by subsection (b) of such section''.

(d) IMPLEMENTATION.—

(1) PRIORITY.—A priority of the program required by section 1509 of title 10, United States Code, as amended by subsection (a), to resolve missing person cases arising before the enactment of chapter 76 of such title by section 569 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 336) shall be the return of missing persons to United States control alive.

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United

States Code, shall take such measures as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and combatant commanders to account for missing persons, as defined by section 1513(3)(B) of such title. Such measures shall include fully funding, manning, and resourcing the Department of Defense-wide effort to ensure that, at a minimum—

(A) 200 missing persons are accounted for under the program annually beginning with fiscal year 2015; and

(B) 350 missing persons are accounted for under the program annually beginning with fiscal year 2020.

SEC. 562. CLARIFICATION OF GUIDELINES REGARDING RETURN OF REMAINS AND MEDIA ACCESS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS AT DOVER AIR FORCE BASE.

(a) PROMPT RETURN.—The remains of a deceased member of the Armed Forces shall be recovered from the theater of combat operations and returned to the United States via the Dover Port Mortuary without delay unless very specific extenuating circumstances presented by the person designated pursuant to section 1482(c) of title 10, United States Code, to direct disposition of the remains of the decedent (in this section referred to as the ''primary next of kin'') dictate otherwise and can reasonably be accommodated by the Department.

(b) MEDIA ACCESS.—

(1) DECISION OF PRIMARY NEXT OF KIN.—The primary next of kin of a deceased member of the Armed Forces shall make the family decision regarding media access at ceremonies for the dignified transfer of the remains of the decedent at Dover Air Force Base. The option to allow media access shall be briefed to the primary next of kin at the time of initial notification or as soon as practicable thereafter. Media access to dignified transfers shall only be permitted with the approval of the primary next of kin. Media contact, filming or recording of family members shall be permitted only if specifically requested by the primary next of kin.

(2) RELATION TO CURRENT DOD CASUALTY INFORMATION POLICY.—Media access approved by the primary next of kin shall waive the Department of Defense policy on 24-hour delay in release of casualty information to the media and general public for that specific case.

(3) MEMBER PREFERENCE.—The Secretary of Defense shall develop a long-term plan to obtain the preference of members of the Armed Forces regarding media access at ceremonies for the dignified transfer of the remains of the member if they ever become a casualty.

(c) TRAVEL AND TRANSPORTATION ALLOWANCE.—The Secretary of a military department shall provide the primary next of kin and two additional family members of a deceased member of the Armed Forces with travel to, and from, Dover Air Force Base via Invitational Travel Authorizations to attend the dignified transfer ceremony. The Secretary may include additional family members on a case-by-case basis. At the discretion of the Secretary, and at the request of the primary next of kin, the service casualty assistance officer or family liaison officer may escort and accompany the primary next of kin to the dignified transfer ceremony.

(d) EFFECTIVE DATE.—This section shall take effect one year after the date of the enactment of this Act.

Subtitle G—Decorations and Awards

SEC. 571. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term ''eligible veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KOHO'OHANOHANO FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Koho'ohanohano for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Private First Class Anthony T. Koho'ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was originally awarded the distinguished-service cross.

SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former Captain Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.

SEC. 574. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former to former Sergeant First William T. Miles, Jr., of the United States Army for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Sergeant First Class William T. Miles, Jr,. as a member of United States Special Forces from June 18, 1951, to July 6, 1951, during the Korean War, when he fought a delaying action against enemy forces in order to allow other members of his squad to escape an ambush.

Subtitle H—Military Families

SEC. 581. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.

(a) COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(b) ELIGIBLE MILITARY SPOUSES.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

(2) EXCLUSIONS.—Reimbursement may not be provided with respect to the following persons:

(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

(B) A person who is also a member of the Armed Forces on active duty.

(C) A person who is a retired member of the Armed Forces.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''authorized costs'' includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term ''internship'' means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) REPORTING REQUIREMENT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

SEC. 582. REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.

(a) ASSESSMENT.—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled ''Military Personnel: Progress Made in Implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed'' (GAO-06-540).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

SEC. 583. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING TERMINATION OR SUSPENSION OF SERVICE CONTRACTS AND EFFECT OF VIOLATION OF INTEREST RATE LIMITATION.

(a) TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

''SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.

''(a) TERMINATION OR SUSPENSION BY SERVICEMEMBER.—A servicemember who is party to or enters into a contract described in subsection (c) may terminate or suspend, at the servicemember's option, the contract at any time after the date of the servicemember's military orders, as described in subsection (c).

''(b) SPECIAL RULES.—

''(1) A suspension under subsection (a) of a contract by a servicemember shall continue for the length of the servicemember's deployment pursuant to the servicemember's military orders.

''(2) A service provider under a contract suspended or terminated under subsection (a) by a servicemember may not impose a suspension fee or early termination fee in connection with the suspension or termination of the contract, other than a nominal fee for the suspension; except that the service provider may impose a reasonable fee for any equipment remaining on the premises of the servicemember during the period of the suspension. The servicemember may defer, without penalty, payment of such a nominal fee or reasonable fee for the length of the servicemember's deployment pursuant to the servicemember's military orders.

''(3) In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the servicemember, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the servicemember had before the servicemember suspended the contract.

''(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service, telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the servicemember enters into the contract and thereafter receives military orders—

''(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

''(2) for a change of permanent station to a location that does not support the contract.

''(d) MANNER OF TERMINATION OR SUSPENSION.—

''(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the servicemember of written notice of such termination or suspension and a copy of the servicemember's military orders to the other party to the contract (or to that party's grantee or agent).

''(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

''(A) by hand delivery;

''(B) by private business carrier;

''(C) by facsimile; or

''(D) by placing the written notice and a copy of the servicemember's military orders in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the party to be notified (or that party's grantee or agent), and depositing the envelope in the United States mails.

''(e) DATE OF CONTRACT TERMINATION OR SUSPENSION.—Termination or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

''(f) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension of the contract shall be paid or performed by the servicemember.

''(g) FEES PAID IN ADVANCE.—A fee or amount paid in advance for a period after the effective date of the termination of the contract shall be refunded to the servicemember by the other party (or that party's grantee or agent) within 60 days of the effective date of the termination of the contract.

''(h) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

''(i) CRIMINAL PENALTY.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

''(j) PRIVATE RIGHT OF ACTION.—

''(1) IN GENERAL.—A servicemember harmed by a violation of this section may in a civil action—

''(A) obtain any appropriate equitable relief with respect to the violation; and

''(B) recover an amount equal to three times the damages sustained as a result of the violation.

''(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

''(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.

''(k) DEFINITIONS.—In this section:

''(1) MULTICHANNEL VIDEO PROGRAMMING SERVICE.—The term 'multichannel video programming service' means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

''(2) INTERNET ACCESS SERVICE.—The term 'Internet access service' has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

''(3) CELLULAR TELEPHONE SERVICE.—The term 'cellular telephone service' means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

''(4) TELEPHONE EXCHANGE SERVICE.—The term 'telephone exchange service' has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 305A and inserting the following new item:

''Sec. 305A. Termination or suspension of service contracts.''.

(c) VIOLATION OF INTEREST RATE LIMITATION.—Section 207 of such Act is amended—

(1) by amending subsection (e) to read as follows:

''(e) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

''(2) DETERMINATION OF NUMBER OF VIOLATIONS.—The court shall count as a separate violation each obligation or liability of a servicemember with respect to which—

''(A) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

''(B) the creditor fails to act in accordance with subsection (a).'';

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

''(f) RIGHTS OF SERVICEMEMBERS.—

''(1) PRIVATE RIGHT OF ACTION .—A servicemember harmed by a violation of this section may in a civil action—

''(A) obtain any appropriate equitable relief with respect to the violation; and

''(B) recover an amount equal to three times the damages sustained as a result of the violation.

''(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

''(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by inserting ''and (f)'' after ''subsection (e)''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a contract entered into on or after the date of the enactment of this Act.

SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

''(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

''(f) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by

adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SEC. 585. DEFINITIONS IN FAMILY AND MEDICAL LEAVE ACT OF 1993 RELATED TO ACTIVE DUTY, SERVICEMEMBERS, AND RELATED MATTERS.

(a) DEFINITION OF COVERED ACTIVE DUTY.—

(1) DEFINITION.—Paragraph (14) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(A) by striking all that precedes ''under a call'' and inserting the following:

''(14) COVERED ACTIVE DUTY.—The term 'covered active duty' means—

''(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

''(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country''; and

(B) by striking ''101(a)(13)(B)'' and inserting ''101(a)(13)''.

(2) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(A) in subsection (a)(1)(E), by striking ''active duty'' each place it appears and inserting ''covered active duty''; and

(B) in subsection (e)(3)—

(i) in the paragraph heading, by striking ''ACTIVE DUTY'' and inserting ''COVERED ACTIVE DUTY''; and

(ii) by striking ''active duty'' each place it appears and inserting ''covered active duty''.

(3) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking ''ACTIVE DUTY'' both places it appears and inserting ''COVERED ACTIVE DUTY''.

(b) DEFINITION OF COVERED SERVICEMEMBER.—Section 101 of the Family and Medical Leave Act of 1993 is further amended by striking paragraph (16) and inserting the following new paragraph:

''(16) COVERED SERVICEMEMBER.—The term 'covered servicemember' means—

''(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

''(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.''.

(c) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 101 of the Family and Medical Leave Act of 1993 is further amended by striking paragraph (19) and inserting the following new paragraphs:

''(19) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

''(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

''(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (16)(B), means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces, that manifested itself after the member became a veteran, and that may have rendered the member medically unfit to perform the duties of the member's office, grade, rank, or rating on the date the injury or illness was incurred if the injury or illness had manifested itself on that date.

''(20) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.''.

(d) TECHNICAL AMENDMENT.—Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking ''or parent'' and inserting ''parent, or next of kin (for leave taken under subsection (a)(3))''.

(e) EFFECTIVE DATE AND REGULATIONS.—The amendments made by this section shall take effect on the date of the enactment of this Act. Not later than 120 days after such date, the Secretary of Labor shall issue direct final conforming regulations solely to implement such amendments.

Subtitle I—Other Matters

SEC. 591. NAVY GRANTS TO NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:

''§ 7541b. Authority to make grants to Naval Sea Cadet Corps

''Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of the Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7541a the following new item:

''7541b. Authority to make grants to Naval Sea Cadet Corps.''.

SEC. 592. IMPROVED RESPONSE AND INVESTIGATION OF ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing a review of the capacity of each service of the Armed Forces to investigate and adjudicate allegations of sexual assault to determine whether there are any barriers that negatively affect the ability of that service to facilitate the investigation and adjudication of such allegations to the full extent of the Uniform Code of Military Justice.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include a review of the following:

(A) The command processes of each of the Armed Forces for handling allegations of sexual assault (including command guidance, standing orders, and related matters), the staff judge advocate structure of each Armed Force for cases of sexual assault, and the personnel and budget resources allocated to handle allegations of sexual assault.

(B) The extent to which command decisions regarding the disposition of cases properly direct cases to the most-appropriate venue for adjudication.

(C) The effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(D) The capacity to investigate and adjudicate sexual assault cases in combat zones.

(E) The recommendations of the Defense Task Force on Sexual Assault in the Military regarding investigation and adjudication of sexual assault.

(b) PREVENTION.—Not later than 180 days after the dates of the enactment of this Act, the Secretary of Defense shall develop and submit to the congressional defense committees a sexual assault prevention program, which shall include, at minimum, the following components:

(1) Action plans for reducing the number of sexual assaults, with timelines for implementation of the plans, development tools, and a comprehensive evaluation process.

(2) A mechanism to measure the effectiveness of the program, to include outcome measurement and metrics.

(3) Training programs for commanders and senior enlisted leaders, including pre-command courses.

(4) The budget necessary to permit full implementation of the program.

(c) SEXUAL ASSAULT FORENSIC EXAMS.—

(1) AVAILABILITY OF SEXUAL ASSAULT FORENSIC EXAMS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the availability of sexual assault forensic examinations in combat zones. The report shall include, at a minimum, the following:

(A) The current availability of sexual assault forensic examinations in combat zones.

(B) The barriers to providing sexual assault forensic examinations at all echelons of care in combat zones.

(C) Any legislative actions required to improve the availability of sexual assault forensic examinations in combat zones.

(2) TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-324; 120 Stat. 2279).

(d) MILITARY PROTECTIVE ORDERS.—

(1) COLLECTION OF STATISTICAL INFORMATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall require that sexual assault statistics collected by the Department of Defense include information on whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault. The Secretary shall include such information in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

(2) INFORMATION TO MEMBERS.—The Secretary of Defense shall ensure that, when a military protective order is issued to protect a member of the Armed Forces, the member is informed of the right of the member to request a base transfer from the command.

SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY TO INCREASE DOD SHARE OF PROGRAM.—Section 509(d)(1) of title 32, United States Code, is amended by striking ''60 percent of the costs'' and inserting ''75 percent of the costs''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. SPECIAL MONTHLY COMPENSATION ALLOWANCE FOR MEMBERS WITH COMBAT-RELATED CATASTROPHIC INJURIES OR ILLNESSES PENDING THEIR RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability

''(a) COMPENSATION AUTHORIZED.—(1) The Secretary concerned may pay to any member of the uniformed services described in paragraph (2) a special monthly compensation in an amount determined under subsection (b).

''(2) Subject to paragraph (3), a member eligible for the compensation authorized by paragraph (1) is a member—

''(A) who has a combat-related catastrophic injury or illness; and

''(B) who has been certified by a licensed physician as being in need of assistance from another person to perform the personal functions required in everyday living; and

''(3) The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) may establish additional eligibility criteria in the regulations required by subsection (e).

''(b) AUTHORIZED AMOUNT OF COMPENSATION.—(1) The amount of the special monthly compensation authorized by subsection (a) shall be determined under criteria prescribed in the regulations required by subsection (e), except that the amount may not exceed the amount of the aid and attendance allowance authorized by section 1114(r) of title 38 for veterans in need of regular aid and attendance.

''(2) In determining the amount of the special monthly compensation to be provided to a member, the Secretary concerned shall consider the extent to which—

''(A) home health care and related services are being provided to the member by the Government; and

''(B) aid and attendance services are being provided by family and friends of the member who may be compensated with funds provided through the special monthly compensation authorized by this section.

''(c) TERMINATION.—The eligibility of a member to receive special monthly compensation under subsection (a) terminates on the earlier of the following:

''(1) The first month following the end of the 90-day period beginning on the date of the separation or retirement of the member.

''(2) The first month beginning after the death of the member.

''(3) The first month beginning after the date on which the member is determined to be no longer afflicted with a catastrophic injury or illness.

''(d) DEFINITIONS.—In this section:

''(1) The term 'catastrophic injury or illness' means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

''(A) personal or mechanical assistance to leave home or bed; or

''(B) constant supervision to avoid physical harm to self or others.

''(2) The term 'combat-related', with respect to a catastrophic injury or illness, means a wound, injury, or illness for which the member involved was awarded the Purple Heart or that was incurred as described in section 1413a(e)(2) of title 10.

''(e) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.''.

SEC. 603. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

''§ 907. Members appointed or reappointed as officers: no reduction in pay and allowances

''(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

''(1) the pay and allowances to which the officer is entitled as an officer; or

''(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

''(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

''(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

''(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered in determining the amount of the pay of a grade formerly held by an officer.

''(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

''(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

''(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

''907. Members appointed or reappointed as officers: no reduction in pay and allowances.''.

SEC. 604. REPORT ON HOUSING STANDARDS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the housing standards used to determine the monthly rates of basic allowance for housing under section 403 of title 37, United States Code; and

(2) such recommended changes to the standards, including an estimate of the cost of each recommended change, as the Secretary considers appropriate.

(b) ELEMENTS OF REVIEW.—The Secretary shall consider whether the housing standards are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grades throughout the rank structure.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking ''paragraph (3)(B)'' and inserting ''paragraph (4)(B)'';

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting ''SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—''; and

(2) by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

''(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(i) the father or mother or one or more siblings—

''(I) served in the Armed Forces; and

''(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''AND SPECIAL PAY AMOUNT'' in the subsection heading; and

(B) by striking ''at the rate of $225 for any month'' in the matter preceding paragraph (1) and inserting ''under subsection (b) for any month or portion of a month'';

(2) in subsection (c), by striking paragraph (3);

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(4) by inserting after subsection (a) the following new subsection:

''(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The special pay authorized by subsection (a) may not exceed $225 a month.

''(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

(1) by striking subsections (c) and (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) METHOD OF PAYMENT; PRORATION.—

''(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

''(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: ''If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.''.

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

''(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $1,000 a month.

''(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.''.

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to months beginning 90 or more days after the date of the enactment of this Act.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting ''(1)'' after ''(a)''; and

(4) by adding at the end the following new paragraph:

''(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

''(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

''(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking ''his dependents'' and inserting ''a dependent of the member'';

(2) by striking ''him'' and inserting ''the member'';

(3) by striking ''his)'' and inserting ''the member)'';

(4) by striking ''his new'' and inserting ''the member's new''; and

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking ''clauses (1) and (2)'' and inserting ''subparagraphs (A) and (B)''.

(c) EFFECTIVE DATE.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''family members of a member described in paragraph (2)'' and inserting ''individuals who, with respect to a member described in paragraph (2), are designated individuals for that member'';

(B) by striking ''that the presence of the family member'' and inserting ''that the presence of the designated individual''; and

(C) by striking ''of family members'' and inserting ''of designated individuals''; and

(2) by adding at the end the following new paragraph:

''(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.''.

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—Subsection (b) of such section is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) In this section, the term 'designated individual', with respect to a member, means—

''(A) an individual designated by the member for the purposes of this section; or

''(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence would aid and support the health and welfare of the member during the duration of the member's inpatient treatment.

''(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.''.

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of section (a)(2) of such section is amended—

(A) in clause (i), by striking ''in or outside the United States''; and

(B) in clause (ii), by striking ''in the United States''.

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting ''seriously wounded,'' after ''(i) is''; and

(B) in clause (ii)—

(i) by striking ''an injury'' and inserting ''a wound or an injury''; and

(ii) by striking ''that injury'' and inserting ''that wound or injury''.

(d) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section is amended to read as follows:

''(3)(A) Not more than a total of three round trips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who are the designated individuals of a member during that period.

''(B) If the Secretary concerned has waived the limitation in paragraph (1) on the number of designated individuals for a member, then for any 60-day period during which the waiver is in effect, the limitation in subparagraph (A) shall be adjusted accordingly.

''(C) During any period during which there is in effect a non-medical attendant designation for a member, not more than a total of two round trips may be provided under paragraph (1) in any 60-day period at Government expense until a non-medical attendant is no longer designated or that designation transfers to another individual, in which case during the transfer period three round trips may be provided.''.

(e) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended——

(1) in subsection (a), by inserting ''TRAVEL AND TRANSPORTATION AUTHORIZED.—'' after ''(a)'' ;

(2) in subsection (b), by inserting ''DEFINITIONS.—'' after ''(b)'';

(3) in subsection (c)—

(A) by inserting ''ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—'' after ''(c)'' ; and

(B) in paragraph (1), by striking ''family member'' and inserting ''designated individual''; and

(4) in subsection (d), by inserting ''METHOD OF TRANSPORTATION AUTHORIZED.—'' after ''(d)''.

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411h and inserting the following new item:

''411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.''.

(g) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Paragraph (4) of section 1602 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended to read as follows:

''(4) ELIGIBLE FAMILY MEMBER.—(A) The term 'eligible family member' means a family member who is on invitational travel orders or serving as a non-medical attendee while caring for a recovering service member for more than 45 days during a one-year period.

''(B) For purposes of subparagraph (A), the term 'family member', with respect to a recovering service member, means the following:

''(i) The member's spouse.

''(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

''(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

''(iv) Siblings of the member. Such term includes a person related to the member as described in clauses (i), (ii), (iii), or (iv) who is also a member of the uniformed services.''.

(h) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

''(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member's health and welfare.

''(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

''(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

''(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

''(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

''(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or 'seriously wounded, ill, or injured'; and

''(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

''(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

''(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

''(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(4) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(5) An allowance payable under this subsection may be paid in advance.

''(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411j the following new item:

''411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

Pay Grade	Without Dependents	With Dependents
E–9	13,500	15,500
E–8	12,500	14,500
E–7	11,500	13,500
E–6	8,500	11,500
E–5	7,500	9,500''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $31,000,000 shall be available to cover the additional costs incurred to implement the amendment made by subsection (a).

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking ''Unless'' and inserting ''(a) GRADE ON TRANSFER.—Unless''; and

(2) by adding at the end the following new subsection:

''(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 642. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

''(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

''(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or

867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

''(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

''(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(e) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting ''REGULATIONS.—'' before ''The Secretary''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''; and

(2) by inserting after paragraph (1) of subsection (b) the following new paragraph:

''(2) Subsection (a) does not apply to the purchase, operation, or maintenance of equipment intended to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).''.

SEC. 652. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.

(a) IMPOSITION OF LIMITATION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

''§ 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

''(a) LIMITATION.—Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

''(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of Defense determines that—

''(1) a private sector vendor is not available to provide the personal information services at specific locations; or

''(2) the interests of the user population would be best served by allowing the Government to provide such services.

''(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term 'personal information services' means the provision of Internet, telephone, or television services to consumers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2492 the following new item:

''2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.''.

(c) EFFECT ON EXISTING CONTRACTS.—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act.

SEC. 653. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement, effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110–116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

(b) EVALUATION REQUIREMENTS.—As part of the report, the Comptroller General shall specifically evaluate the following:

(1) The rationale for and validity of the concerns of nonappropriated funds activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcohol resale prices.

(2) The justification for the increase in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of provision of law referred to in subsection (a).

(4) The potential cost savings in transportation costs, including use of second destination transportation funds, accruing from the purchase of alcoholic beverages from local distributors on Guam.

(5) The ability of local distributors on Guam to meet demands for stocks of certain alcoholic beverages in the event that the local purchase requirement became permanent for Guam.

(6) The consistency in application of the alcohol resale requirement for nonappropriated fund activities on military installations with regards to Department of Defense Instruction 1330.09 (or any successor to that instruction) and the methods used to determine the resale price of alcoholic beverages.

Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.

(a) MAXIMUM MONTHLY PERCENTAGE OF MEMBER'S PAY AUTHORIZED FOR DEDUCTION.—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking ''20 percent'' and inserting ''10 percent''.

(b) CONSULTATION REGARDING DEDUCTION OR REPAYMENT TERMS.—Such paragraph is further amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) In all cases described in subparagraph (A), the Secretary concerned shall consult with the member regarding the repayment rate to be imposed under such subparagraph to recover the indebtedness, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.''.

(c) DELAY IN INSTITUTING COLLECTIONS FROM WOUNDED OR INJURED MEMBERS.—Paragraph (4) of such subsection is amended to read as follows:

''(4)(A) If a member of the uniformed services, while in the line of duty, is injured or wounded by hostile fire, explosion of a hostile mine, or any other hostile action, or otherwise incurs a wound, injury, or illness in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

''(i) the member is notified of the overpayment; and

''(ii) the later of the following occurs:

''(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

''(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

''(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.''.

(d) FIVE-YEAR DEADLINE ON SEEKING REPAYMENT.—Such subsection is further amended by adding at the end the following new paragraph:

''(5) The Secretary concerned may not deduct from the pay of a member of the uniformed services or otherwise recover, seek to recover, or assist in the recovery from a member or former member any overpayment of pay or allowances made to the member through no fault of the member unless the Secretary notifies the member of the indebtedness before the end of the five-year period beginning on the date on which the overpayment was made. If the notice is not provided before the end of such period, the Secretary concerned shall cancel the indebtedness of the member to the United States.''.

(e) EXPANDED DISCRETION REGARDING REMISSION OR CANCELLATION OF INDEBTEDNESS.—

(1) ARMY.—Section 4837(a) of title 10, United States Code, is amended by striking '', but only if the Secretary considers such action to be in

the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(2) NAVAL SERVICE.—Section 6161(a) of such title is amended by striking '', but only if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(3) AIR FORCE.—Section 9837(a) of such title is amended by striking '', but only if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

SEC. 662. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

(a) EXTENSION OF AUTHORITY.—Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (e) of such section is amended by inserting ''at the same time'' after ''provided''.

SEC. 663. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) FORM OF PAYMENT.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.

It is the sense of Congress that members of the Armed Forces and their families and military retirees deserve ongoing recognition and support for their service and sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcoming within those military personnel programs that incur mandatory spending obligations.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Subtitle B—Reports

Subtitle A—Improvements to Health Benefits

SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2007.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that may be filled only by a member of the Armed Forces who is a health professional.

(c) DEFINITIONS.—In this section:

(1) The term ''military medical or dental position'' means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical or dental position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term ''conversion'', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term ''chiropractic services''—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management, and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term ''doctor of chiropractic'' means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

SEC. 703. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which such dependent attains 21 years of age.

''(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which such dependent attains 23 years of age.''.

SEC. 704. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

''§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

''(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

''(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

''(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

''(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

''1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''.

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SEC. 705. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) AUTHORITY.—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) REQUIREMENTS.—In establishing such agreements, the Secretary shall—

(1) consult with—

(A) the Secretaries of the military departments;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) ANNUAL REPORTS.—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

SEC. 706. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Subsection (d) of section 1074 of title 10, United States Code, is amended to read as follows:

''(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued or covered by a delayed-effective-date active-duty order or an official notification shall be treated as being on active duty for a period of more than 30 days beginning on the later of the following dates:

''(A) The earlier of the date that is—

''(i) the date of the issuance of such order; or

''(ii) the date of the issuance of such official notification.

''(B) The date that is 180 days before the date on which the period of active duty is to commence under such order or official notification for that member.

''(2) In this subsection:

''(A) The term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order

''(B) The term 'official notification' means a memorandum from the Secretary concerned that notifies a unit or a member of a reserve component of the armed forces that such unit or member shall receive a delayed-effective-date active-duty order.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to a delayed-effective-date active-duty order or official notification issued on or after the date of the enactment of this Act.

SEC. 707. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) DESIGNATION.—Not later than October 1, 2010, the Secretary of Defense shall designate a center to be known as the ''National Casualty Care Research Center'' (in this section referred to as the ''Center''), which shall consist of the program known as combat casualty care of the Army Medical Research and Materiel Command.

(b) DIRECTOR.—The Secretary shall appoint a director of the Center.

(c) ACTIVITIES OF THE CENTER.—In addition to other functions performed by the combat casualty care program, the Center shall—

(1) provide a public-private partnership for funding clinical trials and clinical research in combat injury;

(2) integrate basic and clinical research from both military and civilian populations to accelerate improvements to trauma care;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research strategies and measure improvements in outcomes;

(4) fund the full range of injury research and evaluation, including—

(A) basic, translational, and clinical research;

(B) point of injury and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) rehabilitation and reintegration into society; and

(5) coordinate the collaboration of military and civilian institutions conducting trauma research.

(d) AUTHORIZATION.—In addition to any other funds authorized to be appropriated for the combat casualty care program of the Army Medical Research and Materiel Command, there is hereby authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2010 for the purpose of carrying out activities under this section.

Subtitle B—Reports

SEC. 711. REPORT ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) REPORT REQUIRED.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees a report on the treatment of post-traumatic stress disorder. The report shall include the following:

(1) A list of each program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term ''success'' and a discussion of the process used to quantify such rates);

(B) the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—

(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region atrophy and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(D) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:

(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the Secretary of Defense considers appropriate.

(4) The respective annual expenditure by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services; and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.

(7) Any other matters the Secretaries consider relevant.

(b) UPDATED REPORT REQUIRED.—Not later than December 31, 2012, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees an update of the report required by subsection (a).

(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term ''appropriate committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 712. REPORT ON THE FEASIBILITY OF TRICARE PRIME IN CERTAIN COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study examining the feasibility and cost-effectiveness of offering TRICARE Prime in each of the following locations:

(1) American Samoa.

(2) Guam.

(3) The Commonwealth of the Northern Mariana Islands.

(4) The Commonwealth of Puerto Rico.

(5) The Virgin Islands.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study.

(c) TRICARE PRIME DEFINED.—In this section, the term ''TRICARE Prime'' has the meaning given that term in section 1097a(f)(1) of title 10, United States Code.

SEC. 713. REPORT ON THE HEALTH CARE NEEDS OF MILITARY FAMILY MEMBERS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(b) PILOT PROGRAM.—

(1) ELEMENTS.—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental heath care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) FINAL REPORT.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

SEC. 714. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note). The report shall include—

(1) the number of stipends paid;

(2) the amount of the average stipend; and

(3) the number of members who received such stipends.

SEC. 715. REPORT ON THE REQUIRED NUMBER OF MILITARY MENTAL HEALTH PROVIDERS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate number of military mental health providers required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:

(1) An evaluation of the recommendation titled ''Ensure an Adequate Supply of Uniformed Providers'' made by the Department of Defense Task Force on Mental Health established by section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348).

(2) The criteria and models used to determine the appropriate number of military mental health providers.

(3) A plan for how the Secretary of Defense will achieve the appropriate number of military mental health providers, including timelines, budgets, and any additional legislative authority the Secretary determines is required for such plan.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by personnel that ship goods, or provide support for shipping goods, for military forces, police, or other security personnel of Afghanistan, or for military or civilian personnel of the United States, United States allies, or Coalition partners operating in military or stability operations in Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(3) A source is from a country along a major route of supply to Afghanistan if it—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(d) COVERED COUNTRY DEFINED.—In this section, the term ''covered country'' means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(f) TERMINATION OF AUTHORITY.—The Secretary of Defense may not exercise the authority provided in subsection (a) on and after the date occurring 18 months after the date of the enactment of this Act.

(g) REPORT ON AUTHORITY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A description of the products and services acquired using the authority.

(3) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

(4) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).

(5) Any recommended modifications to the authority.

SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for an independent assessment of improvements in the procurement and oversight of services by the Department of Defense. The assessment shall be conducted by a federally funded research and development center selected by the Under Secretary.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) A determination of whether effective standards to measure performance have been developed.

(4) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(5) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(6) A determination of whether the performance savings goals required by section 802 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2330 note) are being achieved.

(7) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(8) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(9) Such other related matters as the Under Secretary considers appropriate.

(c) REPORT.—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.

SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.

(a) CODIFICATION OF REQUIREMENT FOR SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 235. Procurement of contract services: specification of amounts requested in budget

''(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the President, as a part of the defense budget materials for a fiscal year, information described in subsection (b) with respect to the procurement of contract services.

''(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly and separately identify—

''(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity;

''(2) the amount requested for each type of service to be provided; and

''(3) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

''(c) DEFINITIONS.—In this section:

''(1) The term 'contract services'—

''(A) means services from contractors; but

''(B) excludes services relating to research and development and services relating to military construction.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to the President by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''235. Procurement of contract services: specification of amounts requested in budget''.

(3) REPEAL OF SUPERSEDED PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 221 note) is repealed.

(b) CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after ''plan'' the following: ''and a contracts services requirements approval process''.

SEC. 804. DEMONSTRATION AUTHORITY FOR ALTERNATIVE ACQUISITION PROCESS FOR DEFENSE INFORMATION TECHNOLOGY PROGRAMS.

(a) AUTHORITY.—The Secretary of Defense may designate up to 10 information technology programs annually to be included in a demonstration of an alternative acquisition process for rapidly acquiring information technology capabilities. In designating the programs, the Secretary may select any information technology program in any of the military departments or Defense Agencies that has received milestone A approval, but has not yet received milestone B approval.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a), including a process for measuring the effectiveness of the alternative acquisition process to be demonstrated. The Secretary of Defense shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) REQUIREMENT TO PAY FULL COST IN YEAR OF DELIVERY.—No contract to acquire an information technology system may be entered into using the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(d) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under the authority under subsection (a) during the preceding year. Each report shall include, at a minimum, the following:

(1) A description of each information technology program in the demonstration, including goals, funding, and military department or Defense Agency sponsors.

(2) A description of the methods for measuring the effectiveness of the alternative acquisition process for each information technology program in the demonstration.

(3) Identification of any significant systemic or process issues impeding the effectiveness of the alternative acquisition process.

(e) PERIOD OF AUTHORITY.—The authority under subsection (a) shall be in effect during each of fiscal years 2010 through 2015.

SEC. 805. LIMITATION ON PERFORMANCE OF PRODUCT SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§2410r. Contractor sustainment support arrangements: limitation on product support integrator functions

''(a) LIMITATION.—A product support integrator function for a covered major system may be performed only by a member of the armed forces or an employee of the Department of Defense.

''(b) DEFINITIONS.—In this section:

''(1) The term 'product support integrator function' means the function of integrating all sources of support for a major system, both public and private, and includes the integration of sustainment support arrangements at the level of the program office responsible for sustainment of such system.

''(2) The term 'covered major system' means a major system for which a sustainment support arrangement is employed.

''(3) The term 'sustainment support arrangement' means a contract, task order, or other contractual arrangement for the integration of sustainment or logistics support such as materiel management, configuration management, data management, supply, distribution, repair, overhaul, product improvement, calibration, maintenance, readiness, reliability, availability, mean down time, customer wait time, foot print reduction, reduced ownership costs and other tasks normally performed as part of the logistics support required for a major system. The term includes any of the following arrangements:

''(A) Contractor performance-based logistics.

''(B) Contractor sustainment support.

''(C) Contractor logistics support.

''(D) Contractor life cycle product support.

''(E) Contractor weapons system product support.

''(3) The term 'major system' means that combination of elements that will function together to produce the capabilities required to fulfill a mission need as defined in section 2302(d) this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2410q the following new item:

''2410r. Contractor sustainment support arrangements: limitation on product support integrator functions.''.

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 2010.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PRIOR TO DEFINITIZATION.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to require that, if a clause relating to payment of costs prior to definitization of costs is included in a contract of the Department of Defense, the clause shall apply—

(1) to the contract regardless of the type of contract; and

(2) to each contractual action pursuant to the contract.

(b) CONTRACTUAL ACTION.—In this section, the term ''contractual action'' includes a task order or delivery order.

SEC. 812. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or a task order or delivery order at any tier issued under such a contract'' and inserting ''a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement'';

(2) by striking in the parenthetical ''or task order or delivery order'' and inserting ''task order, delivery order, grant, or cooperative agreement'';

(3) by striking ''or task or delivery order'' after the parenthetical and inserting ''task order, delivery order, grant, or cooperative agreement''; and

(4) by striking ''14 days'' and inserting ''30 days''.

(b) REVISION TO DEFINITION OF COVERED CONTRACT.—Section 864(a)(3) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

(3) by adding at the end the following new subparagraphs:

''(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

''(E) a cooperative agreement for the performance of services in such an area of combat operations.''.

(c) REVISION TO DEFINITION OF CONTRACTOR.—Paragraph (4) of section 864(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

''(4) CONTRACTOR.—The term 'contractor', with respect to a covered contract, means—

''(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

''(B) in the case of a covered contract that is a grant, the grantee; and

''(C) in the case of a covered contract that is a cooperative agreement, the recipient.''.

(d) REVISION IN VALUE OF CONTRACTS COVERED BY CERTAIN REPORT.—Section 1248(c)(1)(B) of such Act (Public Law 110–181; 122 Stat. 400) is amended by striking ''$25,000'' and inserting ''$100,000''.

SEC. 813. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:

''(B) The head of the agency shall notify the congressional defense committees within 30 days after any determination under clause (i), (ii), (iii), or (iv) of subparagraph (A).''.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—Any notification provided under subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, as amended by subsection (a), shall also be provided to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate if the source of funds for the task or delivery order contract concerned is the National Intelligence Program or the Military Intelligence Program.

SEC. 814. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.

Section 2455(a) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by inserting ''at any level, including subcontracts at any tier,'' in the second sentence after ''any procurement or nonprocurement activity''.

SEC. 815. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (Division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226) is amended in subsection (e) by striking ''2010'' and inserting ''2012''.

SEC. 816. REVISION TO DEFINITIONS OF MAJOR DEFENSE ACQUISITION PROGRAM AND MAJOR AUTOMATED INFORMATION SYSTEM.

(a) MAJOR DEFENSE ACQUISITION PROGRAM.—Section 2430 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) In the case of a Department of Defense acquisition program that, by reason of paragraph (2) of section 2445a(a) of this title, is a major automated information system program under chapter 144A of this title and that, by reason of paragraph (2) of subsection (a), is a major defense acquisition program under this

chapter, the Secretary of Defense may designate that program to be treated only as a major automated information system program or to be treated only as a major defense acquisition program.''.

(b) MAJOR AUTOMATED INFORMATION SYSTEM.—Section 2445a(a) of such title is amended by inserting ''that is not a highly sensitive classified program (as determined by the Secretary of Defense)'' after ''(either as a product or service)''.

SEC. 817. SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473 of title 10, United States Code, is amended—

(1) by amending subsection (c) to read as follows:

''(c) SMALL ARMS PRODUCTION INDUSTRIAL BASE.—In this section, the term 'small arms production industrial base' means the persons and organizations that are engaged in the production or maintenance of small arms within the United States.''; and

(2) in subsection (d), by adding at the end the following new paragraph:

''(6) Pistols.''.

SEC. 818. PUBLICATION OF JUSTIFICATION FOR BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PUBLISH JUSTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish the justification required by paragraph (f) of subpart 7.107 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) 30 days prior to the release of a solicitation for such acquisition.

(b) COVERED ACQUISITION DEFINED.—In this section, the term ''covered acquisition'' means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(c) CONSTRUCTION.—(1) Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the justification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or executive order.

(3) Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise authorized under any other requirement of law or regulation.

SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract option for—

(1) the provision of advanced component development and prototype of technology developed in the initial underlying contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the initial competed research contract.

(b) DELIVERY.—A contract option as described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items. Such contract option may have a value only up to three times the value of the base contract ceiling and any subsequent development or procurement must be subject to the terms of section 2304 of title 10, United States Code.

(c) TERM.—A contract option as described in subsection (a)(1) shall be for a term of not more than 12 months.

(d) USE OF AUTHORITY.—Each military department may use the authority provided in subsection (a) to exercise a contract option described in that subsection up to four times a year, and the Secretary of Defense may approve up to an additional four total options a year for projects supported by agencies of the Department of Defense, until September 30, 2014.

(e) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by subsection (a) not later than March 1, 2014. The report shall, at a minimum, describe—

(1) the number of times the contract options were exercised under such authority and the scope of each such option;

(2) the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;

(3) the extent to which such authority increased competition and improved technology transition; and

(4) any recommendations regarding the modification or extension of such authority.

Subtitle C—Other Matters

SEC. 821. ENHANCED EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) IN GENERAL.—Section 1705(h)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''acquisition positions within the Department of Defense as shortage category positions'' and inserting ''acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need''; and

(2) in subparagraph (B), by striking ''highly''.

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking ''United States Code,'' in the matter preceding subparagraph (A).

SEC. 822. ACQUISITION WORKFORCE DEVELOPMENT FUND AMENDMENTS.

(a) REVISIONS TO CREDITS TO FUND.—

(1) REMITTANCE BY FISCAL YEAR INSTEAD OF QUARTER.—Subparagraph (B) of section 1705(d)(2) of title 10, United States Code, is amended—

(A) in the first sentence, by striking ''the third fiscal year quarter'' and all that follows through ''thereafter'' and inserting ''each fiscal year''; and

(B) by striking ''quarter'' before ''for services''.

(2) AUTHORITY TO SUSPEND REMITTANCE REQUIREMENT.—Section 1705(d)(2) of such title is further amended by adding at the end the following new subparagraph:

''(E) The Secretary of Defense may suspend the requirement to remit amounts under subparagraph (B), or reduce the amount required to be remitted under that subparagraph, for fiscal year 2010 or any subsequent fiscal year for which amounts appropriated to the Fund are in excess of the amount specified for that fiscal year in subparagraph (D).''.

(b) REVISION TO EMPLOYEES COVERED BY PROHIBITION OF PAYMENT OF BASE SALARY.—Paragraph (5) of section 1705(e) of such title is amended by striking ''who was an employee of the Department as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''who, as of January 28, 2008, was an employee of the Department serving in a position in the acquisition workforce''.

(c) TECHNICAL AMENDMENTS.—Section 1705 of such title is further amended—

(1) in subsection (a), by inserting ''Development'' after ''Workforce''; and

(2) in subsection (f), by striking ''beginning with fiscal year 2008'' in the matter preceding paragraph (1).

SEC. 823. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is amended by striking '', initial operational capability, and full operational capability'' and inserting ''and full deployment decision''.

(b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended by striking ''initial operational capability'' and inserting ''a full deployment decision''.

SEC. 824. REQUIREMENT FOR SECRETARY OF DEFENSE TO DENY AWARD AND INCENTIVE FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

(a) REQUIREMENT TO DENY AWARD AND INCENTIVE FEES.—

(1) PRIME CONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any defense contractor—

(A) that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(B) that awarded a subcontract under a covered contract to a subcontractor that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of the subcontract to have caused serious injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety of such personnel, but only to the extent that the defense contractor has been determined (through such a proceeding that results in such a disposition) that the defense contractor is also liable for such actions of the subcontractor.

(2) SUBCONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any subcontractor under a covered contract that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel.

(b) DETERMINATION OF DEBARMENT.—Not later than 90 days after a determination pursuant to subsection (a)(1) has been made, the Secretary shall determine whether the defense contractor should be debarred from contracting with the Department of Defense.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in this subsection are as follows:

(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of $5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to

any of the outcomes specified in paragraph (1), (2), or (3).

(d) WAIVER.—The prohibition required by subsection (a) may be waived by the Secretary of Defense on a case-by-case basis if the Secretary finds that the prohibition would jeopardize national security. The Secretary shall notify the congressional defense committees of any exercise of the waiver authority under this subsection.

(e) DEFINITIONS.—In this section:

(1) The term ''defense contractor'' means a company awarded a covered contract.

(2) The term ''covered contract'' means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term ''serious bodily injury'' means a grievous physical harm that results in a permanent disability.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the prohibition required by subsection (a) and shall establish in such regulations—

(1) that the prohibition applies only to award and incentive fees under the covered contract concerned;

(2) the extent of the award and incentive fees covered by the prohibition, but shall include, at a minimum, all award and incentive fees associated with the performance of the covered contract in the year in which the serious bodily injury or death resulting in a disposition listed in subsection (c) occurred; and

(3) mechanisms for recovery by or repayment to the Government of award and incentive fees paid to a contractor or subcontractor under a covered contract prior to the determination.

(g) EFFECTIVE DATE.—The prohibition required by subsection (a) shall apply to covered contracts awarded on or after the date occurring 180 days after the date of the enactment of this Act.

SEC. 825. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL IN AMOUNTS NOT IN EXCESS OF $85,000,000.

With respect to actions by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting ''$85,000,000'' for ''$50,000,000''.

SEC. 826. REVIEW OF POST EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REVIEW REQUIRED.—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) MATTERS CONSIDERED.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restriction and conflicts of interest in interactions with former personnel of the Department;

(5) adequately address personnel performing duties in acquisition-related activities that are not covered by current restrictions relating to private sector employment following employment with the Department of Defense and procurement integrity, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation; and

(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(c) COMPLETION OF THE REVIEW.—The Panel shall complete the review required by subsection (a) not later than one year after the date of the enactment of this Act.

(d) REPORT TO COMMITTEES ON ARMED SERVICES.—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary of Defense, including recommended legislative or regulatory changes, resulting from the review.

(e) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.—

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

''(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States. Competitive procedures shall be used in selecting the United States producer of the decorations.

''(b) HERALDIC QUALITY CONTROL.—No certificate of authority (contained in part 507 of title 32, Code of Federal Regulations) for the manufacture and sale of any item reference in subsection (a) by the Institute of Heraldry, the Navy Clothing and Textile Research Facility, or the Marine Corps Combat Equipment and Support Systems for quality control and specifications purposes shall be permitted unless these items are from domestic material manufactured in the United States.

''(c) EXCEPTION.—Subsections (a) and (b) do not apply to the extent that the Secretary of Defense determines that a satisfactory quality and sufficient quantity of an item covered by subsection (a) and produced in the United States cannot be procured at a reasonable cost.

''(d) UNITED STATES DEFINED.—In this section, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.''.

(c) CONFORMING AMENDMENT.—Section 2533a(b)(1) of such title is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(F) military decorations, ribbons, badges, medals, insignia, and other uniform accouterments.''.

SEC. 828. FINDINGS AND REPORT ON THE USAGE OF RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) FINDINGS.—Regarding the availability of rare earth materials and components containing rare earth materials in the defense supply chain Congress finds—

(1) it is necessary, to the maximum extent practicable, to ensure the uninterrupted supply of strategic materials critical to national security, including rare earth materials and other items covered under section 2533b of title 10, United States Code, to support the defense supply-chain, particularly when many of those materials are supplied by primary producers in unreliable foreign nations;

(2) many less common metals, including rare earths and thorium, are critical to modern technologies, including numerous defense critical technologies and these technologies cannot be built without the use of these metals and materials produced from them and therefore could qualify as strategic materials, critical to national security, in which case the Strategic Materials Protection Board should recommend a strategy to the President to ensure the domestic availability of these materials; and

(3) there is a need to identify the strategic value placed on rare earth materials by foreign nations (including China), and the Department of Defense's supply-chain vulnerability related to rare earths and end items containing rare earths.

(b) REPORT REQUIRED.—Not later than April 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the usage of rare earth materials in the supply chain of the Department of Defense.

(c) OBJECTIVES OF REPORT.—The objectives of the report required by subsection (b) shall be to determine the availability of rare earth materials, including ores, semi-finished rare earth products, components containing rare-earth materials, and other uses of rare earths by the Department of Defense in its weapon systems. The following items shall be considered:

(1) An analysis of past procurements and attempted procurements by foreign governments or government- controlled entities, including mines and mineral rights, of rare-earth resources outside such nation's territorial boundaries.

(2) An analysis of the worldwide availability of rare earths, such as samarium, neodymium, thorium and lanthanum, including current and potential domestic sources for use in defense systems, including a projected analysis of projected availability of these materials in the export market.

(3) A determination as to which defense systems are currently dependent on rare earths

supplied by nondomestic sources, particularly neodymium iron boron magnets.

(d) RARE EARTH DEFINED.—In this section, the term ''rare earth'' means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

SEC. 829. FURNITURE STANDARDS.

All Department of Defense purchases of furniture in the United States and its territories made from Department of Defense funds, including under design-build contracts, must meet the same quality standards as specified by the General Services Administration schedule program and the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. ROLE OF COMMANDER OF SPECIAL OPERATIONS COMMAND REGARDING PERSONNEL MANAGEMENT POLICY AND PLANS AFFECTING SPECIAL OPERATIONS FORCES.

Section 167(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking subparagraph (J); and

(2) inserting at the end the following new paragraph:

''(5)(A) The Secretaries of the military departments shall coordinate with the commander of the special operations command regarding personnel management policy and plans as such policy and plans relate to the following:

''(i) Accessions, assignments, and command selection for special operations forces.

''(ii) Compensation, promotions, retention, professional development, and training of members of special operations forces.

''(iii) Readiness as it relates to manning guidance and priority of fill for units of the special operations forces.

''(B) The coordination required by subparagraph (A) shall be conducted in such a manner so as not to interfere with the authorities of the Secretary concerned regarding personnel management policy and plans.''.

SEC. 902. SPECIAL OPERATIONS ACTIVITIES.

Section 167(j) of title 10, United States Code, is amended by striking paragraphs (1) through (10) and inserting the following new paragraphs:

''(1) Special reconnaissance.
''(2) Unconventional warfare.
''(3) Foreign internal defense.
''(4) Civil affairs operations.
''(5) Counterterrorism.
''(6) Psychological operations.
''(7) Information operations.
''(8) Counter proliferation of weapons of mass destruction.
''(9) Security force assistance.
''(10) Counterinsurgency operations.
''(11) Such other activities as may be specified by the President or the Secretary of Defense.''.

SEC. 903. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 904. AUTHORITY TO ALLOW PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2167 the following new section:

''§2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction

''(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate certification or diploma.

''(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains eligible for such instruction only so long as that person remains employed by an eligible private sector firm.

''(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

''(1) the curriculum in which private sector employees may be enrolled under this section is not readily available through other schools; and

''(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense.

''(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

''(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

''(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:

''2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.''.

SEC. 905. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) ORGANIZATIONAL CHARTS.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) POSITIONS FILLED BY SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(4) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term ''senior position'' means a position fill by a member of the senior executive service or a position on the Executive Schedule established pursuant to title 5, United States Code.

(2) SENIOR PERSONNEL.—The term ''senior personnel'' means personnel who are members of the senior executive service or who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code.

SEC. 906. REQUIREMENT FOR DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS TO REPORT DIRECTLY TO SECRETARY OF DEFENSE.

Paragraph (2) of section 139b(c) of title 10, United States Code, is amended to read as follows:

''(2) The Director shall report directly to the Secretary of Defense.''.

SEC. 907. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 166a(e)(1) of title 10, United States Code, is amended—

(1) by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$15,000'' and inserting ''the investment unit cost threshold in effect under section 2245a of this title''.

(b) COORDINATION WITH SECRETARY OF STATE.—Paragraph (6) of section 166a(b) of such title is amended by inserting after ''assistance,'' the following: ''in coordination with the Secretary of State,''.

SEC. 908. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) REPEAL OF REQUIREMENT FOR POSITION.—

(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken until the expiration of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term ''covered action'' means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 909. RECOMMENDATIONS TO CONGRESS BY MEMBERS OF JOINT CHIEFS OF STAFF.

Section 151(f) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''After first''; and

(2) by adding at the end the following new paragraph:

''(2) The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to Congress on a particular matter when Congress requests such advice.''.

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.

(a) STRATEGY.—

(1) REQUIREMENTS.—Paragraph (2) of section 2272(a) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The process for transitioning space science and technology programs to new or existing space acquisition programs.''.

(2) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

''(5) The Secretary of Defense shall annually submit the strategy developed under paragraph (1) to the congressional defense committees on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.''.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGY.—

(1) REVIEW.—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense submits the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. CONVERTING THE SPACE SURVEILLANCE NETWORK PILOT PROGRAM TO A PERMANENT PROGRAM.

Section 2274 of title 10, United States Code, is amended—

(1) in the heading, by striking ''PILOT'';

(2) in subsection (a)—

(A) in the heading, by striking ''PILOT''; and

(B) by striking ''a pilot program to determine the feasibility and desirability of providing'' and inserting ''a program to provide'';

(3) in subsection (b) in the matter preceding paragraph (1), by striking ''such a pilot program'' and inserting ''the program'';

(4) in subsection (c) in the matter preceding paragraph (1), by striking ''pilot'';

(5) in subsection (d) in the matter preceding paragraph (1), by striking ''pilot'';

(6) in subsection (h), by striking ''pilot''; and

(7) by striking subsection (i).

Subtitle C—Intelligence-Related Matters

SEC. 921. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle D—Other Matters

SEC. 931. JOINT PROGRAM OFFICE FOR CYBER OPERATIONS CAPABILITIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a Joint Program Office for Cyber Operations Capabilities to assist the Under Secretary of Defense for Acquisition, Technology, and Logistics in improving the development of specific leap-ahead capabilities, including manpower development, tactics, and technologies, for the military departments, the Defense Agencies, and the combatant commands.

(b) DIRECTOR.—The Joint Program Office for Cyber Operations Capabilities (in this section referred to as the ''JPO–COC'') shall be headed by a Director, who shall be appointed by the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, the Under Secretary of Defense for Intelligence, and the commander of United States Strategic Command. The Director shall be selected from among individuals with significant technical and management expertise in information technology system development, and shall serve for three years.

(c) SUPERVISION.—The Director shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Assistant Secretary of Defense for Networks and Information Integration may provide policy guidance to the Director on issues within the Director's areas of responsibilities.

(d) RESPONSIBILITIES.—The JPO-COC shall be responsible for the following:

(1) Coordinating cyber operations capabilities, both offensive and defensive, between the military departments, Defense Agencies, and combatant commands in order to identify and prioritize joint capability gaps.

(2) Developing advanced, leap-ahead capabilities to address joint capability gaps.

(3) Establishing a nation level, joint, interagency cyber exercise, similar to the exercise known as Eligible Receiver, that would occur at least biennially, and, to the extent possible, that would include participants from industry, critical infrastructure sector providers, international militaries, and non-governmental organizations.

(4) Such other responsibilities as the Under Secretary determines are appropriate.

(e) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on all of the activities of the JPO-COC during the preceding year.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM TRANSITION COUNCIL.

(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System Transition Council (in this section referred to as the ''Council'') to provide advice to the Secretary of Defense and the Secretaries of the military departments on implementing the defense integrated military human resources system (in this section referred to as the ''DIMHRS'') throughout the Department of Defense, including within each military department.

(b) COMPOSITION.—The Council shall include the following members:

(1) The Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral.

(4) One civilian employee of the National Guard Bureau who occupies a position of responsibility and receives compensation comparable to a lieutenant general or vice admiral.

(5) Such other individuals as may be designated by the Secretary of Defense.

(c) MEETINGS.—The Council shall meet not less than once a quarter, or more often as specified by the Secretary of Defense.

(d) DUTIES.—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, or budgetary issues impeding transition of DIMHRS to the military departments.

(2) Coordination of implementation of DIMHRS within each military department to ensure interoperability between and among the Department of Defense as a whole and each military department.

(3) Such other responsibilities as the Secretary of Defense determines are appropriate.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2014, the Council shall submit to the congressional defense committees an annual report on the progress of DIMHRS transition.

(2) The report shall include descriptions of the following:

(A) The status of implementation of DIMHRS among the military departments.

(B) A description of the testing and evaluation activities of DIMHRS as implemented throughout the Department of Defense, as well as any such activities developed by the military departments to extend DIMHRS to the departments.

(C) Plans for the decommissioning of human resources systems within the Department of Defense and military department that are being replaced by DIMHRS, including—

(i) systems to be phased out; and

(ii) plans for the remaining legacy systems to be phased out.

(D) Funding and resources from the military departments devoted to the development of department-specific plans to augment and extend the DIMHRS within each department.

SEC. 933. DEPARTMENT OF DEFENSE SCHOOL OF NURSING REVISIONS.

(a) SCHOOL OF NURSING.—

(1) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

''§2169. School of Nursing

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a School of Nursing, not later than July 1, 2011. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2013, not less than 50 in the second class, and not less than 100 annually thereafter.

''(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

''(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2169. School of Nursing.''.

(b) CONFORMING AMENDMENTS.—Section 2117 of title 10, United States Code, and the item relating to such section in the table of chapters at the beginning of chapter 104 of such title, are repealed.

SEC. 934. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.

(a) REPORT REQUIRED.—The commander of the special operations command shall prepare a report, in accordance with this section, on the organization, manning, and management of the command.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength levels at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that special operations command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army special operations command.

(6) A plan to sustain the cultural engagement group of special operations command central.

(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between special operations command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to special operations command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for special operations command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Center for Special Operations Interagency Task Force process.

(c) REPORT.—The report required by subsection (a) shall be submitted not later than March 15, 2010, to the congressional defense committees.

SEC. 935. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) MATTERS TO BE ADDRESSED.—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense.

(3) The types of recruitment and retention incentives available to members of the Armed Forces and civilian employees of the Department of Defense.

(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(c) CYBER OPERATIONS PERSONNEL DEFINED.—In this section, the term ''cyber operations personnel'' refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATIONS.—Except as provided in paragraphs (3) and (4), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(4) EXCEPTION FOR TRANSFERS FOR HEALTH INFORMATION MANAGEMENT AND INFORMATION TECHNOLOGY SYSTEMS.—A transfer of funds from the Office of the Secretary of Defense for the support of the Department of Defense Health Information Management and Information Technology systems shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF FUNDING DECISIONS INTO LAW.

(a) AMOUNTS SPECIFIED IN COMMITTEE REPORT ARE AUTHORIZED BY LAW.—Wherever a funding table in the report of the Committee on Armed Services of the House of Representatives to accompany the bill H.R. 2647 of the 111th Congress specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law to be carried out to the same extent as if included in the text of this Act, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount incorporated into the Act by this section shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex to the report referred to in subsection (a).

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in the report referred to in subsection (a) shall supersede the requirements of this section.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

SEC. 1011. ONE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE COUNTER-DRUG AUTHORITIES AND REQUIREMENTS.

(a) REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.—Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''April 15, 2006'' and all that follows through ''February 15, 2009'' and inserting ''February 15, 2010''.

(b) UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.—Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

(1) in subsection (a), by striking ''2009'' and inserting ''2010''; and

(2) in subsection (c), by striking ''2009'' and inserting ''2010''.

(c) SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.—Section 1033(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1024(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking ''2009'' and inserting ''2010''.

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''2009'' and inserting ''2010''.

SEC. 1013. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) PROHIBITION ON USE OF COUNTER-NARCOTIC ASSISTANCE FOR BORDER COORDINATION CENTERS.—

(1) PROHIBITION.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) LIMITATION ON ESTABLISHMENT OF ADDITIONAL CENTERS.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command–East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(1) the area of operations of Regional Command–South in the Islamic Republic of Afghanistan; or

(2) Baluchistan in the Islamic Republic of Pakistan.

(c) BORDER COORDINATION CENTER DEFINED.—In this section, the term ''border coordination center'' means multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

SEC. 1014. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

(b) ELEMENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evaluation system for the counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. OPERATIONAL PROCEDURES FOR EXPERIMENTAL MILITARY PROTOTYPES.

(a) IN GENERAL.—For the purposes of conducting test and evaluation of experimental military prototypes, including major systems, as defined in section 2302 of title 10, United States Code, that have been substantially modified for testing with the goal of developing new technology for increasing the capability, capacity, efficiency, or reliability of such systems, and for stimulating innovation in research and development to improve equipment or system capability, the senior military officer of each military service, in consultation with the senior acquisition executive of each military department, shall develop and prescribe guidance to enable an expedited process for the documentation and approval of deviations from standardized operating instructions and procedures for systems and equipment that have been substantially modified for the purpose of research, development, or testing. The guidance shall—

(1) provide for appropriate consideration of the safety of personnel conducting such tests and evaluations;

(2) ensure that, prior to the approval of any such deviation, sufficient engineering and risk management analysis has been completed by a competent technical authority to provide a reasonable basis for determining that the proposed deviation will not result in an unreasonable risk of liability to the United States;

(3) provide full and fair opportunity for all contractors, including non-traditional defense contractors, who have developed or proposed promising technologies, to test and evaluate experimental military prototypes in a manner that—

(A) allows both the contractor and the military service to assess the full potential of the technology prior to the establishment of a formal acquisition program; and

(B) does not unduly restrict the operating envelope, environment, or conditions approved for use during test and evaluation on the basis of existing operating instructions and procedures developed for sustained operations of proven military hardware, but does ensure that deviations from existing operating instructions and procedures have been subjected to appropriate technical review consistent with any modifications made to the system or equipment; and

(4) ensure that documentation and approval of such deviations—

(A) can be accomplished in a transparent, cost-effective, and expeditious manner, generally within the period of performance of the contract for the development of the experimental military prototype;

(B) address the use of a major system as an experimental military prototype by a contractor, and the conduct of test and evaluation of such system by the contractor; and

(C) identify the scope of test and evaluation to be conducted under such deviation, the responsibilities of the parties conducting the test and evaluation, including the assumption of liability, and the responsibility for disposal of the experimental military prototype or, as appropriate, the return of a major system to its original condition.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of each military department shall submit to the congressional defense committees a report documenting the guidance developed in accordance with subsection (a) and describing how such guidance fulfills the objectives under paragraphs (1) through (4) of such subsection.

(c) ONE TIME AUTHORITY TO CONVEY.—

(1) IN GENERAL.—In advance of the development of a process required by subsection (a), the Secretary of the Navy is authorized to convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as ''transferee''), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number 163283), also known as the X-49A aircraft, and associated components and test equipment, previously specified as Government furnished equipment in contract N00019-00-C-0284. The conveyance shall be made by means of a deed of gift

(2) CONDITIONS.—The conveyance under paragraph (1) may only be made under the following conditions:

(A) The aircraft shall be conveyed in its current, ''as is'' condition.

(B) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(C) The conveyance shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(D) The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States, except that such terms and conditions shall include, at a minimum—

(i) a provision stipulating that the conveyance of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of vectored thrust ducted propeller (VTDP) technology and that all items referenced in paragraph (1) will transfer back to the United States Navy, at no cost to the United States, in the event that the X-49A aircraft is utilized for any other purpose; and

(ii) a provision providing the Government the right to procure the vectored thrust ducted propeller (VTDP) technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(E) Upon such conveyance, the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SEC. 1022. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) TEMPORARY WAIVER.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN-65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN-78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—During the fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that could result due to a temporary reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN-65).

(2) REPORT TO CONGRESS.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President's budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

SEC. 1023. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense, or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1024. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence and defense committees a revised charter for the National Reconnaissance Office (hereinafter in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The provision of NRO participation in the development and generation of requirements and acquisition.

(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

Subtitle D—Studies and Reports

SEC. 1031. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of subsection (d) of section 118 of title 10, United States Code.

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report addressing the areas of deviation not later than 30 days after the submission of the report by the Comptroller General required by paragraph (1).

SEC. 1032. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SEC. 1033. SENSE OF CONGRESS AND AMENDMENT RELATING TO QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a strategy process that necessarily produces budget plans; however, budget pressures should not determine or limit its outcomes.

(b) RELATIONSHIP OF QDR TO BUDGET.—Section 118(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) The existence of the quadrennial defense review does not exempt the President or the Department of Defense from fulfilling its annual legal obligations to submit to Congress a budget and all legally required supporting documentation.''.

SEC. 1034. STRATEGIC REVIEW OF BASING PLANS FOR UNITED STATES EUROPEAN COMMAND.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the appropriate congressional committees a report on the plan for basing of forces in the European theater, containing a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan satisfies the commitments undertaken by the United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(3) how the plan addresses the current security environment in Europe, including United States participation in theater cooperation activities;

(4) how the plan contributes to peace and stability in Europe; and

(5) the impact that a permanent change in the basing of a unit currently assigned to United States European Command would have on the matters described in paragraphs (1) through (4).

(b) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the continental United States as of the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) UNIT.—The term ''unit'' has the meaning determined by the Secretary of Defense for purposes of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1035. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel''). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Two by the ranking member of the Committee on Armed Services of the Senate.

(5) Two by the Secretary of Defense.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks of the report of the 2009 QDR, with particular attention paid to the risks described in that report;

(3) submit to the congressional defense committees and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment under paragraph (3); and

(5) provide to Congress and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—

(1) The Panel shall hold its first meeting no later than 30 days after the date as of which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(2) If the Secretary of Defense has not made the Secretary's appointments to the Panel under subsection (b)(5) by the date of the first meeting pursuant to paragraph (1), the Panel shall convene with the remaining members.

(g) REPORTS.—

(1) Not later than April 15, 2010, the Panel shall submit an interim report on its findings to the congressional defense committees and to the Secretary of Defense.

(2) Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the congressional defense committees and to the Secretary of Defense.

(3) Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the committees referred to in paragraph (2) the Secretary's comments on the Panel's final report under that paragraph.

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1036. REPORT REQUIRED ON NOTIFICATION OF DETAINEES OF RIGHTS UNDER MIRANDA V. ARIZONA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the reading of rights under Miranda v. Arizona (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the rules of engagement of the Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.

SEC. 1037. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time as the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for fiscal year 2011, and for each subsequent fiscal year, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military departments, shall submit to the congressional defense committees an annual report on the electronic warfare strategy of the Department of Defense.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the Department of Defense's electronic warfare strategy;

(B) how such strategy supports the National Defense Strategy; and

(C) the organizational structure assigned to oversee the development of the Department's electronic warfare strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department's electronic warfare strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for each program or project and, if such requirements exist, the date on which the requirements were validated and by which organizational authority;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, to include the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it relates to the program or project's current program baseline and the original program baseline if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) what capability gap the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) for each classified program or project on the list required by paragraph (2).

SEC. 1038. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) STUDIES REQUIRED.—

(1) INDEPENDENT STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2010 for operation and maintenance for Defense-wide activities.

(2) JOINT CHIEFS OF STAFF STUDY.—The Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information.

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1).

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) REPORT REQUIRED.—Not later than September 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ''network-centric operations'' refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

Subtitle E—Other Matters

SEC. 1041. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

''§ 2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

''Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.''.

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1042. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''2009'' and inserting ''2010''.

SEC. 1043. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The heading of section 1567 is amended to read as follows:

''§ 1567. Duration of military protective orders''.

(2) The heading of section 1567a is amended to read as follows:

''§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement''.

(3) Section 2306c(h) is amended by striking ''section 2801(c)(2)'' and inserting ''section 2801(c)(4)''.

(4) Section 2667(g)(1) is amended by striking ''Secretary concerned concerned'' and inserting ''Secretary concerned''.

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking ''Secretary'' and inserting ''Secretary of Defense''.

(2) Section 523(1) (122 Stat. 4446) is amended by striking ''serving or'' and inserting ''serving in or''.

(3) Section 616 (122 Stat. 4486) is amended by striking ''of title'' in subsections (b) and (c) and inserting ''of such title''.

(4) Section 732(2) (122 Stat. 4511) is amended by striking ''year.'' and inserting ''year''.

(5) Section 811(c)(6)(A)(iv)(I) (122 Stat.4524) is amended by striking ''after of 'the program'' and inserting ''after 'of the program''.

(6) Section 813(d)(3) (122 Stat. 4527) is amended by striking ''each of subsections (c)(2)(A) and (d)(2)'' and inserting ''subsection (c)(2)(A)''.

(7) Section 825(b) (122 Stat. 4534) is amended in the new item being added by inserting a period after ''thereof''.

(8) Section 834(a)(2) (122 Stat. 4537) is amended by inserting ''subchapter II of'' before ''chapter 87''.

(9) Section 845(a) (122 Stat. 4541) is amended—

(A) in paragraph (1), by striking ''Subchapter I'' and inserting ''Subchapter II''; and

(B) in paragraph (2), by striking ''subchapter I'' and inserting ''subchapter II''.

(10) Section 855 (122 Stat. 4545) is repealed.

(11) Section 921(1) (122 Stat. 4573) is amended by striking ''subsections (f) and (g) as subsections (g) and (h)'' and inserting ''subsections (f), (g), and (h) as subsections (g), (h), and (i)''.

(12) Section 931(b)(5) (122 Stat. 4575) is amended—

(A) by striking ''Section 201(e)(2)'' and inserting ''Section 201(f)(2)(E)''; and

(B) by striking ''(6 U.S.C. 121(e)(2))'' and inserting ''(6 U.S.C. 121(f)(2)(E))''.

(13) Section 932 (122 Stat. 4576) is repealed.

(14) Section 1033(b) (122 Stat. 4593) is amended by striking ''chapter 941'' and inserting ''chapter 931''.

(15) Section 1059 (122 Stat. 4611) is amended by striking ''Act of'' and inserting ''Act for''.

(16) Section 1061(b)(3) (122 Stat. 4613) is amended by striking ''103'' and inserting ''188''.

(17) Section 1109 (122 Stat. 4618) is amended in subsection (e)(1) of the matter proposed to be added by striking ''the date of the enactment of this Act'' and inserting ''October 14, 2008,''.

(18) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking ''section 2401'' and inserting ''section 2101''.

(19) Section 3508(b) (122 Stat. 4769) is amended to read as follows:

''(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.''.

(20) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: '', and by striking 'CALENDAR' and inserting 'FISCAL' in the heading for paragraph (2)''.

SEC. 1044. REPEAL OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 1081.

SEC. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

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

(2) in subsection (h), as redesignated by paragraph (1) of this subsection, by striking ''June 1, 2009'' and inserting ''September 30, 2010''; and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) FOLLOW-ON REPORT.—Not later than May 1, 2010, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report to the report submitted under subsection (e). With respect to the matters described under subsection (c), the follow-on report shall include, at a minimum, the following:

''(1) A review of—

''(A) the nuclear posture review required by section 1070 of this Act; and

''(B) the Quadrennial Defense Review required to be submitted under section 118 of title 10, United States Code.

''(2) A review of legislative actions taken by the 111th Congress.''.

SEC. 1046. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(c) AUTHORIZATION FOR APPROPRIATION.—Of the amounts authorized to be appropriated under title III, not less than $240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

SEC. 1047. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 90-day period beginning on the date the Secretary of the Air Force submits a report in accordance with subsection (b), the following provisions apply:

(1) PROHIBITION ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary on May 18, 2009.

(2) PROHIBITION ON PERSONNEL REASSIGNMENTS.—The Secretary of the Air Force may not reassign any Air Force personnel (whether on active duty or a member of a reserve component, including the National Guard) associated with such restructuring plan.

(3) REQUIREMENTS TO CONTINUE FUNDING.—

(A) Of the funds authorized to be appropriated in title III of this Act for operations and maintenance for the Air Force, at least $344,600,000 shall be expended for continued operation and maintenance of the 249 fighter aircraft scheduled for retirement in fiscal year 2010 pursuant to such restructuring plan.

(B) Of the funds authorized to be appropriated in title I of this Act for procurement for the Air Force, at least $10,500,000 shall be available for obligation to provide for any modifications necessary to sustain the 249 fighter aircraft.

(b) REPORT.—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.

(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan more forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1048. SENSE OF CONGRESS HONORING THE HONORABLE ELLEN O. TAUSCHER.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1996, Representative Ellen O. Tauscher was elected to represent California's 10th Congressional district, which is located in the East Bay Area of northern California and consists of parts of Solano, Contra Costa, Alameda, and Sacramento counties.

(2) Representative Tauscher also represents two of the Nation's defense laboratories, Lawrence Livermore and the California campus of Sandia, as well as Travis Air Force Base, home of the 60th Air Mobility Wing and the Camp Parks Army Reserve facility.

(3) Prior to her service in Congress, Representative Tauscher worked in the private sector for 20 years, 14 of which were on Wall Street.

(4) At age 25, Representative Tauscher became one of the first women, and the youngest at the time, to hold a seat on the New York Stock Exchange, and she later served as an officer of the American Stock Exchange.

(5) Representative Tauscher moved to California in 1989 and shortly afterwards founded the first national research service to help parents verify the background of childcare workers while she sought quality childcare for her own daughter.

(6) Subsequently, Representative Tauscher published a book to help working parents make informed decisions about their own childcare needs.

(7) Representative Tauscher is known by her colleagues in Congress as a leader on national security and nonproliferation issues.

(8) During her tenure, she has introduced legislation to increase and expand the Nation's nonproliferation programs, strengthen the Stockpile Stewardship Program, and provide the Nation's troops with the support and equipment they deserve.

(9) In the 110th Congress, Representative Tauscher was appointed Chairman of the Strategic Forces Subcommittee of the Armed Services Committee of the House of Representatives, becoming only the third woman in history to chair an Armed Services subcommittee.

(10) Representative Tauscher is also the first California Democrat to be elevated to an Armed Services Subcommittee Chairmanship since 1992.

(11) Representative Tauscher is currently serving her second term as the Chairman of the House New Democrat Coalition, and she was appointed by the Speaker of the House to serve as the Vice Chair for the Future Security and Defense Capabilities Subcommittee of the Defense and Security Committee of NATO's Parliamentary Assembly.

(12) On May 5, 2009, the President nominated Representative Tauscher to serve as Under Secretary of State for Arms Control and International Security at the Department of State.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Ellen O. Tauscher, Representative from California, has served the House of Representatives and the American people selflessly and with distinction, and that she deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1049. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR-1.

(a) FINDINGS.—Congress makes the following findings:

(1) The Deep Submergence Vessel NR-1 (hereinafter in this section referred to as ''NR-1'') was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR-1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut throughout her entire service life.

(3) NR-1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR-1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.

(5) In 1986, NR-1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR-1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) NR-1 is a unique and irreplaceable part of the Nation's history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Museum and Library in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of on-board equipment and clearly recognizable sections of the hull and superstructure, to the full extent practicable, are made available for transfer to the Submarine Force Museum and Library.

SEC. 1050. COMPLIANCE WITH REQUIREMENT FOR PLAN ON THE DISPOSITION OF DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA.

The Secretary of Defense shall comply with the requirements of section 1023(b) of this Act, regarding the transfer or release of the individuals detained at Naval Station, Guantanamo Bay, Cuba.

SEC. 1051. SENSE OF CONGRESS REGARDING CARRIER AIR WING FORCE STRUCTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) The requirement of section 5062(b) of title 10, United States Code, for the Navy to maintain not less than 11 operational aircraft carriers, means that the naval combat forces of the Navy also include not less than 10 carrier air wings.

(2) The Department of the Navy currently requires a carrier air wing to include not less than 44 strike fighter aircraft.

(3) In spite of the potential warfighting benefits that may result in the deployment of fifth-generation strike fighter aircraft, for the foreseeable future the majority of the strike fighter aircraft assigned to a carrier air wing will not be fifth-generation assets.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the naval combat forces of the Navy should include not less than 10 carrier air wings (even if the number of aircraft carriers is temporarily reduced) that are comprised of, in addition to any other aircraft, not less than 44 strike fighter aircraft; and

(2) the Secretary of the Navy should take all appropriate actions necessary to make resources available in order to include such number of strike fighter aircraft in each carrier air wing.

SEC. 1052. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE FINANCIAL IMPROVEMENT AND AUDIT READINESS; PLAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense is the largest agency in the Federal Government, owning 86 percent of the Government's assets, estimated at $4.6 trillion.

(2) It is essential that the Department maintain strong financial management and business systems that allow for comprehensive auditing, in order to improve financial management government-wide and to achieve an opinion on the Federal Government's consolidated financial statements.

(3) Several major pieces of legislation, such as the Chief Financial Officers Act of 1990 (Public Law 101–576) and the Federal Financial Management Improvement Act of 1996 (Public Law 104–208; 31 U.S.C. 3512 note) have required published financial statement audits, reporting by auditors regarding whether the Department's financial management systems comply substantially with Federal accounting standards, and other measures intended to ensure financial management systems of the Department provide accurate, reliable, and timely financial management information.

(4) Nevertheless, according to the January 2009 update to the Government Accountability Office High Risk Series, to date, only ''. . . the U.S. Army Corps of Engineers, Civil Works has achieved a clean audit opinion on its financial statements. None of the military services have received favorable financial statement audit opinions, and the Department has annually acknowledged that long-standing pervasive weaknesses in its business systems, processes, and controls have prevented auditors from determining the reliability of reported financial statement information.''

(5) In response to a congressional mandate, the Department issued its first biennial Financial Improvement and Audit Readiness Plan in December 2005, to delineate its strategy for addressing financial management challenges and achieving clean audit opinions. This 2005 report projected that 69 percent of assets and 80 percent of liabilities would be ''clean'' by 2009, yet in the latest report in March 2009 the Department projects it will achieve an unqualified audit on only 45 percent of its assets and liabilities by 2009. The Department of Defense is falling behind its original plan to achieve full compliance with the law by 2017.

(6) Following the passage of the Sarbanes-Oxley Act of 2002 (Public Law 107–204), publicly traded corporations in the United States would face severe penalties for similar deficiencies in financial management and accountability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is no longer excusable to allow poor business systems, a deficiency of resource allocation, or a lack of commitment from senior Department of Defense leadership to foster waste or non-accountability to the United States taxpayer. It is the further sense of Congress that the Secretary of Defense has not made compliance with financial management and audit readiness standards a top priority and should require, through the Chief Management Officer of the Department of Defense, that each component of the Department develop and implement a specific plan to become compliant with the law well in advance of 2017.

(c) PLAN.—In the next update of the Financial Improvement and Audit Readiness Plan, following the date of the enactment of this Act, the Secretary of Defense shall outline a plan to achieve a full, unqualified audit of the Department of Defense by September 30, 2013. In the plan, the Secretary shall also identify a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

SEC. 1053. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) At the request of President George W. Bush, Congress permitted the President to waive applicable provisions of the National Defense Authorization Act for Fiscal Year 2008 with respect to judicially cognizable claims of American victims of torture and hostage taking by the Government of Iraq.

(2) In return, however, Congress requested the executive branch to resolve these claims through negotiations with Iraq.

(3) After considerable delay, officials of the Department of State have informed Members of Congress that these negotiations are underway.

(4) Congress appreciates the start of the negotiations and will monitor the progress in the prompt and equitable resolution of these claims.

(5) Congress notes that the House of Representatives in the 110th Congress unanimously adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of these claims.

(6) In the interest of assisting the new democratic government of Iraq, H.R. 5167 offers a considerable compromise to all parties involved by waiving all punitive damages awarded by the courts in these cases, as well as approximately two-thirds of compensatory damages awarded by the courts.

(b) SENSE OF CONGRESS.—It is the sense of Congress that as the negotiations to resolve the claims of American victims of torture and hostage taking by the Government of Iraq that are referred to in subsection (a)(1) proceed, Congress continues to view the provisions of H.R.5167 of the 110th Congress as representing a fair compromise of these claims.

SEC. 1054. REPEAL OF CERTAIN LAWS PERTAINING TO THE JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is repealed.

(b) BIENNIAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

''(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the head of an element of the intelligence community, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

''(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, an element of the intelligence community, the Department of Homeland Security, the Department of State, or such Federal agency or office, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department, such element, or such Federal agency or office; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) TECHNICAL AMENDMENT.—Section 808 of such Act (50 U.S.C. 1908) is amended by adding at the end the following new paragraph:

''(6) The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

''(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by striking ''Except as provided in subsection (d), the'' in the second sentence and inserting ''The''.

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking the first sentence; and

(2) by striking ''the authorities provided in such chapter'' and inserting ''the other authorities provided in this chapter''.

(d) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (g).

SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE DEPARTMENT OF DEFENSE INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.

Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

SEC. 1104. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

''(1) PERSONNEL.—

''(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

''(B) ADDITIONAL AUTHORITIES.—

''(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

''(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

''(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

''(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).''.

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), is amended by striking ''calendar year 2009'' and inserting ''calendar years 2009 and 2010''.

SEC. 1106. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

Section 1603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417;122 Stat. 4616), is amended by inserting ''Pakistan or'' after ''is on official duty in''.

SEC. 1107. AUTHORITY TO EXPAND SCOPE OF PROVISIONS RELATING TO UNREDUCED COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees as may be provided for under such regulations.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9902(h) of such title 5 (as so designated by subsection (a)(1)) is amended by striking the period and inserting '', excluding paragraph (3).''.

SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

(a) CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Annual strategic workforce plan

''(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

''(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

''(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

''(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

''(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

''(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified in paragraph (1);

''(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

''(E) any changes in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

''(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

''(4) Any additional matters the Secretary of Defense considers necessary to address.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Each strategic workforce plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense, including the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2).

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall specifically address—

''(A) the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

''(B) a plan for funding needed improvements in the military and civilian workforce of the Department, including—

''(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

''(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'senior management, functional, and technical workforce of the Department of Defense' includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(2) The term 'acquisition workforce' includes individuals designated under section 1721 as filling acquisition positions.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Annual strategic workforce plan.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 201, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.

(a) AMENDMENTS.—Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619) is amended—

(1) in paragraph (1) of subsection (b), by striking ''requirements of—'' and all that follows through the end of subparagraph (C) and inserting ''the requirements of section 115b of this title; or'';

(2) in paragraph (2) of subsection (b), by striking ''purposes described in paragraphs (1) through (4) of subsection (c).'' and inserting the following:

''any of the following purposes:

''(A) Performance of inherently governmental functions.

''(B) Performance of work pursuant to section 2463 of title 10, United States Code.

''(C) Ability to maintain sufficient organic expertise and technical capability.

''(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.''; and

(3) by striking subsections (c) and (d).

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

''(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

''(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and the budget fiscal year.

''(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

''(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

''(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.''

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of section 115a of such title is amended by inserting ''defense'' before ''manpower requirements report.''

(B)(i) The heading of such section is amended to read as follows:

''§115. Annual defense manpower requirements report''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

''115a. Annual defense manpower requirements report.''.

(3) CONFORMING REPEAL.—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

SEC. 1110. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.

(a) ADDITIONAL SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—

(1) DESIGNATION.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721):

(A) The Tank and Automotive Research Development and Engineering Center.

(B) The Armament Research Development and Engineering Center.

(C) The Naval Air Warfare Center, Weapons Division.

(D) The Naval Air Warfare Center, Aircraft Division.

(E) The Space and Naval Warfare Systems Center, Pacific.

(F) The Space and Naval Warfare Systems Center, Atlantic.

(2) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each facility identified in paragraph (1) from their current personnel system to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this paragraph—

(A) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

(B) shall be consistent with the terms of any collective bargaining agreement which might apply; and

(C) shall be completed within 18 months after the date of the enactment of this Act.

(b) EXCLUSION FROM NATIONAL SECURITY PERSONNEL SYSTEM.—

(1) IN GENERAL.—Section 9902(c)(2) of title 5, United States Code, is amended—

(A) in subparagraph (I), by striking ''and'' after the semicolon;

(B) in subparagraph (J), by striking the period and inserting ''; and''; and

(C) by adding after subparagraph (J) the following:

''(K) the Tank and Automotive Research Development and Engineering Center;

''(L) the Armament Research Development and Engineering Center;

''(M) the Naval Air Warfare Center, Weapons Division;

''(N) the Naval Air Warfare Center, Aircraft Division;

''(O) the Space and Naval Warfare Systems Center, Pacific; and

''(P) the Space and Naval Warfare Systems Center, Atlantic.''.

(2) EXTENSION OF PERIOD OF EXCLUSION.—Section 9902(c)(1) of title 5, United States Code, is amended by striking ''2011'' each place it appears and inserting ''2014''.

SEC. 1111. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement between the Department of Defense and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that Department of Defense employees, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the Department of Defense or private sector employee fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason (as determined by the Secretary of Defense).

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(f) NUMERICAL LIMITATION.—In no event may more than 10 employees be participating in assignments under this section as of any given time.

(g) REPORTING REQUIREMENT.—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned; and

(3) a description of the tasks they performed while they were so assigned.

(h) REPEAL OF SUPERSEDED SECTION.—Section 1109 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) is repealed, except that—

(1) nothing in this subsection shall, in the case of any assignment commencing under such section 1109 on or before the date of the enactment of this Act, affect—

(A) the duration of such assignment or the authority to extend such assignment in accordance with subsection (d) of such section 1109, as last in effect; or

(B) the terms or conditions of the agreement governing such assignment, including with respect to any service obligation under subsection (b) thereof; and

(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of—

(A) the numerical limitation under subsection (f); and

(B) the reporting requirement under subsection (g).

SEC. 1112. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''National Security Personnel System'' or ''NSPS'' refers to a human resources management system established under authority of chapter 99 of title 5, United States Code; and

(2) the term ''statutory pay sytem'' means a pay system under—

(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates);

(B) subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems); or

(C) such other provisions of law as would apply if chapter 99 of title 5, United States Code, had never been enacted.

(b) REQUIREMENT THAT ALL APPOINTMENTS MADE AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE STATUTORY PAY SYSTEM AND NOT NSPS.—Notwithstanding any other provision of law—

(1) the National Security Personnel System—

(A) shall not apply to any individual who is not subject to such System as of June 16, 2009; and

(B) shall not apply to any position which is not subject to such System as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to any position within the Department of Defense shall accordingly be subject to the statutory pay system and all other aspects of the personnel system which would otherwise apply (with respect to the individual or position involved) if the National Security Personnel System had never been established.

(c) TERMINATION OF NSPS AND CONVERSION OF ANY EMPLOYEES AND POSITIONS REMAINING SUBJECT TO NSPS.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the National Security Personnel System and for the conversion of any employees and positions which, as of such date of enactment, remain subject to such System, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the National Security Personnel System should not be terminated in accordance with paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the System should be continued with or without changes; and

(B) if, in the opinion of the Secretary, the System should be continued with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

(d) RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.—Section 9902(e)(7) of title 5, United States Code, is amended by striking ''no less than 60 percent'' and all that follows and inserting ''the full amount of such adjustment.''.

SEC. 1113. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered position'' means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term ''DCIPS pay system'', as used with respect to a covered position, means the

provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ''Defense Civilian Intelligence Personnel System'' means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term ''appropriate pay system'', as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,

excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual holding a covered position, including after June 16, 2009.

SEC. 1114. SENSE OF CONGRESS ON PAY PARITY FOR FEDERAL EMPLOYEES SERVICE AT JOINT BASE MCGUIRE/DIX/LAKEHURST.

It is the sense of Congress that for the purposes of determining any pay for an employee serving at Joint Base McGuire/Dix/Lakehurst—

(1) the pay schedules and rates to be used shall be the same as if such employee were serving in the pay locality, wage area, or other area of locality (whichever would apply to determine pay for the employees involved) that includes Ocean County, New Jersey; and

(2) the Office of Personnel Management should develop regulations to ensure pay parity for employees serving at Joint Bases.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Subtitle C—Other Matters

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) MODIFICATION.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1207(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended—

(1) by striking ''(b) LIMITATION.—'' and all that follows through ''the aggregate value'' and inserting ''(b) LIMITATION.—The aggregate value'';

(2) by striking ''$100,000,000'' and inserting ''$25,000,000''; and

(3) by striking paragraph (2).

(b) EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1207(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 1202. INCREASE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''$35,000,000'' and inserting ''$50,000,000''.

SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT.—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking ''180 days after the date of the enactment of this Act'' and inserting ''February 1 of each year''; and

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking ''and'' at the end; and

(B) by adding at the end the following new subparagraph:

''(I) subsection (b)(6) of section 166a of title 10, United States Code; and''.

(b) REPORT FOR FISCAL YEARS 2008 AND 2009.—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information required under such section with respect to fiscal years 2008 and 2009.

SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(3) The changes, if any, that should be made to the provisions of law described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(4) The organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(5) The resources and funding mechanisms required to ensure adequate funding for such programs.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as most recently amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4360), is further amended—

(1) in the heading, by striking ''FISCAL YEARS 2008 AND 2009'' and inserting ''FISCAL YEAR 2010''; and

(2) in the matter preceding paragraph (1)—

(A) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2010''; and

(B) by striking ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009'' and inserting ''$1,300,000,000 in fiscal year 2010''.

(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking ''fiscal years 2008 and 2009'' and inserting ''fiscal year 2010''.

SEC. 1213. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1510 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2010 may not exceed $1,600,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the appropriate congressional committees not less than 15 days before making any reimbursement under the authority in subsection (a). In the case of any reimbursement to Pakistan under the authority in subsection (a), such notification shall be made in accordance with the notification requirements under section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392).

(e) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

(f) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1217(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4635), is further amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.

(a) AMOUNTS IN FUND.—The Pakistan Counterinsurgency Fund (in this section referred to as the ''Fund'') shall consist of the following:

(1) Amounts appropriated to the Fund for fiscal year 2009.

(2) Amounts transferred to the Fund pursuant to subsection (d).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance to the security forces of Pakistan (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to improve the counterinsurgency capability of Pakistan's security forces (including Pakistan's military, Frontier Corps, and other security forces), and of which not more than $2,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for Pakistan's security forces receiving assistance under the Fund.

(2) RELATION TO OTHER AUTHORITIES.—Except as otherwise provided in section 1215 of this Act (relating to the program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan), amounts in the Fund are authorized to be made available notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) TRANSFERS FROM FUND.—

(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account,

for purposes consistent with this section.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) TRANSFERS BACK TO FUND.—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to the Fund under the authority of paragraph (1) shall be merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

(e) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Amounts in the Fund may not be obligated or transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed obligation or transfer.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(f) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1215. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) PROHIBITION.—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) REGISTRATION AND END-USE MONITORING REQUIREMENTS.—The registration and end-use monitoring requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1),

(c) REVIEW; EXEMPTION.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and monitoring requirements. The Secretary of Defense shall submit to the specified congressional committees the results of each review conducted under this paragraph.

(2) EXEMPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article''—

(A) includes—

(i) any weapon, including a small arm (as defined in paragraph (3)), weapons system, munition, aircraft, vessel, boat or other implement of war;

(ii) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(iii) any machinery, facility, tool, material supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph; or

(iv) any component or part of any article listed in this paragraph; but

(B) does not include merchant vessels or, as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(2) DEFENSE SERVICE.—The term ''defense service'' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961.

(3) SMALL ARM.—The term ''small arm'' means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a subcarbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) SPECIFIED CONGRESSIONAL COMMITTEES.—The term ''specified congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The Secretary of Defense may delay the effective date of this section by an additional period of up to 90 days if the Secretary certifies in writing to the specified congressional committees for such additional period that it is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

SEC. 1216. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan each adhere to military doctrine (as defined in the Department of Defense's Joint Publication 5-0, Joint Operation Planning), including the elements set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the conditions that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan reports the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) UPDATE OF REPORT.—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) EXCEPTION.—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (c).

(e) TERMINATION.—

(1) REPORTS ON IRAQ.—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) REPORTS ON AFGHANISTAN.—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1217. REQUIRED ASSESSMENTS OF UNITED STATES EFFORTS IN AFGHANISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward defeating al Qa'ida and its affiliated networks and extremist allies and preventing the establishment of safe havens in Afghanistan for al Qa'ida and its affiliated networks and extremist allies.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess progress in the following areas:

(1) Ending the ability of the Taliban, al Qa'ida, and other anti-government elements—

(A) to establish control over the population of Afghanistan or regions of Afghanistan;

(B) to establish safe havens in Afghanistan; and

(C) to conduct attacks inside or outside Afghanistan.

(2) Spreading legitimate and functional governance.

(3) Spreading the rule of law.

(4) Improving the legal economy of Afghanistan.

(5) Other areas the President determines to be important.

(c) REQUIREMENT TO DEVELOP GOALS AND TIMELINES.—For each area required to be assessed under subsection (b), the President, in consultation with the Government of Afghanistan and the governments of other countries the President determines to be necessary, shall establish goals for each area and timelines for meeting such goals.

(d) METRICS.—The President shall develop metrics that allows for the accurate and thorough assessment of progress toward each goal

and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment of—

(i) the progress of the government and people of Afghanistan, with the assistance of the international community, in each area required to be assessed under subsection (b); and

(ii) the effectiveness of United States efforts to assist the government and people of Afghanistan to make progress in each area required to be assessed under subsection (b).

(B) A description of the goals and timelines for meeting such goals required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1218. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq occupied by 100 or more United States military personnel and the number of such military installations closed, consolidated, or transferred to the Government of Iraq in the preceding 90-day period.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each threat level category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released from United States custody and the reasons for their release, and the number of detainees who having been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force–Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the drawdown of United States Armed Forces, and the process and timing that will be utilized by the commander of Multi-National Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) FORM.—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1219. REPORT ON AFGHAN PUBLIC PROTECTION PROGRAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Afghan Public Protection Program (in this section referred to as the ''program'').

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the program in the initial pilot districts in Afghanistan, including, at a minimum, the following elements:

(A) An evaluation of the changes in security conditions in the initial pilot districts from the program's inception to the date of the report.

(B) The extent to which the forces developed under the program in the initial pilot districts are generally representative of the ethnic groups in the respective districts.

(C) If the forces developed under the program are appropriately representative of the geographic area of responsibility.

(D) An assessment of the views of the local communities, to include both Afghan national, provincial, and district governmental officials and leaders of the local communities, of the successes and failures of the program.

(E) Any formal reviews of the program that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used.

(F) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were vetted.

(G) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders' Emergency Response Program funds spent as formal or informal incentives.

(H) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under the program.

(I) Any other criteria used to evaluate the program in the initial pilot districts by the Commander of United States Forces–Afghanistan.

(2) An assessment of the future of the program, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the program.

(B) A description of how such an expansion supports the functions of the Afghan National Police.

(C) A description of how the decision will be made whether to expand the program outside the initial pilot districts and the criteria that will be used to make that decision.

(D) A description of how districts or provinces outside of the initial pilot districts will be chosen to participate in the program, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the program.

(iii) How the views of other North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) Coalition partners will be taken into account during the decision process.

(iv) What process will be used to evaluate any changes to the program as executed in the initial pilot districts to account for different or unique circumstances in additional areas of expansion.

(E) An assessment of personnel or assets of the Department of Defense that would likely be required to support any expansion of the program, including a description of the following:

(i) Any requirement for personnel to train or mentor additional forces developed under the program or to train additional members of the ANSF to train forces under the program.

(ii) Any Department of Defense funding that would be provided to support additional forces under the program.

(iii) Any assistance that would reasonably be required to assist the Government of Afghanistan manage any additional forces developed under the program.

(F) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the program, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF Coalition partners;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(G) If members of the forces developed under the program will be transitioned to the ANSF or to other employment in the future, a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required;

(iii) how decisions will be made to transition the forces to the ANSF or other employment; and

(iv) any other relevant information.

(H) The Afghan chain of command that will be used to implement the program and provide command and control over the units created by the program.

SEC. 1220. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634) is

amended by adding at the end the following new sentence: ''Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385).''.

SEC. 1221. REPORT ON PAYMENTS MADE BY UNITED STATES ARMED FORCES TO RESIDENTS OF AFGHANISTAN AS COMPENSATION FOR LOSSES CAUSED BY UNITED STATES MILITARY OPERATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) the total amount of funds provided for losses caused by United States military operations;

(2) a breakdown of the number of payments by type, to include—

(A) compensation for the death of a noncombatant Afghan resident;

(B) compensation for the injury of a noncombatant Afghan resident;

(C) compensation for property damage caused during combat operations or noncombat operations; and

(D) any other category for which compensation was paid by United States Armed Forces; and

(3) the average amount of compensation for each type of payment described in paragraph (2).

(c) SCOPE OF REPORT.—The initial report required under subsection (a) shall include the information required under subsection (b) for the 5-year period ending on the date of submission of the initial report and each update of the report required under subsection (a) shall include the information required under subsection (b) for the period since the submission of last report.

(d) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on September 30, 2012.

SEC. 1222. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND COOPERATION.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the assessment required under subsection (a).

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex if necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1223. REQUIRED ASSESSMENTS OF PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward long-term security and stability in Pakistan.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess—

(1) the effectiveness of efforts—

(A) to disrupt, dismantle, and defeat al Qa'ida, its affiliated networks, and other extremist forces in Pakistan;

(B) to eliminate the safe havens for such forces in Pakistan; and

(C) to prevent the return of such forces to Pakistan or Afghanistan; and

(2) the effectiveness of United States security assistance to Pakistan to achieve the strategic goal described in paragraph (1).

(c) REQUIREMENT TO DEVELOP GOALS AND OBJECTIVES AND TIMELINES.—For any area assessed under subsection (b), the President, in consultation with the Government of Pakistan and the governments of other countries the President determines to be necessary, shall establish goals and objectives and timelines for meeting such goals and objectives.

(d) REQUIREMENT TO DEVELOP METRICS.—The President shall develop metrics that allow for the accurate and thorough assessment of progress toward each goal and objective and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment required under subsection (a).

(B) A description of the goals and objectives and timelines for meeting such goals and objectives required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462) is amended by striking the following: ''Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.''.

SEC. 1225. PLAN TO GOVERN THE DISPOSITION OF SPECIFIED DEFENSE ITEMS IN IRAQ.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan to govern the disposition of specified defense items in Iraq.

(b) ELEMENTS OF PLAN.—The plan required under subsection (a) shall, at a minimum, address the following elements:

(1) The identification of an individual, position, or office that will be responsible for making recommendations to the Secretary of Defense regarding the disposition of specified defense items in Iraq.

(2) A mechanism for conducting a thorough inventory of specified defense items in Iraq owned by the Department of Defense, including specified defense items in Iraq that are operated by contractors.

(3) A mechanism for soliciting input regarding potential requirements for specified defense items in Iraq. Such potential requirements may include—

(A) use in other overseas contingency operations involving the Armed Forces;

(B) use to reset the Armed Forces;

(C) use by other United States combatant commanders to enhance their capability to carry out missions in their respective combatant commands;

(D) use to refill prepositioned stocks;

(E) transfer to the security forces of Iraq or Afghanistan; and

(F) use by other Federal departments and agencies or political subdivisions of the United States.

(4) A mechanism for identifying specified defense items in Iraq that are not economically viable to remove from Iraq or which are not needed to meet other requirements, and for soliciting and evaluating proposals for the disposition of those items.

(5) A mechanism for ensuring that the views and inputs, as may be required by law, of other Federal departments and agencies are taken into account.

(c) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report outlining the plan required under subsection (a) and including the elements required under subsection (b). The report shall further include an assessment of current authorities for the disposition of equipment and recommendations about changes to such authorities that the Secretary determines to be necessary. The report required under this subsection shall be submitted not later than the date of submission to Congress of the President's budget for fiscal year 2011 pursuant to section 1105(a) of title 31, United States Code.

(d) REVIEW BY THE COMPTROLLER GENERAL.—Not later than 60 days after the date of submission of the report required under subsection (c), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan required under subsection (a) and the recommendations of the Secretary of Defense contained in the report required under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the transfer of specified defense items in Iraq to any entity outside the Department of Defense except pursuant to relevant laws currently in force.

(f) SPECIFIED DEFENSE ITEMS IN IRAQ DEFINED.—In this section, the term ''specified defense items in Iraq'' includes major end items and tactical equipment items owned by the Department of Defense that are present in Iraq as of the date of enactment of this Act and are no longer required to support United States military operations in Iraq.

SEC. 1226. CIVILIAN MINISTRY OF DEFENSE ADVISOR PROGRAM.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide civilian advisors to senior civilian and military officials of the Governments of Iraq and Afghanistan for the purpose of providing institutional, ministerial-level advice and other training to such officials in support of stabilization efforts and United States military operations in those countries.

(b) FORMULATION OF ADVICE AND TRAINING PROGRAM.—The Secretary of Defense and the Secretary of State shall jointly formulate any program to provide advice and training under subsection (a).

(c) LIMITATION.—The Secretary of Defense may not expend more than $13,100,000 for any fiscal year in carrying out any program in Iraq and Afghanistan as described in subsection (a).

(d) ADDITIONAL AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations or forces.

(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under this section terminates at the close of September 30, 2010.

SEC. 1227. REPORT ON THE STATUS OF INTERAGENCY COORDINATION IN THE AFGHANISTAN AND OPERATION ENDURING FREEDOM THEATER OF OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the following:

(1) The staffing structure of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan, including the roles of members of the Armed Forces, the roles of non-Armed Forces personnel, and unfilled staffing, training, and resource needs.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(3) Coordination between United States-led and NATO ISAF-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

(4) Unfilled staffing and resource requirements for reconstruction, development, and civil institution capacity building programs.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1228. SENSE OF CONGRESS SUPPORTING UNITED STATES POLICY FOR AFGHANISTAN.

It is the sense of Congress that—

(1) Afghanistan is a central front in the global struggle against al Qa'ida and its affiliated networks;

(2) the United States has a vital national security interest in ensuring that Afghanistan does not revert back to its pre-September 11, 2001, status and become a sanctuary for transnational terrorists;

(3) the President outlined a strategy for Afghanistan and Pakistan on March 27, 2009, that is rightly focused on disrupting, dismantling, and defeating al Qa'ida and its affiliated networks and their safe havens;

(4) the implementation of the President's strategy requires a long-term, integrated civilian-military counterinsurgency strategy and a sustained, substantial commitment of military resources to Afghanistan;

(5) as part of such an effort, the President should continue to provide United States military commanders with the forces requested to conduct combat operations and to train and mentor Afghan security forces; and

(6) in support of the President's strategy, Congress should ensure that United States military commanders in Afghanistan have the necessary funding and resources to succeed.

SEC. 1229. ANALYSIS OF REQUIRED FORCE LEVELS AND TYPES OF FORCES NEEDED TO SECURE SOUTHERN AND EASTERN REGIONS OF AFGHANISTAN.

(a) STUDY REQUIRED.—At the request of the Commander of United States Forces for Afghanistan (USFOR-A), the Secretary of Defense shall enter into a contract with a Federally Funded Research Development Center (FFRDC) to provide analysis and support to the commander to assist with analyzing the required force levels and types of forces needed to secure the southern and eastern regions of Afghanistan in an effort to provide a space for the government of Afghanistan to establish effective government control and provide the Afghan security forces with the required training and mentoring.

(b) FUNDING.—Of the amount authorized to be appropriated for Defense-wide operation and maintenance in section 301(5), $3,000,000 may be used to carry out subsection (a).

Subtitle C—Other Matters

SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as ''NATO'') operations, the Secretary of Defense is authorized to use up to $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the ''NSCC'') to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) CERTIFICATION.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

SEC. 1232. ANNUAL REPORT ON MILITARY POWER OF THE ISLAMIC REPUBLIC OF IRAN.

(a) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on Iran's Army, Air Force, Navy and the Iranian Revolutionary Guard Corps, and the tenets and probable development of Iran's grand strategy, security strategy, and military strategy, and of military organizations and operational concepts.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include at least the following elements:

(1) As assessment of Iranian grand strategy, security strategy, and military strategy, including the following:

(A) The goals of Iran's grand strategy, security strategy, and military strategy.

(B) Trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(2) An assessment of the capabilities of Iran's conventional forces, including the following:

(A) The size, location, and capabilities of Iran's conventional forces.

(B) A detailed analysis of Iran's forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(C) Major developments in Iranian military doctrine.

(D) An estimate of the funding provided for each branch of Iran's conventional forces.

(3) An assessment of Iran's unconventional forces, including the following:

(A) The size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps–Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran.

(C) A detailed analysis of Iran's unconventional forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including the following:

(A) A summary of nuclear capabilities and developments in the preceding year, including the location of major facilities believed to be involved in a nuclear weapons program.

(B) A summary of the capabilities of Iran's strategic missile forces, including the size of the Iranian strategic missile arsenal and the locations of missile launch sites.

(C) A detailed analysis of Iran's strategic missile forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funding expended by Iran on programs to develop a capability to build nuclear weapons or to enhance Iran's strategic missile capability.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) IRAN'S CONVENTIONAL FORCES.—The term ''Iran's conventional forces''—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps–Quds Force.

(3) IRAN'S UNCONVENTIONAL FORCES.—The term ''Iran's unconventional forces''—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps–Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

(4) IRAN'S STRATEGIC MISSILE FORCES.—The term ''Iran's strategic missile forces'' means those elements of the military forces of the Islamic Republic of Iran that employ missiles capable of flights in excess of 500 kilometers.

SEC. 1233. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking ''on the current and future military strategy of the People's Republic of China'' and inserting ''on military and security developments involving the People's Republic of China'';

(2) in the second sentence—

(A) by striking ''on the People's Liberation Army'' and inserting ''of the People's Liberation Army''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy''; and

(3) by adding at the end the following new sentence: ''The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.''.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking ''goals of'' inserting ''goals and factors shaping''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy'';

(2) by amending paragraph (2) to read as follows:

''(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).'';

(3) in paragraph (6)—

(A) by inserting ''and training'' after ''military doctrine''; and

(B) by striking '', focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes''; and

(4) by adding at the end the following new paragraphs:

''(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

''(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

''(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

''(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

''(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

''(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

''(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

''(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

''(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.''.

(c) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking ''**MILITARY POWER OF**'' and inserting ''**MILITARY AND SECURITY DEVELOPMENTS INVOLVING**''.

(d) REPEALS.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE'S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.

SEC. 1234. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.

(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) A copy of any statement of impact on readiness or statement of impact on operations and maintenance that any military service furnished as part of the process of developing a drawdown package in the preceding year.

(7) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;

(D) the ability of both the active and Reserve forces to conduct necessary training; and

(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) DEFINITIONS.—In this section:

(1) DRAWDOWN.—The term ''drawdown'' means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) DRAWDOWN AUTHORITY.—The term ''drawdown authority'' means an authority under—

(A) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(B) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)); or

(C) any other substantially similar provision of law.

SEC. 1235. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall included the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—

(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and

the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) DEFINITION.—In this section, the term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1236. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.

Consistent with United States national security interests and the Declaration on Strategic Cooperation Between the United States of America and Republic of Poland (signed in Warsaw, Poland, on August 20, 2008), and subject to the availability of appropriations, the Secretary of Defense shall seek to deploy a United States Army Patriot air and missile defense battery and the personnel required to operate and maintain such battery to Poland by 2012.

SEC. 1237. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F-22A FIGHTER AIRCRAFT TO JAPAN.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, Secretary of Defense, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on potential foreign military sales of the F-22A fighter aircraft to the Government of Japan.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) should detail—

(1) the cost of developing an exportable version of the F-22A fighter aircraft to the United States Government, industry, and the Government of Japan;

(2) whether an exportable version of the F-22A fighter aircraft is technically feasible and executable, and the timeline for achieving such an exportable version of the aircraft;

(3) the potential strategic implication for allowing the sale of the F-22A fighter aircraft to Japan;

(4) the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry and the benefit or drawback such sales might have on sustaining such industry; and

(5) any changes to existing law needed to allow foreign military sales of the F-22A fighter aircraft to Japan.

SEC. 1238. EXPANSION OF UNITED STATES-RUSSIAN FEDERATION JOINT CENTER TO INCLUDE EXCHANGE OF DATA ON MISSILE DEFENSE.

(a) EXPANSION AUTHORIZED.—In conjunction with the Government of the Russian Federation, the Secretary of Defense may expand the United States-Russian Federation joint center for the exchange of data from early warning systems for launches of ballistic missiles, as established pursuant to section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–329), to include the exchange of data on missile defense-related activities.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on plans for expansion of the joint data exchange center.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated pursuant to section 201(1) for research, development, test, and evaluation for the Army, $5,000,000, to be derived from PE 0604869A, shall be available to carry out this section.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2010 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $29,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, non-governmental organization, or individual) that the Secretary of Defense considers appropriate, under which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Defense may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN FIVE YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within five years after it was contributed, the Secretary of Defense shall return that amount to the person who contributed it.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the period covered by the report. Each report shall set forth—

(A) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(B) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(C) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(2) IMPLEMENTATION PLAN.—In addition to the statements described in subparagraphs (A) through (C) of paragraph (1), the first report submitted under such paragraph shall include an implementation plan for the authority provided under this section.

(e) EXPIRATION.—The authority to accept contributions under this section shall expire on December 31, 2012. The authority to retain and use contributions under this section shall expire on December 31, 2015.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify metrics to measure the impact and effectiveness of activities under the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) SUBMISSION OF NATIONAL ACADEMY OF SCIENCES REPORT.—The National Academy of Sciences shall submit to Congress and the Secretary of Defense a report on the results of the study carried out under subsection (a).

(c) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report required by subsection (b), the Secretary shall submit to Congress a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) A summary of the results of the study carried out under subsection (a).

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than $1,000,000 may be obligated or expended to carry out this section.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any provision of law identified pursuant to subsection (b)(2)(B), for activities described under subsection (b)(1)(A).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of State, may make a written determination that—

(A) certain activities of the Cooperative Threat Reduction Program of the Department of Defense are urgently needed to address threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out such activities; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) an identification of each provision of law the Secretary determines would unnecessarily impede the Secretary's ability to carry out the activities described under paragraph (1)(A);

(C) the activities of the Cooperative Threat Reduction Program to be undertaken pursuant to the determination;

(D) the expected time frame for such activities; and

(E) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

The Secretary of Defense shall ensure the following:

(1) The Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(A) is strategically used to advance the mission of the Cooperative Threat Reduction Program;

(B) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(C) is directly administered as part of the Cooperative Threat Reduction Program; and

(D) includes, within an overall strategic framework, cooperation and coordination with—

(i) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(ii) related diplomatic efforts.

(2) Beginning with fiscal year 2010, the strategy and activities of the Defense and Military Contacts Program, in accordance with this section, are included in the Cooperative Threat Reduction Annual Report to Congress for each fiscal year, as required by section 1308 of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5959 note).

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $141,388,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,702,758,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $26,963,187,000, of which—

(1) $26,292,463,000 is for Operation and Maintenance;

(2) $493,192,000 is for Research, Development, Test, and Evaluation; and

(3) $177,532,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,050,984,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $279,224,000, of which—

(1) $278,224,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2010, the National Defense Stockpile Manager may obligate up to $41,179,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law

105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is amended by striking ''during fiscal year 2009'' and inserting ''by the end of fiscal year 2011''.

SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations in the April 2009 report entitled ''Reconfiguration of the National Defense Stockpile Report to Congress'' submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109-89, House Report 109-452, and Senate Report 110-115.

(b) CONGRESSIONAL NOTIFICATION.—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required under subsection (a) until 45 days after the Secretary submits to the congressional defense committees such report.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,976,474,000.

(2) For ammunition procurement, $370,635,000.

(3) For weapons and tracked combat vehicles procurement, $874,466,000.

(4) For missile procurement, $531,570,000.

(5) For other procurement, $6,021,786,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of $1,435,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

SEC. 1504. LIMITATION ON OBLIGATION OF FUNDS FOR JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION PENDING REPORT TO CONGRESS.

(a) LIMITATION.—Of the amounts remaining unobligated as of the date of the enactment of this Act from amounts described in subsection (b) for the Joint Improvised Explosive Device Defeat Organization (in this section referred to as ''JIEDDO''), not more than 50 percent of such remaining amounts may be obligated until JIEDDO submits to the congressional defense committees a report containing the following information regarding projects funded for fiscal years 2008, 2009, and 2010:

(1) A description of the purpose, funding, and schedule of the project.

(2) A description of related projects.

(3) An acquisition strategy.

(b) COVERED AUTHORIZATION OF APPROPRIATIONS.—The limitation contained in subsection (a) applies with respect to amounts made available pursuant to the authorization of appropriations—

(1) in section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649); and

(2) in section 1503(a) of this Act.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that the waiver is necessary to fulfill a critical need by United States military forces deployed in overseas contingency operations. The Secretary shall notify the congressional defense committees of any waiver granted under this subsection and the reasons for the waiver.

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for other procurement for the Navy in the amount of $2,019,051,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for other procurement for the Marine Corps in the amount of $1,164,445,000.

SEC. 1506. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, $1,151,776,000.

(2) For ammunition procurement, $256,819,000.

(3) For missile procurement, $36,625,000.

(4) For other procurement, $2,321,549,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide in the amount of $799,830,000.

SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $5,456,000,000.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $57,962,000.

(2) For the Navy, $107,180,000.

(3) For the Air Force, $29,286,000.

(4) For Defense-wide activities, $215,826,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $51,970,661,000.

(2) For the Navy, $6,219,583,000.

(3) For the Marine Corps, $3,701,600,000.

(4) For the Air Force, $10,152,068,000.

(5) For Defense-wide activities, $7,578,300,000.

(6) For the Army Reserve, $204,326,000.

(7) For the Navy Reserve, $68,059,000

(8) For the Marine Corps Reserve, $86,667,000.

(9) For the Air Force Reserve, $125,925,000.

(10) For the Army National Guard, $321,646,000.

(11) For the Air National Guard, $289,862,000.

SEC. 1511. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000.

SEC. 1512. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of $13,586,341,000.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Afghanistan Security Forces Fund in the amount of $7,462,769,000.

(b) LIMITATION.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) or in any other Act and made available to the Department of Defense for the Afghanistan Security Forces Fund shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1514. IRAQ FREEDOM FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Iraq Freedom Fund in the amount of $115,300,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1)

until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1515. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,155,235,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $324,603,000.

(c) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000 for operation and maintenance.

SEC. 1516. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

SEC. 1517. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1518. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2010''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	$51,150,000
	Fort Wainwright	$198,000,000
Alabama	Anniston Army Depot.	$3,000,000
	Redstone Arsenal.	$3,550,000
Arizona	Fort Huachuca	$27,700,000
Arkansas ...	Pine Bluff Arsenal.	$25,000,000
California ..	Fort Irwin	$9,500,000
Colorado	Fort Carson	$342,950,000
Florida	Elgin Air Force Base.	$131,600,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart	$145,400,000
Hawaii	Schofield Barracks.	$184,000,000
	Wheeler Army Air Field.	$7,500,000
Kansas	Fort Riley	$162,400,000
Kentucky ...	Fort Campbell ...	$14,400,000
	Fort Knox	$70,000,000
Louisiana ..	Fort Polk	$55,400,000
Maryland ..	Fort Detrick	$46,400,000
	Fort Meade	$2,350,000
Missouri	Fort Leonard Wood.	$170,800,000
New Jersey	Picatinny Arsenal.	$10,200,000
New York ..	Fort Drum	$92,700,000
North Carolina.	Fort Bragg	$111,150,000
.....	Sunny Point Military Ocean Terminal.	$28,900,000
Oklahoma ..	Fort Sill	$90,500,000
	McAlester Army Ammunition Plant.	$12,500,000
South Carolina.	Charleston Naval Weapons Station,.	$21,800,000
	Fort Jackson	$103,500,000
Texas	Fort Bliss	$219,400,000
	Fort Hood	$40,600,000
	Fort Sam Houston.	$19,800,000
Utah	Dugway Proving Ground.	$25,000,000
Virginia	Fort A.P. Hill	$23,000,000
	Fort Belvoir	$37,900,000
	Fort Lee	$5,000,000
Washington	Fort Lewis	$18,700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$87,100,000
Belgium	Brussels	$20,000,000
Germany	Ansbach	$31,700,000
	Kleber Kaserne	$20,000,000
	Landstuhl	$25,000,000

Army: Outside the United States—*Continued*

Country	Installation or Location	Amount
Japan	Okinawa	$6,000,000
	Sagamihara	$6,000,000
Korea	Camp Humphreys	$50,200,000
Kuwait	Camp Arifjan	$82,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	38	$18,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,427,076,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,738,150,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $328,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $33,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $187,872,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $273,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41) $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $55,400,000.

(8) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $22,500,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $80,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $95,000,000 (the balance of the amount authorized under section 2101(a) for an aviation task force complex, Phase I at Fort Wainwright, Alaska).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act of Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4659) for Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-feet (400 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4665), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center Bridgeport	$11,290,000
	Marine Corps Base, Camp Pendleton	$775,162,000
	Edwards Air Force Base	$3,007,000
	Naval Station Monterey	$10,240,000
	Marine Corps Base, Twentynine Palms	$513,680,000
	Marine Corps Air Station, Miramar	$9,280,000
	Point Loma Annex	$11,060,000
	Naval Station, San Diego	$23,590,000
Connecticut	Naval Submarine Base, New London	$6,570,000
Florida	Blount Island Command	$3,760,000
	Eglin Air Force Base	$26,287,000
	Naval Air Station, Jacksonville	$5,917,000
	Naval Station, Mayport	$56,042,000
	Naval Air Station, Pensacola	$26,161,000
	Naval Air Station, Whiting Field	$4,120,000
Georgia	Marine Corps Logistics Base, Albany	$4,870,000
Hawaii	Oahu	$5,380,000
	Naval Station, Pearl Harbor	$35,182,000
Maine	Portsmouth Naval Shipyard	$7,090,000
Maryland	Naval Surface Warfare Center, Carderock	$6,520,000
	Naval Air Station, Patuxent River	$11,043,000
North Carolina	Marine Corps Base, Camp Lejeune	$673,570,000
	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
Rhode Island	Naval Station, Newport	$54,333,000
South Carolina	Marine Corps Air Station, Beaufort	$1,280,000
	Marine Corps Recruit Depot, Parris Island	$6,972,000
Texas	Naval Air Station, Corpus Christi	$19,764,000
	Naval Air Station, Kingsville	$4,470,000
Virginia	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station Norfolk	$18,139,000
	Naval Special Weapons Center, Dahlgren	$3,660,000
	Norfolk Naval Shipyard, Portsmouth	$226,969,000
	Marine Corps Base, Quantico	$105,240,000
Washington	Naval Station, Everett	$3,810,000
	Naval Magazine, Indian Island	$13,130,000
	Spokane	$12,707,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$41,526,000
Djibouti	Camp Lemonier	$41,845,000
Guam	Naval Base, Guam	$505,161,000
	Andersen Air Force Base	$110,297,000
Spain	Naval Station, Rota	$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ warehouse	$4,376,000
Mariana Islands	Naval Activities, Guam	30	$20,730,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,220,719,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,792,210,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $483,845,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $17,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $179,652,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.

(6) For the construction of increment 6 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $87,292,000.

(7) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205 of this Act, $67,419,000.

(8) For the construction of increment 2 of a replacement maintenance pier at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $69,064,000.

(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking ''$60,160,000'' and inserting ''$127,163,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new paragraph:

''(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).''.

(c) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$24,300,000
	Elmendorf Air Force Base	$15,700,000
Arizona	Davis-Monthan Air Force Base	$41,900,000
Arkansas	Little Rock Air Force Base	$16,200,000
California	Los Angeles Air Force Base	$8,000,000
	Travis Air Force Base	$12,900,000
	Vandenberg Air Force Base	$13,000,000
Colorado	Peterson Air Force Base	$32,300,000
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$17,400,000
Florida	Eglin Air Force Base	$84,360,000
	Hurlburt Field	$19,900,000
	MacDill Air Force Base	$59,300,000
Georgia	Warner Robins Air Force Base	$6,200,000
Hawaii	Hickam Air Force Base	$4,000,000
	Wheeler Air Force Base	$15,000,000
Idaho	Mountain Home Air Force Base	$20,000,000
Illinois	Scott Air Force Base	$7,400,000
Maryland	Andrews Air Force Base	$9,300,000
Missouri	Whiteman Air Force Base	$12,900,000
Nevada	Creech Air Force Base	$2,700,000
New Jersey	McGuire Air Force Base	$7,900,000
New Mexico	Cannon Air Force Base	$15,000,000
	Holloman Air Force Base	$15,900,000
	Kirtland Air Force Base	$22,500,000
North Carolina	Seymour Johnson Air Force Base	$6,900,000
North Dakota	Minot Air Force Base	$11,500,000
Ohio	Wright Patterson Air Force Base	$58,600,000
Oklahoma	Altus Air Force Base	$20,300,000
	Tinker Air Force Base	$18,137,000
South Carolina	Shaw Air Force Base	$21,183,000
Texas	Dyess Air Force Base	$4,500,000
	Goodfellow Air Force Base	$32,400,000
	Lackland Air Force Base	$113,879,000
Utah	Hill Air Force Base	$26,153,000
Virginia	Langley Air Force Base	$10,000,000
Washington	Fairchild Air Force Base	$4,150,000
Wyoming	F. E. Warren Air Force Base	$9,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$22,000,000
Colombia	Palanquero Air Base	$46,000,000
Germany	Ramstein Air Base	$34,700,000
	Spangdahlem Air Base	$23,500,000
Guam	Andersen Air Force Base	$61,702,000
Italy	Naval Air Station Sigonella	$31,300,000
Oman	Al Musannah Air Base	$116,000,000
Qatar	Al Udeid Air Base	$60,000,000
Turkey	Incirlik Air Base	$9,200,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,787,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,928,208,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $838,362,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $404,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $93,407,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorizations

State/Country	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C–17 Aircrew Life Support	$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4684), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 units)	$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	$2,330,000
	Fort Stewart/Hunter Army Air Field	$45,003,000
North Carolina	Fort Bragg	$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	$11,000,000
	Travis Air Force Base	$15,357,000
Florida	Jacksonville International Airport (Air National Guard)	$11,500,000
Minnesota	Duluth International Airport (Air National Guard)	$15,000,000
Oklahoma	Altus Air Force Base	$2,700,000
Texas	Fort Hood	$3,000,000
Washington	Fairchild Air Force Base	$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Virginia	Naval Support Facility, Dahlgren	$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$15,722,000
Colorado	Fort Carson	$48,246,000
Florida	Eglin Air Force Base	$3,046,000
	Hurlburt Field	$8,156,000
Georgia	Fort Benning	$3,046,000
Kentucky	Fort Campbell	$32,335,000
New Mexico	Cannon Air Force Base	$52,864,000
North Carolina	Fort Bragg	$101,488,000
	Marine Corps Base, Camp Lejeune	$11,791,000
Virginia	Naval Amphibious Base, Little Creek	$18,669,000
	Naval Surface Warfare Center, Dam Neck	$6,100,000
Washington	Fort Lewis	$14,500,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$25,017,000
	Fort Richardson	$3,518,000
Colorado	Fort Carson	$52,773,000
Georgia	Fort Benning	$17,200,000
	Fort Stewart/Hunter Army Field	$26,386,000
Kentucky	Fort Campbell	$8,600,000
Maryland	Fort Detrick	$29,807,000
Missouri	Fort Leonard Wood	$5,570,000
North Carolina	Fort Bragg	$57,658,000
Oklahoma	Fort Sill	$10,554,000
Texas	Lackland Air Force Base	$101,928,000
	Fort Bliss	$996,295,000
Washington	Fort Lewis	$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$27,672,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Brussels	$38,124,000
Germany	Kaiserslautern	$93,545,000
	Wiesbaden Air Base	$5,379,000
United Kingdom	Royal Air Force Lakenheath	$4,509,000

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	K–16 Airfield	$5,050,000

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$12,500,000
Guam	Naval Air Station, Agana	$4,900,000
Korea	Osan Air Base	$28,000,000
United Kingdom	Royal Air Force Mildenhall	$4,700,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Menwith Hill Station	$37,588,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	$446,450,000
United Kingdom	Royal Air Force Alconbury	$14,227,000

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,132,024,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,170,314,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $857,678,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $90,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $77,898,000.

(8) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $28,000,000.

(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2405 of this Act, $92,300,000.

(10) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), as amended by section 2406 of this Act, $24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009, $500,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2403. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking ''$140,000,000'' in the amount column and inserting ''$195,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat.524) is amended by striking ''$84,300,000'' and inserting ''$139,300,000''.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by striking ''$8,000,000'' in the amount column and inserting ''$32,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b) of that Act (122 Stat. 4692) is amended by adding at the end the following new paragraph:

''(5) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).''.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Virginia	Defense Supply Center, Richmond	Whole House Renovation	$484,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $146,541,000 as follows:

(1) For the construction of phase 11 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $54,041,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $276,314,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	*Fort McClellan*	*$3,000,000*
Arizona	*Camp Navajo*	*$3,000,000*
California	*Los Alamitos Joint Forces Training Base*	*$31,000,000*
Georgia	*Fort Benning*	*$15,500,000*
	Hunter Army Air Field	*$8,967,000*
Idaho	*Gowen Field*	*$16,100,000*
Indiana	*Muscatatuck Urban Training Center*	*$10,100,000*
Massachusetts	*Hanscom Air Force Base*	*$29,000,000*
Michigan	*Fort Custer*	*$7,732,000*
Minnesota	*Arden Hills*	*$6,700,000*
	Camp Ripley	*$1,710,000*
Mississippi	*Camp Shelby*	*$16,100,000*
Missouri	*Boonville*	*$1,800,000*
Nebraska	*Lincoln Municipal Airport*	*$23,000,000*
New Mexico	*Santa Fe*	*$39,000,000*
Nevada	*North Las Vegas*	*$26,000,000*
North Carolina	*East Flat Rock*	*$2,516,000*
	Fort Bragg	*$6,038,000*
Oregon	*Polk County*	*$12,100,000*
South Carolina	*McEntire Joint National Guard Base*	*$26,000,000*
	Donaldson Air Force Base	*$40,000,000*
Texas	*Austin*	*$22,200,000*
Virginia	*Fort Pickett*	*$32,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	*Barrigada*	*$30,000,000*
Virgin Islands	*St. Croix*	*$20,000,000*

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	*Camp Pendleton*	*$19,500,000*
	Los Angeles	*$29,000,000*
Colorado	*Colorado Springs*	*$13,000,000*
Connecticut	*Bridgeport*	*$18,500,000*
Florida	*Panama City*	*$7,300,000*
	West Palm Beach	*$26,000,000*
Georgia	*Atlanta*	*$14,000,000*
Illinois	*Chicago*	*$23,000,000*
Minnesota	*Fort Snelling*	*$12,000,000*
New York	*Rochester*	*$13,600,000*
Ohio	*Cincinnati*	*$13,000,000*
Pennsylvania	*Ashley*	*$9,800,000*
	Harrisburg	*$7,600,000*
	Newton Square	*$20,000,000*
	Uniontown	*$11,800,000*
Texas	*Austin*	*$20,000,000*

***Army Reserve: Inside the United States**—Continued*

State	Location	Amount
	Bryan	*$12,200,000*
	Fort Bliss	*$9,500,000*
	Houston	*$24,000,000*
	Robstown	*$10,200,000*
	San Antonio	*$20,000,000*
Wisconsin	*Fort McCoy*	*$25,000,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	*Caguas*	*$12,400,000*

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	*Luke Air Force Base*	*$10,986,000*
California	*Alameda*	*$5,960,000*
Illinois	*Joliet Army Ammunition Plant*	*$7,957,000*
South Carolina	*Goose Creek*	*$4,240,000*
Texas	*San Antonio*	*$2,210,000*
	Forth Worth Naval Air Station Joint Reserve Base	*$6,170,000*
Virginia	*Oceana Naval Air Station*	*$30,400,000*

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arizona	*Davis-Monthan Air Force Base*	*$5,600,000*
California	*South California Logistics Airport*	*$8,400,000*
Connecticut	*Bradley International Airport*	*$9,000,000*
Hawaii	*Hickam Air Force*	*$33,000,000*
Illinois	*Lincoln Capital Airport*	*$3,000,000*
Kansas	*McConnell Air Force Base*	*$8,700,000*
Maine	*Bangor International Airport*	*$28,000,000*
Maryland	*Andrews Air Force Base*	*$14,000,000*
Massachusetts	*Barnes Air National Guard Base*	*$8,100,000*
Mississippi	*Gulfport-Biloxi Regional Airport*	*$6,500,000*
	Wheeler Sack AAF	*$2,700,000*
Nebraska	*Lincoln Municipal Airport*	*$1,500,000*
Ohio	*Mansfield Lahm Airport*	*$11,400,000*
Oklahoma	*Will Rogers World Airport*	*$7,300,000*
Texas	*Kelly Field Annex*	*$7,900,000*
Wisconsin	*General Mitchell International Airport*	*$5,000,000*

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	*March Air Reserve Base*	*$9,800,000*
Colorado	*Schriever Air Force Base*	*$10,200,000*
Mississippi	*Keesler Air Force Base*	*$9,800,000*
New York	*Niagara Falls Air Reserve Station*	*$5,700,000*
Texas	*Lackland Air Force Base*	*$1,500,000*
Utah	*Hill Air Force Base*	*$3,200,000*

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States—

(A) for military construction projects inside the United States authorized by section 2601(a), $509,129,000; and

(B) for military construction projects outside the United States authorized by section 2601(b), $20,000,000.

(2) For the Department of the Army, for the Army Reserve—

(A) for military construction projects inside the United States authorized by section 2602(a), $420,116,000; and

(B) for military construction projects outside the United States authorized by section 2602(b), $12,400,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $172,177,000.

(4) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $226,126,000; and

(B) for the Air Force Reserve, $103,169,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I	$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II	$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4710), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range	$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $536,768,000, as follows:

(1) For the Department of the Army, $133,723,000.

(2) For the Department of the Navy, $228,000,000.

(3) For the Department of the Air Force, $172,364,000.

(4) For the Defense Agencies, $2,681,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $5,934,740,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,129,498,000, as follows:

(1) For the Department of the Army, $4,081,037,000.

(2) For the Department of the Navy, $591,572,000,

(3) For the Department of the Air Force, $418,260,000.

(4) For the Defense Agencies, $2,038,629,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Subsection (b)(4) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking ''job generation'' and inserting ''economic redevelopment'';

(2) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redevelopment authority with respect to the installation if the authority—

''(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

''(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.''; and

(3) in subparagraph (C), by adding at the end the following new clause:

''(xiii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e).''.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking ''The Secretary'' and inserting ''At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary''; and

(2) by striking ''for the period specified in subparagraph (B)'' and inserting ''before the conclusion of such period''.

(c) REGULATIONS AND REPORT CONCERNING PROPERTY CONVEYANCES.—

(1) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the amendments made by this section to support the conveyance of surplus real and personal property at closed or realigned military installations to local redevelopment authorities for economic development purposes.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and progress made as a result of the implementation of the amendments made by this section.

Subtitle C—Other Matters

SEC. 2721. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

SEC. 2722. MODIFICATION OF CLOSURE INSTRUCTIONS REGARDING PAUL DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.

With respect to the closure of the Paul Doble Army Reserve Center in Portsmouth, New Hampshire, and relocation of units to a new reserve center and associated training and maintenance facilities, the new reserve center and associated training and maintenance facilities may be located adjacent to or in the vicinity of Pease Air National Guard Base.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITIES.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(1) Except as provided in paragraph (2), within'' and inserting ''Within'';

(B) by striking paragraph (2); and

(C) by striking ''An unspecified'' and inserting the following:

''(2) An unspecified''; and

(2) in subsection (c)—

(A) by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraph (2)'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(b) LABORATORY REVITALIZATION.—

(1) REVITALIZATION AUTHORIZED.—Subsection (d) of such section is amended—

(A) in paragraph (1)(B), by inserting ''or from funds authorized to be available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)'' after ''authorized by law'';

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) MECHANISMS TO PROVIDE FUNDS FOR REVITALIZATION.—Section 219(a)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

''(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.''.

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—

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

(2) by striking paragraph (2) and inserting the following new paragraphs:

''(2) if the current estimate of the cost of the repair project exceeds 50 percent of the estimated cost of a military construction project to

replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

''(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.''.

SEC. 2803. AUTHORIZED SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) AUTHORIZED PROCESS TO INCREASE SCOPE OF WORK.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''Except'' and inserting ''LIMITATION ON SCOPE OF WORK VARIATIONS.—(1) Except''; and

(B) by adding at the end the following new paragraph:

''(2) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased beyond the amount approved for that project, construction, improvement, or acquisition by Congress.''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''scope reduction in subsection (b) does not apply if the variation in cost or reduction'' and inserting ''scope of work variations in subsection (b) does not apply if the variation in cost or the variation''; and

(B) in paragraph (1), by striking ''reduction'' both places it appears and inserting ''variation''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''LIMITATION ON COST VARIATIONS.—'' before ''Except'';

(2) in subsection (c), by inserting ''EXCEPTION; NOTICE-AND-WAIT REQUIREMENTS.—'' after ''(c)''; and

(3) in subsection (d), by inserting ''ADDITIONAL EXCEPTION TO LIMITATION ON COST VARIATIONS.—'' after ''(d)''.

SEC. 2804. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking ''as he determines to be necessary'' and inserting ''as are authorized by law''.

SEC. 2805. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) DEFINITIONS.—In this section, the terms ''State'' and ''facility'' have the meanings given those terms in section 18232 of such title.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 112 Stat. 4724), is amended—

(1) in subsection (a), by striking ''During fiscal year 2004'' and all that follows through ''obligate'' and inserting ''The Secretary of Defense may obligate''; and

(2) by adding at the end the following new subsection:

''(h) EXPIRATION OF AUTHORITY.—The authority to obligate funds under this section expires on September 30, 2010.''.

(b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection (a) of such section is further amended by striking ''and United States Africa Command areas of responsibility'' and inserting ''area of responsibility''.

(c) ANNUAL FUNDING LIMITATION ON USE OF AUTHORITY; EXCEPTION.—Subsection (c) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional $10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts.''.

(d) CLERICAL AMENDMENT TO CORRECT REFERENCE TO CONGRESSIONAL COMMITTEE.—Subsection (f) of such section is amended by striking ''Subcommittees on Defense and Military Construction'' both places it appears and inserting ''Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies''.

SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.

SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR MILITARY UNACCOMPANIED HOUSING.

(a) SECRETARY OF DEFENSE REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) an evaluation of the process by which the Secretary develops, implements, and oversees housing privatization transactions involving military unaccompanied housing;

(2) recommendations regarding additional opportunities for members of the Armed Forces to utilize housing privatization transactions involving military unaccompanied housing; and

(3) an evaluation of the impact of a prohibition on civilian occupancy of such housing on the ability to secure private partners for such housing privatization transactions.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the feasibility and cost of privatizing military unaccompanied housing for all members of the Armed Forces.

(c) HOUSING PRIVATIZATION TRANSACTION DEFINED.—In this section, the term ''housing privatization transaction'' means any contract or other transaction for the construction or acquisition of military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. IMPOSITION OF REQUIREMENT THAT LEASES OF REAL PROPERTY TO THE UNITED STATES WITH ANNUAL RENTAL COSTS OF MORE THAN $750,000 BE AUTHORIZED BY LAW.

(a) AUTHORIZATION REQUIRED.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

''(c) AUTHORIZATION OF CERTAIN LEASES TO THE UNITED STATES REQUIRED BY LAW.—If the estimated annual rental in connection with a proposed lease of real property to the United States is more than $750,000, the Secretary of a military department or, with respect to a Defense Agency, the Secretary of Defense may enter into the lease or utilize the General Services Administration to enter into the lease on the Secretary's behalf only if the lease is specifically authorized by law.''.

(b) REPEAL OF NOTICE AND WAIT REQUIREMENTS REGARDING SUCH LEASES.—

(1) REPEAL.—Section 2662 of such title is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively; and

(B) by striking subsection (e).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a)(2)—

(i) by striking ''or (B)'';

(ii) by striking ''or leases to be made''; and

(iii) by striking ''subparagraph (E)'' and inserting ''subparagraph (D)''; and

(B) in subsection (g)—

(i) in paragraph (1), by striking '', and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,''; and

(ii) in paragraph (3), by striking ''or (e), as the case may be''.

SEC. 2812. CONSOLIDATION OF NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.

(a) NOTICE-AND-WAIT REQUIREMENTS.—Section 2662 of title 10, United States Code, as amended by section 2821(b), is further amended by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(B) of subsection (a), the Secretary of a military department or the Secretary of Defense may not issue a contract solicitation or other lease offering with regard to the transaction unless the Secretary complies with the notice-and wait requirements of paragraph (3) of such subsection. The monthly report under such paragraph shall include the following with regard to the proposed transaction:

''(A) A description of the proposed transaction, including the proposed duration of the lease or license.

''(B) A description of the authorities to be used in entering into the transaction and the intended participation of the United States in the lease or license, including a justification of the intended method of participation.

''(C) A statement of the scored cost of the transaction, determined using the scoring criteria of the Office of Management and Budget.

''(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

''(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

''(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the offeror to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

''(2) The Secretary of a military department or the Secretary of Defense may not enter into the actual lease or license with respect to property for which the information required by paragraph (1) was submitted in a monthly report under subsection (a)(3) unless the Secretary again complies with the notice-and wait requirements of such subsection. The subsequent monthly report shall include the following with regard to the proposed transaction:

''(A) A cross reference to the prior monthly report that contained the information submitted under paragraph (1) with respect to the transaction.

''(B) A description of the differences between the information submitted under paragraph (1) and the information regarding the transaction being submitted in the subsequent report.

''(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

''(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

''(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.

''(F) If the proposed lease or license involves a project related to energy production, and the term of the lease or license exceeds 20 years, a certification that the project is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.''.

(b) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(B) of such section, as redesignated by section 2821(b), is amended by inserting after ''United States'' the following: ''(other than a lease or license entered into under section 2667(g) of this title)''.

(c) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4);

(2) in subsection (d), by striking paragraph (6); and

(3) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2813. CLARIFICATION OF AUTHORITY OF MILITARY DEPARTMENTS TO ACQUIRE LOW-COST INTERESTS IN LAND AND INTERESTS IN LAND WHEN NEED IS URGENT.

Section 2664(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''No military''; and

(2) by striking ''The foregoing limitation shall not apply to the acceptance'' and inserting the following:

''(2) Paragraph (1) shall not apply to the following:

''(A) The acquisition of low-cost interests in land, as authorized by section 2663(c) of this title.

''(B) The acquisition of interests in land when the need is urgent, as authorized by section 2663(d) of this title.

''(C) The acceptance''.

SEC. 2814. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.

(a) CLARIFICATION OF REQUIRED DETERMINATION THAT CONVEYANCE REDUCE LONG-TERM COSTS.—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking ''system; and'' and inserting the following: ''system—

''(I) by 10 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(1); or

''(II) 20 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(2); and''.

(b) LIMITATION ON REPEATED USE OF AUTHORITY FOR SAME UTILITY SYSTEM.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conveyance under this subsection or for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination. In addition, if the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under such section or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition.''.

SEC. 2815. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2816. DISPOSAL OF EXCESS PROPERTY OF ARMED FORCES RETIREMENT HOME.

Section 1511(e)(3) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(e)(3)) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40, United States Code (40 U.S.C. 541 et seq.).''; and

(2) by striking the last sentence.

SEC. 2817. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT CLEANUP EFFORTS AT FORMER ALMADEN AIR FORCE STATION, CALIFORNIA.

(a) ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—The Secretary of the Air Force may accept contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

(1) demolition of property at former Almaden Air Force Station, California; and

(2) environmental remediation and restoration and other efforts to further the ultimate end use of the property for conservation and recreation purposes.

(b) AVAILABILITY.—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available, in such amounts as may be provided in advance in appropriation Act, for such purposes.

SEC. 2818. LIMITATION ON ESTABLISHMENT OF NAVY OUTLYING LANDING FIELDS.

(a) LIMITATION.—The Secretary of the Navy may not establish an outlying landing field at a proposed location to be used by naval aircraft if, within 90 days after the issuance of the final environmental assessment or environmental impact statement regarding the proposed location pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary determines that the governmental body of the political subdivision of a State containing the proposed location is formally opposed to the establishment of the outlying landing field.

(b) EXCEPTION.—Subsection (a) shall not apply if Congress enacts a law authorizing the Secretary to proceed with the outlying landing field notwithstanding the local government action.

SEC. 2819. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE'S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of, an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale's Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

SEC. 2820. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.

In selecting the military installations at which brigade combat teams will be stationed, which previously included Fort Bliss, Texas, Fort Carson, Colorado, and Fort Stewart, Georgia, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2831. ROLE OF UNDER SECRETARY OF DEFENSE FOR POLICY IN MANAGEMENT AND COORDINATION OF DEPARTMENT OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.

Section 134 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) Until September 30, 2019, the Under Secretary shall have responsibility for coordinating the activities of the Department of Defense in connection with the realignment of military installations and the relocation of military personnel on Guam (in this subsection referred to as the 'Guam realignment').

''(2) The Joint Guam Program Office shall report directly to the Under Secretary in carrying out its activities in connection with the Guam realignment.

''(3) In carrying out the responsibilities assigned by paragraph (1), the Under Secretary shall coordinate with the National Security Advisor and serve as the official representative of the Secretary of Defense at meetings of the Interagency Group on Insular Areas, which was established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451), and any sub-group or working group of that interagency group.

''(4) The Under Secretary shall remain the primary lead within the Department of Defense for coordination with the Secretary of State on all matters concerning the implementation of the agreement entitled 'Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam'.

''(5) The assignment of responsibilities by paragraph (1) does not confer upon the Under Secretary the authority to control funds made available to the military departments for the Guam realignment. The Joint Guam Program Office shall remain as the primary coordinator of the resources provided by each military department involved in the Guam realignment.''.

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.

(a) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term ''special purpose entity'' means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

(b) REPORT ON IMPLEMENTATION GUIDANCE FOR SPECIAL PURPOSE ENTITIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the implementation guidance developed regarding the use of special purpose entities to assist with the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of the implementation guidance referred to in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).''.

(2) APPLICABILITY TO SPECIAL PURPOSE ENTITY CONTRIBUTIONS.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions provided by a special purpose entity.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. The report shall specifically consider increasing the overseas housing allowance for members of the Armed Forces serving on Guam and providing a direct Federal subsidy to public-private ventures.

(d) SENSE OF CONGRESS ON SCOPE OF UTILITY INFRASTRUCTURE IMPROVEMENTS.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4729) is amended—

(1) by redesignating subsection (c) as subsection (b); and

(2) in such subsection, by striking ''should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system'' and inserting ''should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military installations''.

SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.

(a) PREVAILING WAGE REQUIREMENTS.—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(5) APPLICATION OF PREVAILING WAGE REQUIREMENTS.—

''(A) APPLICATION; RELATION TO WAGE RATES IN HAWAII.—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds, except that the wage rates determined pursuant to such subchapter for Guam may not be less than the lowest wage rates determined for the applicable class of laborer or mechanic on projects or transactions of a similar character under such subchapter for Hawaii.

''(B) SECRETARY OF LABOR AUTHORITIES.—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

''(C) ADDITION TO WEEKLY STATEMENT ON THE WAGES PAID.—In the case of projects and other transactions covered by subparagraph (A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(D) DURATION OF REQUIREMENTS.—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.''.

(b) REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of such section is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) MILITARY CONSTRUCTION INFORMATION.—Not later than''; and

(2) by adding at the end the following new paragraph:

''(2) CONSTRUCTION WORKFORCE INFORMATION.—The annual report shall also include an assessment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.''.

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.

(a) COMPOSITION OF WORKFORCE.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

''(6) COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS.—

''(A) PERCENTAGE LIMITATION.—With respect to each construction project for which groundbreaking occurs before October 1, 2011, and that is carried out using amounts described in subparagraph (B), not more than 30 percent of the total hours worked per month on the construction project may be performed by persons holding visas issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(B) SOURCE OF FUNDS.—Subparagraph (A) applies to—

''(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

''(ii) funds associated with activities under section 2821 of this Act; and

''(iii) funds for authorized military construction projects.

''(C) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including territories in the Pacific region, in accordance with a recruitment plan created by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State and local job banks, with State workforce agencies, and with unemployment agencies and other referral and recruitment sources pertinent to the employment opportunity.''.

(b) REPORTING REQUIREMENTS.—

(1) SECRETARY OF DEFENSE.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled ''Use of Project Labor Agreements for Federal Construction Projects'' (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

(2) SECRETARY OF LABOR.—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

(A) the opportunities to expand the recruitment of construction workers in the United States, including territories in the Pacific region, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment; and

(C) the sufficiency of efforts to recruit United States construction workers.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTOR GENERALS FOR GUAM REALIGNMENT.

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of Inspector Generals for Guam Realignment (in this section referred to as the ''Interagency Coordination Group'')—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed to—

(A) promote economic efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) prevent and detect waste, fraud, and abuse in such programs and operations; and

(b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and Inspectors General of such other Federal agencies as the chairperson

considers appropriate to carry out the duties of the Interagency Coordination Group.

(c) DUTIES.—

(1) OVERSIGHT OF GUAM CONSTRUCTION.—It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1).

(3) OVERSIGHT PLAN.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) PROVISION OF ASSISTANCE.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

(e) REPORTS.—

(1) ANNUAL REPORTS.—Not later than February 1 of each year, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations, expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for military construction on Guam with any public or private sector entity.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

(f) PUBLIC AVAILABILITY; WAIVER.—

(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a publically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

(3) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term ''amounts appropriated or otherwise made available for military construction on Guam'' includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term ''Guam'' includes any island in the Northern Mariana Islands.

(h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.

The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa, unless the Secretary certifies to the congressional defense committees that the replacement facility satisfies at least minimum Naval Aviation Safety requirements. The Secretary may not waive any of these requirements.

SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS TRAINING REQUIREMENTS IN ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the training requirements necessary for Marine Forces Pacific, the field command of the Marine Corps within the United States Pacific Command.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall contain each of the following:

(1) A description of the units of the Marine Corps expected to be assigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.

(2) A description of the training requirements necessary to sustain the current and planned realignment of forces according to the agreement entitled ''Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam''.

(3) A description of the potential effects of undertaking a separate environmental impact study for expanded training ranges in the Commonwealth of the Northern Mariana Islands and for alternative training range options, including locations in the Philippines, Thailand, Australia, and Japan.

(4) The rationale for conducting the Mariana Island Range Complex environmental impact statement without including the additional training requirements necessary to support the additional realignment of Marine Corps units on Guam.

(5) A description of the strategic- and tactical-lift requirements associated with Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include a training analysis that, at a minimum, reviews the capabilities required to support a Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement referred to in subsection (b)(2).

Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) ADOPTION REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 at the end the following new section:

''§ 2867. Energy monitoring and management system specification for military construction and military family housing activities

''(a) ADOPTION OF DEPARTMENT-WIDE, OPEN SOURCE, ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION.—The Secretary of Defense shall adopt an open source energy monitoring and management system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling the following with respect to the project or activity:

''(1) Utilities and energy usage, including electricity, gas, steam, and water usage.

''(2) Indoor environments, including temperature and humidity levels.

''(3) Heating, ventilation, and cooling components.

''(4) Central plant equipment.

''(5) Renewable energy generation systems.

''(6) Lighting systems.

''(7) Power distribution networks.

''(b) EXCLUSION.—(1) The Secretary concerned may waive the application of the energy monitoring and management system specification adopted under subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective.

''(2) The Secretary concerned shall notify the congressional defense committees of any waiver granted under paragraph (1).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III is amended inserting after the item relating to section 2866 the following new item:

''2867. Energy monitoring and management system specification for military construction and military family housing activities.''.

(3) DEADLINE FOR ADOPTION.—The Secretary of Defense shall adopt the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) An expected timeline for integration of existing components with the energy monitoring and management system.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulations Chapter 6.3, relating to Other Than Full and Open Competition, for energy monitoring and management systems during fiscal year 2009.

SEC. 2842. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) PREFERENCE.—Subchapter II of chapter 173 of title 10, United States Code, is amended by inserting after section 2922g, as added by title III of this Act, the following new section:

''§ 2922h. Preference for motor vehicles using electric or hybrid propulsion systems

''(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

''(1) will meet the requirements or needs of the Department of Defense; and

''(2) are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

''(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

''(c) HYBRID DEFINED.—In this section, the term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

''(1) an internal combustion or heat engine using combustible fuel; and

''(2) a rechargeable energy storage system.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2922h. Preference for motor vehicles using electric or hybrid propulsion systems.''.

SEC. 2843. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking ''electric energy'' and inserting ''facility energy'';

(B) by striking ''and in its activities''; and

(C) by striking ''(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))''; and

(3) in subparagraph (B) (as so redesignated), by striking ''electric energy'' and inserting ''facility energy''.

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Such subsection is further amended—

(1) by striking ''It shall be'' and inserting ''(1) It shall be''; and

(2) by adding at the end the following new paragraph:

''(2) In this subsection, the term 'renewable energy source' means energy generated from renewable sources, including the following:

''(A) Solar.

''(B) Wind.

''(C) Biomass.

''(D) Landfill gas.

''(E) Ocean, including tidal, wave, current, and thermal.

''(F) Geothermal, including electricity and heat pumps.

''(G) Municipal solid waste.

''(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

''(I) Thermal energy generated by any of the preceding sources.''.

(c) CLERICAL AMENDMENT.—The heading of such subsection is amended by striking ''ELECTRICITY NEEDS'' and inserting ''FACILITY ENERGY NEEDS''.

SEC. 2844. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on all renewable energy initiatives being funded by the Department of Defense or a military department down to the base commander level. The Comptroller General shall specifically address the following in the report:

(1) The costs associated with each renewable energy initiative.

(2) Whether the renewable energy initiative has a clearly delineated set of goals or targets.

(3) Whether those goals or targets are being met or are likely to be met by the conclusion of the renewable energy initiative.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) STUDY REQUIRED; ELEMENTS.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations. As part of the study, the Secretary shall—

(1) summarize options available for public-private partnerships for construction and operation of the power plants;

(2) estimate the cost per kilowatt-hour and consider the potential for life cycle cost savings to the Department of Defense, including potential environmental liabilities;

(3) consider the potential energy security advantages to the Department of Defense of generating electricity on military installations through the use of nuclear energy;

(4) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid;

(5) consider impact on quality of life of members stationed at an installation containing a nuclear power plant;

(6) consider regulatory, State, and local concerns to production of nuclear power on military installations;

(7) assess to what degree nuclear power plants would adversely affect operations on military installations, including consideration of training and readiness requirements;

(8) assess potential environmental liabilities for the Department of Defense;

(9) consider factors impacting safe co-location of nuclear power plants on military installations; and

(10) consider any other factors that bear on the feasibility of developing nuclear power plants on military installations.

(b) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

Subtitle E—Land Conveyances

SEC. 2851. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C.

431; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

''(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

''(1) the land is excess to military needs; and

''(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

''(e) PUBLIC ACCESS.—The Secretary of the Interior shall enter into an agreement with the Secretary of Defense to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Concord Naval Weapons Station.

''(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.''.

(b) SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF NATIONAL MEMORIAL.—

(1) REMEDIATION.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by subsection (a), the Secretary of Defense should remediate remaining environmental contamination related to the land.

(2) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to develop a process by which future repairs and necessary modifications to the National Memorial can be achieved in as timely and cost-effective a manner as possible.

SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey, without consideration, to the Hawaii Community Development Authority (in this section referred to as the ''Authority''), which is the local redevelopment authority for former Naval Air Station, Barbers Point, Oahu, Hawaii, all right, title, and interest of the United States in and to the following parcels of real property, including any improvements thereon and clear of all liens and encumbrances, at the installation:

(1) An approximately 10.569-acre parcel of land identified as ''Parcel No. 13126 B'' and further identified by Oahu Tax Map Key No. 9-1-031:047.

(2) An approximately 145.785-acre parcel of land identified as ''Parcel No. 13058 D'' and further identified by Oahu Tax Map Key No. 9-1-013:039.

(3) An approximately 9.303-acre parcel of land identified as ''Parcel No. 13058 F'' and further identified by Oahu Tax Map Key No. 9-1-013:041.

(4) An approximately 57.937-acre parcel of land identified as ''Parcel No. 13058 G'' and further identified by Oahu Tax Map Key No. 9-1-013:042.

(5) An approximately 11.501-acre parcel of land identified as ''Parcel No. 13073 D'' and further identified by Oahu Tax Map Key No. 9-1-013:069.

(6) An approximately 65.356-acre parcel of land identified as ''Parcel No. 13073 B'' and further identified by Oahu Tax Map Key No. 9-1-013:067.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2152) is amended—

(1) by striking ''two parcels'' and inserting ''three parcels'';

(2) by striking ''and 1.742 acres and containing the four buildings'' and inserting '', 1.742 acres, and 4.5 acres, respectively, and containing all or a portion of the five buildings''; and

(3) by inserting ''and the Modification and Fabrication Facility'' after ''Reconnaissance Laboratory''.

(b) DESCRIPTION OF PROPERTY.—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

''(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).''.

(c) PURPOSE OF CONVEYANCE.—Subsection (a)(3) of such section is amended by adding before the period at the end the following: ''and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance''.

(d) CONSIDERATION.—Subsection (c) of such section is amended by striking ''in-kind contribution'' and inserting ''in-kind consideration (including land and new facilities)''.

SEC. 2854. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational, educational support, and community activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to parcels of non-contiguous real property, including any improvements thereon, consisting of a total of approximately 2.4 acres at Naval Air Station Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall

provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the ''Association'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013.

(b) CONSIDERATION.—As consideration for the conveyance of the property described in subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2143), is further amended—

(1) in the first sentence, by striking ''The Secretary of the Army may transfer'' and inserting ''Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer''; and

(2) in the second sentence—

(A) by striking ''may make the transfer'' and inserting ''shall make the transfer''; and

(B) by striking ''may accept'' and inserting ''shall accept''.

Subtitle F—Other Matters

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking ''National War Dogs Monument, Inc.,'' both places it appears and inserting ''John Burnam Monument Foundation, Inc.,''.

SEC. 2872. NAMING OF CHILD DEVELOPMENT CENTER AT FORT LEONARD WOOD, MISSOURI, IN HONOR OF MR. S. LEE KLING.

A child development center at Fort Leonard Wood, Missouri, shall be known and designated as the ''S. Lee Kling Child Development Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such child development center shall be deemed to be a reference to the S. Lee Kling Child Development Center.

SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia that permits the establishment of the Cooperative Security Location at the German Olano Airbase in a manner that will enable the United States Southern Command to execute its Theater Posture Strategy in cooperation with the Armed Forces of Colombia.

(b) PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1056; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

''(g) MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.''.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside United States

Country	*Installation or Location*	*Amount*
Afghanistan.	*Airborne*	*$7,800,000*
	Altimur	*$7,750,000*
	Asadabad	*$5,500,000*
	Bagram Air Base	*$132,850,000*
	Camp Joyce	*$7,700,000*
	Camp Kabul	*$137,000,000*
	Camp Kandahar	*$132,500,000*
	Camp Salerno	*$50,200,000*
	Forward Operating Base Blessing.	*$5,600,000*
	Forward Operating Base Bostick.	*$5,500,000*
	Forward Operating Base Dwyer.	*$14,900,000*
	Forward Operating Base Ghazni.	*$5,500,000*
	Forward Operating Base Shank.	*$19,700,000*
	Forward Operating Base Sharana.	*$60,800,000*
	Frontenac	*$2,200,000*
	Jalalabad Airfield	*$41,400,000*
	Maywand	*$12,200,000*
	Methar-Lam	*$4,150,000*

***Army: Outside United States**—Continued*

Country	Installation or Location	Amount
	Provincial Reconstruction Team Gardez.	*$36,200,000*
	Provincial Reconstruction Team Tarin Kowt.	*$57,950,000*
	Tombstone/Bastion	*$71,800,000*
	Wolverine	*$14,900,000*

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,100,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,284,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	*Bagram Air Base* ..	*$29,100,000*
	Camp Kandahar ...	*$234,600,000*
	Forward Operating Base Dwyer.	*$4,900,000*
	Forward Operating Base Shank.	*$4,900,000*
	Provincial Reconstruction Team Tarin Kowt.	*$4,900,000*
	Tombstone/Bastion	*$156,200,000*
	Wolverine	*$4,900,000*

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.

(a) IN GENERAL.—Notwithstanding the definition of military construction in section 2801 of title 10, United States Code, of the amounts authorized to be appropriated by this division for military construction, the Secretary of Defense may use not more than $25,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the ''ODRP'').

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) FORM.—The report under paragraph (1) may be submitted in a classified form.

(4) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate congressional committees are the following:

(A) The Committees on Armed Services and Foreign Affairs of the House of Representatives.

(B) The Committees on Armed Services and Foreign Relations of the Senate.

(5) TERMINATION.—The requirement to submit a report under this subsection terminates on the date occurring two years after the date on which the first report is submitted.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Subtitle B—Program Authorizations, Restrictions, and Limitations

Subtitle C—Reports

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,479,627,000, to be allocated as follows:

(1) For weapons activities, $6,516,431,000.

(2) For defense nuclear nonproliferation activities, $2,539,309,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10–D–501, nuclear facilities risk reduction, Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For safeguards and security, the following new plant project:

Project 10–D–701, security improvement project, Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10–D–903, KAPL security upgrades, Schenectady, New York, $1,500,000.

Project 10–D–904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, $700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,024,491,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $872,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $98,400,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2521) is amended to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

''(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

''(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''and performance over time'' after ''detonation''; and

(2) by adding at the end the following new paragraphs:

''(4) Material support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

''(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

''(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory; and

''(C) the Z Machine at Sandia National Laboratories.

''(5) Material support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

''(A) the Pantex Plant;
''(B) the Y–12 National Security Complex;
''(C) the Kansas City Plant; and
''(D) the Savannah River Site.''.

(c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. STOCKPILE MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2501 et seq.) is amended—

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

''SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.

''(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, to be known as the stockpile management program, to provide for the effective management of the weapons in the nuclear weapons stockpile (including any weapon proposed to be added to the stockpile). The program shall have the following objectives:

''(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

''(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

''(3) To achieve reductions in the future size of the nuclear weapons stockpile.

''(4) To reduce the risk of an accidental detonation of an element of the stockpile.

''(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

''(b) PROGRAM BUDGET.—For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

''(c) PROGRAM LIMITATIONS.—In carrying out the stockpile management program under subsection (a), the Secretary shall ensure that—

''(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

''(2) any such changes made to the stockpile shall—

''(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

''(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314; 50 U.S.C. 2501 note) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

''Sec. 4204. Stockpile management program.''.

SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

(a) PLAN.—Section 4203 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2523) is amended to read as follows:

''SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

''(a) PLAN REQUIREMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, and program direction and shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

''(b) PLAN ELEMENTS.—The plan and each update of the plan shall set forth the following:

''(1) The number of warheads (including active and inactive warheads) for each warhead type in the nuclear weapons stockpile.

''(2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type.

''(3) The process by which the Secretary of Energy is assessing the lifetime and requirements for maintenance of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile.

''(4) The process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile without the use of nuclear testing.

''(5) Any concerns which would affect the ability of the Secretary of Energy to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads).

''(c) ASSESSMENT.—In addition to the elements described under subsection (b), the plan and each update of the plan shall include a joint assessment of the stockpile stewardship program by the heads of the national security laboratories. Each assessment shall set forth the following:

''(1) An identification and description of—

''(A) any key technical challenges to the program; and

''(B) the strategies to address such challenges without the use of nuclear testing.

''(2) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

''(3) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the plan compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

''(4) Clear and specific criteria for judging whether the science-based tools being used by the Department of Energy for determining the safety and reliability of the nuclear weapons stockpile are performing in a manner that will provide an adequate degree of certainty that the stockpile is safe and reliable.

''(5) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons and weapons-related activities of the Department of Energy, including—

''(A) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

''(B) a description of any shortage of such individuals that exists at the time of the plan compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

''(d) REPORTS TO CONGRESS.—Not later than February 1 of each year, beginning with February 1, 2010, the Secretary of Energy shall submit to the congressional defense committees a report describing the plan required by subsection (a).

''(e) DEFINITIONS.—In this section:

''(1) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

''(2) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

''(3) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

''(4) The term 'weapons–related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

''(A) nuclear non-proliferation;
''(B) nuclear forensics;
''(C) nuclear intelligence;
''(D) nuclear safety; and
''(E) nuclear incident response.''.

(b) CLERICAL AMENDMENT.—The item relating to section 4203 in the table of contents for such Act is amended to read as follows:

''Sec. 4203. Plan for execution of stockpile stewardship and stockpile management programs.''.

(c) CONFORMING REPEAL.—Section 4202 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2522) is repealed.

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.

(a) DUAL VALIDATION.—

(1) IN GENERAL.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

''(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security shall establish teams, known as 'dual validation teams', to provide Lawrence Livermore National Laboratory and Los Alamos National Laboratory with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. Each such team shall—

''(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;

''(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;

''(3) use all relevant available data to conduct independent calculations; and

''(4) pursue independent experiments to support the independent evaluations.''.

(2) PLAN.—Not later than March 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (including a schedule) to carry out subsection (c) of section 4205 of such Act, as added by paragraph (1) of this subsection.

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) by inserting ''both'' after ''review''; and

(2) by inserting after ''that laboratory'' the following: ''and the independent evaluations conducted by a dual validation team under subsection (c)''.

(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).''.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (c)'' and inserting ''subsection (d)'';

(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (g), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(4) in subsection (i), as redesignated by subsection (a)(1)(A) of this section—

(A) in paragraph (1), by striking ''subsection (d)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) POLICY.—It is the policy of the United States that sustainment, modernization, and refurbishment of the nuclear security complex is mandatory for maintaining the future viability of the United States nuclear deterrent and a prerequisite for any reductions to the nuclear weapons stockpile of the United States.

(b) GENERAL REQUIREMENT.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

''SEC. 3255. BUDGETING FOR MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX: ANNUAL PLAN AND CERTIFICATION.

''(a) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN AND CERTIFICATION.—The Administrator for Nuclear Security shall include with the nuclear security budget materials for each fiscal year—

''(1) a plan for the modernization and refurbishment of the nuclear security complex developed in accordance with this section; and

''(2) a certification by the Administrator that both the budget for that fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN.—(1) The annual nuclear security complex modernization and refurbishment plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the nuclear security complex provided for under that plan is capable of supporting—

''(A) the National Security Strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the nuclear security budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the nuclear security complex modernization and refurbishment provided for under that plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

''(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

''(2) Each such nuclear security complex modernization and refurbishment plan shall include the following:

''(A) A detailed program with schedule and associated funding for the modernization and refurbishment of the nuclear security complex for the National Nuclear Security Administration over the next 30 fiscal years.

''(B) A description of the necessary modernization and refurbishment measures to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1), and the Nuclear Posture Review.

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the implementation strategies on which such estimated levels of annual funding are based.

''(c) ASSESSMENT WHEN NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the modernization and refurbishment of the nuclear security complex at a level that is not sufficient to sustain the requirements specified in the plan for that fiscal year under subsection (a), the Administrator shall include with the nuclear security budget materials for that fiscal year an assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-term safety, security, and reliability. Such assessment shall be coordinated in advance with the Secretary of Defense and the Commander of the United States Strategic Command.

''(d) DEFINITIONS.—In this section:

''(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of—

''(A) the national security laboratories;

''(B) the Pantex Plant;

''(C) the Y–12 National Security Complex;

''(D) the Kansas City Plant;

''(E) the Savannah River Site; and

''(F) the Nevada test site.

''(2) The term 'budget' with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for Nuclear Security in support of the budget for that fiscal year.

''(4) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

''3255. Budgeting for modernization and refurbishment of the nuclear security complex: annual plan and certification.''.

Subtitle C—Reports

SEC. 3121. COMPTROLLER GENERAL REVIEW OF MANAGEMENT AND OPERATIONS CONTRACT COSTS FOR NATIONAL SECURITY LABORATORIES.

(a) REVIEW REQUIRED.—The Comptroller General shall review the effects of the contracts entered into by the Department of Energy in 2006 and 2007 that provide for the management and operations of the covered national laboratories. The review shall include the following:

(1) A detailed description of the costs related to the transition from the period when the management and operations of the covered national laboratories were performed by the University of California to the period when such management and operations were performed by a covered contractor, including—

(A) a description of any continuing differences in the cost structure of the management and operations when performed by the University of California and the cost structure of the management and operations when performed by a covered contractor; and

(B) an assessment of the effect of such cost differences on the resources available to support scientific and technical programs at the covered national laboratories.

(2) A quantitative assessment of the ability of the covered national laboratories to perform other important laboratory functions, including safety, security, and environmental management.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report on the results of the review.

(c) DEFINITIONS.—In this section:

(1) The term ''covered contractor'' means—

(A) with respect to Los Alamos National Laboratory, Los Alamos National Security, LLC; and

(B) with respect to Lawrence Livermore National Laboratory, Lawrence Livermore National Security, LLC.

(2) The term ''covered national laboratories'' means—

(A) the Los Alamos National Laboratory; and

(B) the Lawrence Livermore National Laboratory.

SEC. 3122. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit a report to the appropriate committees of Congress describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES.—For purposes of this section, the appropriate committees of Congress are the following:

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2010.
Sec. 3502. Liquidation of unused leave balance at the United States Merchant Marine Academy.
Sec. 3503. Adjunct professors.
Sec. 3504. Maritime loan guarantee program.
Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
Sec. 3506. Technical corrections to State maritime academies student incentive program.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) $11,240,000 shall remain available until expended for maintenance and repair of training ships of the State Maritime Academies; and

(C) $53,208,000 shall be available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain a preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

SEC. 3502. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused leave to any former employee of a United States Merchant Marine Academy nonappropriated fund instrumentality who was terminated from such employment in 2009 or whose position as such an employee was converted to the Civil Service in 2009 under authority granted by section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 110–417; 122 Stat. 4356).

SEC. 3503. ADJUNCT PROFESSORS.

Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4356) is amended—

(1) in subsection (a), by striking ''temporary'';

(2) in subsection (b), by inserting ''and'' after the semicolon at the end of paragraph (1), by striking ''; and'' at the end of paragraph (2) and inserting a period, and by striking paragraph (3); and

(3) by striking subsection (d) and inserting the following:

''(d) REPORTING REQUIREMENTS.—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy, the Administrator shall notify the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment of the adjunct professor.''.

SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 or title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation's industrial base allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial sealift capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and more numerous fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.

SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in hazardous carriage shall be equipped with appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

''(B) In this paragraph the term 'hazardous carriage' means the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard or the International Maritime Bureau of the International Chamber Of Commerce as an area of high risk of piracy.''.

SEC. 3506. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''and be paid before the start of each academic year, as prescribed by the Secretary,'' and inserting ''and be paid in such installments as the Secretary shall determine'';

(2) by striking ''academy.'' and inserting ''academy, as prescribed by the Secretary.''.

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110–417 (122 Stat. 4762)) is repealed and shall have no force or effect.

SEC. 3507. LIMITATION ON DISPOSAL OF INTEREST IN CERTAIN VESSELS.

(a) LIMITATION.—If the United States acquires any financial interest in a covered vessel as a consequence of a default on a loan guaranteed for the vessel under chapter 537 of title 46, United States Code, no action to dispose of the financial interest may be taken by the Maritime Administrator until 180 days after the date the Maritime Administrator notifies the Secretary of the Navy that the United States has such financial interest.

(b) COVERED VESSEL DEFINED.—In this section the term ''covered vessel'' means each of—

(1) the vessel HUAKAI (United States official number 1215902); and

(2) the vessel ALAKAI (United States official number 1182234).

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 182–151 and amendments en bloc described in section 3 of House Resolution 572.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 4 of the resolution; may be offered only by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report except for amendments 3 and 9, which shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for a division of the question.

It shall be in order at any time for the Chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of.

Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chair of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the Chair of the Committee on Armed Services or a designee announces from the floor a request to that effect. Such an announcement with regard to amendments 2, 3, 4, 9, 15, 20, 24, 34, and 39 was given on June 24, 2009.

Pursuant to the order of the House of today, amendment 2 has been modified.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–182.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 72, line 18, strike ''(h)'' and insert ''(d)''.

At the end of section 414 (page 122, after line 14), add the following new subsection:

(c) CONFORMING AMENDMENT TO STATUTORY LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,541''.

Page 260, lines 9 and 10, strike ''by adding at the end the following new section'' and insert ''by inserting after section 235, as added by section 242(a) of this Act, the following new section''.

Page 260, line 11, strike ''235.'' and insert ''236.''.

Page 262, before line 1, strike ''235.'' and insert ''236.''.

At the end of subtitle A of title X (page 323, after line 12), add the following new section:

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds authorized to be appropriated in section 201(3) for research, development, test, and evaluation for the Air Force are reduced by $2,900,000, to be derived from sensors and near field communication technologies.

(b) ARMY OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(1) for operation and maintenance for the Army are reduced by $18,000,000, to be derived from unobligated balances for the

Army in the amount of $11,700,000 and fuel purchases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—

(1) REDUCTION.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $22,900,000 to be derived from unobligated balances for the Navy in the amount of $11,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposal–Carrier Demonstration Project

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(3) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,300,000 and fuel purchases for the Air Force in the amount of $20,700,000.

(f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(5) for operation and maintenance for Defense-wide activities are reduced by $5,200,000, to be derived from unobligated balances for Defense-wide activities in the amount of $4,300,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 421 for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Page 345, line 16, strike ''30 days'' and insert ''90 days''.

Page 391, line 15, strike ''the budget fiscal year'' and insert ''subsequent fiscal years''.

Strike section 1505 (page 493, beginning line 12) and insert the following new section:

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.

(2) For weapons procurement, Navy, $73,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.

(4) For other procurement, Navy, $318,018,000.

(5) For procurement, Marine Corps, $1,164,445,000.

Page 556, line 14, strike ''2821(b)'' and insert ''2811(b)''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Missouri.

Mr. SKELTON. At this time, Mr. Chairman, the gentleman from New Jersey (Mr. ADLER) seeks recognition for a colloquy.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman, for participating in a colloquy with me about the importance of the joint military base located in New Jersey. It incorporates McGuire Air Force Base, Fort Dix, and Lakehurst Naval Air Engineering Station.

I am proud to represent this innovative installation located in New Jersey's Third and Fourth Congressional Districts. I am working with Generals, Colonels, Captains, and our civilian specialists to make the transition to the country's first tri-service joint facility as smooth as possible.

One of the issues people always talk with me about is the discrepancy in locality pay. All three individual installations are logistically close to each other; however, they fall within Burlington County and Ocean County and, therefore, two different locality pay jurisdictions. Currently, civilian employees doing exactly the same job are being paid different wages.

I am working closely with the Office of Personnel Management and the Department of Defense to have the entire joint base considered within Ocean County's pay area because people doing identical jobs on different areas of the tri-service base should be paid the same.

Mr. Chairman, I look forward to working with you on this important issue to assist in the smooth transition to the joint base, McGuire/Dix/Lakehurst, starting on October 1, 2009.

Mr. SKELTON. I thank the gentleman for his comments. And in response, I will tell the gentleman I will work with him, the committee of jurisdiction, and the relevant government agencies to resolve the issue and help the joint base transition.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I will reserve the balance of my time.

Mr. SKELTON. Mr. MILLER has a request for a colloquy at this time.

Mr. MILLER of North Carolina. Mr. Chairman, the Servicemembers Civil Relief Act, SCRA, protects servicemembers when their military service hinders their ability to meet financial obligations or defend their rights in a lawsuit. Recent court rulings have questioned whether servicemembers have a private remedy for violations of their rights under the SCRA. The committee included a provision to increase further the rights of servicemembers. That is a step in the right direction, but I am concerned that the provision does not go far enough nor as far as the chairman and the committee would like to go.

I submitted an amendment with Representative JONES based on H.R. 2696, the Servicemembers Rights Protection Act, to clarify that servicemembers and covered dependents under the SCRA do have a private cause of action. The clarifying amendment has the support of the Department of Defense, the Department of Justice, the American Bar Association, Military Officers Association, and is currently in the other body's version of the National Defense Authorization.

Will the chairman work to include the most effective private right of action for all SCRA violations in the conference report?

Mr. SKELTON. In response, I might tell you that, as the gentleman knows, our committee and I work tirelessly to protect the rights of servicemembers and their families; at the same time, I know it can be improved. I would be happy to work with this gentleman to address the issues that you have raised this morning.

Mr. MILLER of North Carolina. Thank you, Mr. Chairman. I know you are committed to stronger language and to doing everything possible to help our servicemembers.

Mr. SKELTON. Thank you.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I continue to reserve.

Mr. SKELTON. Mr. Chairman, the gentlelady from California (Mrs. CAPPS) seeks recognition for a colloquy.

Mrs. CAPPS. Mr. Chairman, I rise today to ask for your help in providing fair and adequate disability benefits to our Nation's Federal firefighters.

Together with the gentleman from Pennsylvania (Mr. PLATTS), I introduced the Federal Firefighters Fairness Act to create the presumption that Federal firefighters who become disabled by heart disease, lung disease, certain cancers, and other infectious diseases contracted the illness on the job. This effort is strongly supported by all five major fire organizations and has 130 bipartisan cosponsors.

I offered this bill with an amendment to the National Defense Authorization Act; however, it was not made in order due to PAYGO issues.

Mr. SKELTON. I certainly thank the gentlelady for raising this important issue, and I assure her that I certainly share her concern for our Federal firefighters.

While protecting our national interests in military installations, nuclear facilities, VA hospitals, and other Federal facilities, Federal firefighters are routinely exposed to toxic substances, biohazards, temperature extremes, and stress. I would be pleased to continue working with the gentlelady on this important issue.

Mrs. CAPPS. I thank the chairman for his commitment to improving the health and welfare of our Federal firefighters.

Forty-two States have already recognized this link by providing some sort of presumptive disability benefits for their State, county, and city firefighters. This creates a serious difference in benefits between Federal and

municipal firefighters, which is basically unfair. More States enact presumptive disability legislation each year, so this is a problem that continues to grow and the disparity continues to be more apparent. Clearly, there is a pressing need for this legislation.

Mr. SKELTON. The gentlelady knows that I certainly share her admiration and appreciation for our Federal firefighters, and I thank her for her dedication.

Mrs. CAPPS. Again, I thank the chairman, and I look forward to working with him in the future.

Mr. MCKEON. I continue to reserve.

□ 1045

Mr. SKELTON. The amendment before us is one that is technical in nature and seeks to clarify several technical misstatements and problems that arose in the drafting of the bill.

Mr. MCKEON. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–182.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCGOVERN:

At the end of subtitle B of title XII, add the following new section:

SEC. 12___. REPORT ON AFGHANISTAN EXIT STRATEGY.

Not later than December 31, 2009, the Secretary of Defense shall submit to Congress a report outlining the United States exit strategy for United States military forces in Afghanistan participating in Operation Enduring Freedom.

The Acting CHAIR. Pursuant to House Resolution 572 and the order of the House of today, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Thank you, Mr. Chairman. I yield myself 2 minutes.

Mr. Chairman, this amendment requires the Secretary of Defense to provide Congress by the end of the year with an outline of our exit strategy for U.S. military operations in Afghanistan. This bipartisan amendment, offered by Representatives WALTER JONES, CHELLIE PINGREE, BARBARA LEE, and me, does not demand a timeline for withdrawal or a halt to the deployment of the 21,000 additional troops called for by the President. It simply asks the administration to present its plan for beginning, middle, and end of U.S. military operations in Afghanistan.

For over 8 long years, our uniformed men and women have done all that we have asked them to do in Afghanistan. We are now asking them to do more. And we are giving them more resources and more boots on the ground to accomplish their mission. What we have not told them is how to tell when their contribution to the political solution is done and they can begin to transition out of Afghanistan.

Mr. Chairman, I want President Obama to succeed in Afghanistan. I stand by our commitment to provide the necessary resources to help the Afghan people take charge of their own future. But as Congress authorizes and appropriates billions and billions of dollars for a new strategy in Afghanistan, is it too much to ask how we will know when our troops can finally come home to their families?

Certainly, we need to hold the governments of Afghanistan and Pakistan accountable for governing their own nations. But it is incumbent upon us in Congress to hold ourselves accountable—and before we can even do that, the administration must clearly articulate and outline how it envisions completing its military operations in Afghanistan.

Eleven months into its term is not too soon for that outline to be provided. We are asking the Congress be a proper check and balance. We are asking for Congress to do its job. The people of this country want clarity. They are tired of endless wars.

Please support the McGovern-Jones-Pingree-Lee amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 10 minutes.

Mr. MCKEON. Mr. Chairman, Chairman SKELTON and I agree that this amendment does more harm than good. This amendment sends the wrong signal at the wrong time for the government and people of Afghanistan, our military men and women deployed and deploying to Afghanistan, our NATO and non-NATO allies, and the enemy.

Focusing on an exit versus a strategy is irresponsible and fails to recognize that our efforts in Afghanistan are vital to preventing future terrorist attacks on the American people and our allies.

In March of 2009, the President rightly outlined a strategy for Afghanistan and Pakistan focused on disrupting, dismantling, and defeating al Qaeda and its affiliated networks and their safe havens.

While we debate this amendment, our military men and women are deploying to the Afghan theater as part of an additional 21,000 forces being sent to fight the insurgency in the south and train the Afghan National Security Forces.

Instead of focusing on an exit, as the amendment calls for, Congress needs to provide the funding and resources required to support the President's strategy and allow our military commanders to succeed.

As the commander of U.S. Central Command, General Petraeus has consistently stated it will take sustained, substantial resources to implement our counterinsurgency strategy in Afghanistan and give our troops and the government of Afghanistan the opportunity to succeed.

Lastly, the Department of Defense opposes the amendment, and I also oppose the amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, a military strategy that has no exit is no strategy at all.

I'd like to yield 2 minutes to the cosponsor of this amendment, the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I rise in strong support of the McGovern amendment. When the previous administration was in office, many times Members on both sides of the aisle kept saying, Why isn't there an end point to the war in Iraq? Now, after 8 years in Afghanistan, the current administration must clearly articulate the benchmarks for success and the endpoint to its war strategy.

In my years in Congress, I have many opportunities to speak to military leaders. Time after time, time after time, I heard this: To have a successful war strategy, you must have an end point. An end point is an understanding of what has to be achieved.

General Petraeus recently said, Afghanistan has been known over the years as the graveyard of empires. We cannot take that history lightly.

Another voice who brings credibility to this position is Andrew Bacevich, a retired army colonel, Gulf War and Vietnam veteran, military historian, and the father of a son who died in Iraq in 2007. Bacevich has written that, Embarking on a protracted war with no foreseeable end to the U.S. commitment—lacking clearly defined and achievable objectives—risks forfeiting public support, thereby courting disaster.

This amendment does not set a date for leaving Afghanistan. It simply asks the Secretary of Defense to present a plan for success to Congress by the end of the year.

I would hope that the Members of Congress will look at this, and let's not repeat Vietnam. Our men and women in uniform have given and given and given. And it's time now to say that we have a definition of victory. And that's all Mr. MCGOVERN's amendment is asking.

Mr. MCKEON. Mr. Chairman, I yield 1 minute at this time to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I thank my friend for yielding. I have tremendous respect for my friend and colleague from Massachusetts. I know he always has the best interests of the Nation and our armed services at heart. But I must oppose the amendment.

As much as all of us would like to have our brave men and women home

again reunited with their loved ones, we don't have a choice but to keep the troops on the ground in Afghanistan for some period of time. The only way we can succeed in Afghanistan is to create an environment conducive to development and good governance. Our U.S. military is an essential component of that.

Requiring President Obama to develop an ''exit strategy''—only a few months after he increased the number of U.S. troops in Afghanistan and launched a new strategy—would raise questions about our commitment to the Afghan people and complicate our efforts to help them create a stable and secure nation in a way that would supersede whatever benefits we could get from the passage of this amendment.

I would ask my colleagues to give the President's plan a chance to work.

Mr. MCGOVERN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, President Obama on a recent ''60 Minutes'' interview said he favors an exit strategy. This shouldn't be controversial. We are told that there's a political solution ultimately to be had in Afghanistan. All we are asking is: When does our military contribution to that political solution come to an end so that we know when we can think about bringing our troops back home?

That's all this amendment does. This should not be controversial at all. What we are asking is simply a clearly defined mission, and nothing more.

At this point, Mr. Chairman, I'd like to yield 2 minutes to a cosponsor of this amendment, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I rise in strong support of this amendment. Let me commend my colleague from Massachusetts for his consistent and his bold leadership.

This amendment does not call for the redeployment of U.S. Armed Forces out of Afghanistan. It does not call for an end of the funding requested by the administration for military operations. It does not tie the hands of the President, commanders in the field, or our troops on the ground. And it does not provide aid or comfort to those who would harm us or wish us ill.

Instead, this will provide a vital contingency plan for withdrawing United States military forces from Afghanistan.

Mr. Chairman, most recognize that there is no military solution to the quagmire in Afghanistan. I remain convinced that the United States must develop an exit strategy in Afghanistan before further committing the United States' limited resources and military personnel deeper into Afghanistan in pursuit of an objective that may be unattainable, unrealistic, or too costly. Unfortunately, we're digging ourselves deeper in a hole.

In 2001, I voted against the authorization to use force because I feared that given a blank check to wage war, I really worried that this would be for an unspecified period of time, really for an unspecified mission. This blank check continues today. My worst fears have been realized.

And so what Mr. MCGOVERN is doing makes a lot of sense. We need an exit strategy for Afghanistan now. I urge my colleagues to vote for this amendment. Otherwise, this blank check is going to continue.

This does not enhance the national security of the United States of America. The longer we're there, the worse things get for our troops. Our troops deserve to be able to know at least what our plans are, what they're going to entail, and when in fact they will come out of Afghanistan. The people of Afghanistan deserve to know this.

I commend our President for trying to develop a new direction in our policy, but I have to tell you, putting more troops in harm's way is not going to help us begin to develop an exit strategy out.

So, thank you, Mr. MCGOVERN, and thank all of the cosponsors for making sure that we have at least an opportunity to say: No more blank checks.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the ranking member on the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Thank you so much, the gentleman from California. I rise in strong opposition to the amendment on Afghanistan offered by the gentleman from Massachusetts, my friend, Mr. MCGOVERN.

In late March of this year, the President announced his comprehensive outline for Afghanistan and Pakistan, highlighting the threat to critical U.S. security interests that would arise should al Qaeda and the Taliban reclaim or establish safe havens in those countries. The President clearly outlined our goals to disrupt, to dismantle, and to defeat al Qaeda. I agree with him on those goals. But success requires a sustained commitment and sustained support for both the mission and the brave Americans and Afghanis carrying it out.

Our strategy is meeting with success, yet the McGovern amendment is already looking for an exit strategy. This amendment sends a terrible message about U.S. resolve to both friends and foes alike.

And we're not alone in this concern. It's precisely why the Obama administration also opposes the McGovern amendment, stating that the McGovern amendment, ''would demonstrate a lack of commitment to the new strategy, it will signal to our Afghan partners that the U.S. presence and efforts in country are fleeting, and it demonstrates to al Qaeda that we are not intending to see this new strategy through.''

It could hamper U.S. strategic goals in the entire region. Rather than focusing on an exit strategy, we should instead be focused on working with the Obama administration to provide the necessary flexibility to craft policies that offer the best chance of success, while ensuring congressional consultation and congressional notification.

The underlying bill provides this balance. And that's why Chairman SKELTON, Ranking Member MCKEON, Chairman BERMAN and I ask our colleagues to support U.S. efforts in Afghanistan and oppose the McGovern amendment.

□ 1100

Mr. MCGOVERN. Mr. Chairman, I yield myself 15 seconds.

All we are trying to do is fill in the holes of the strategy that President Obama has already articulated. I think the American people would welcome that. I think the Afghan people would welcome that. The notion that we are sending our men and women into harm's way without a clearly defined mission, which includes a beginning, middle and end, to me, is a mistake.

Mr. Chairman, I would yield 1½ minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I thank the gentleman from Massachusetts.

I respect everyone's position and everyone's right, but I would like to say that To Die For a Mystique is an article written by Andrew Bacevich, who I quoted just a few minutes ago, subtitled The Lessons Our Leaders Didn't Learn From the Vietnam War. Here we are, extending an 8-year commitment of our troops in Afghanistan. What's going to happen 3 or 4 years from now if we're in the same situation? And then we're talking about a 12-, 14–16-year commitment.

Look at what the Russians did. They went there and spent 10 years and billions of dollars, and thousands of Russians were killed. Look at Alexander the Great. He tried to conquer Afghanistan. He failed. Look at what the British did, and they couldn't make it. We're not talking about a pull-out. We're just saying, have an end point to your war strategy that the American people will understand and really, more important than the American people, our military. They're tired. They're worn out. They will keep going. They go back five, six, seven, eight times. But ask a military family down at Camp LeJeune, You want to send your husband or wife back for the sixth time to Afghanistan? We're 8 years behind the fight because we never should have gone into Iraq. Let's not make the same mistake they made during the Vietnam era.

Thank you, Mr. MCGOVERN, for introducing this amendment. On behalf of our country and our troops, thank you very much.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the chairman of the Armed Services Committee, the gentleman from Missouri, Chairman SKELTON.

Mr. SKELTON. Mr. Chairman, I respectfully disagree with this amendment, and I respectfully oppose it. This amendment sends exactly the wrong message, focusing on an exit strategy

which may well reinforce the perception among the Afghans that we're not committed to protecting them from the Taliban and al Qaeda.

Mr. Chairman, we have a new commander on the ground. We've added tens of thousands of troops. We're adding hundreds of civilian experts. We should not undermine those efforts. Commanders make a difference. As you know, we have General McChrystal who has replaced General McKiernan in Afghanistan. History shows that new commanders make a big difference. Let's give General McChrystal the opportunity to show what American troops, American civilians, the State Department and others can do. History shows that. President Lincoln replaced General McClellan, General Burnside, General Hooker, General Meade and finally ended up with a man by the name of Grant. General Auchinleck was replaced by Bernard Montgomery, and the great Battle of El Alamein came to pass.

Let's give General McChrystal the opportunity. Further let me add, Mr. Chairman, this amendment is intended to get the administration to lay out its strategy; but section 1217 of our bill already requires the administration to lay out goals, to lay out timelines and conduct regular assessments. That's the way General McChrystal should be judged. Let's do that.

I do oppose this amendment very respectfully.

The Acting CHAIR. The Chair will note that the gentleman from Massachusetts has 1¾ minutes remaining, and the gentleman from California has 3¼ minutes remaining.

Mr. MCGOVERN. Mr. Chairman, I am the final speaker on my side so I will let the gentleman proceed.

Mr. MCKEON. Mr. Chairman, at this time I am happy to yield 1 minute to a young man who joined the Marine Corps the day after 9/11, served two tours in Iraq and one in Afghanistan and is a member of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the ranking member, and I would like to associate myself with the chairman's remarks on this issue.

I think I'm the only one on the floor here who's actually served in Afghanistan. I served twice in Iraq as a United States Marine. I would have to respectfully oppose this amendment, and the reason is this: The best exit strategy is to actually win. That's the best exit strategy. To go in there, win the fight, kill al Qaeda, kill Taliban, have the State Department work with the local Afghan people, then we can leave after we have success over there. That's how we won in Iraq. We won in Iraq. Once we stopped worrying about losing, we had the surge, and now we're successful in Iraq. That's what we need in Afghanistan. The way that we're going to lose Afghanistan is if we start focusing on how we're going to pull out successfully. What we need to do is win, win hard, and win strong, and then we can all come home.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional 30 seconds.

Mr. HUNTER. I thank the ranking member from California.

I respectfully oppose this amendment. As a United States Marine, as a U.S. Congressman and representing all of our men and women in uniform fighting for us right now, let's win, get the job done, and then we can come home.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. MCKEON. I think Mr. HUNTER just stated it very clearly. The exit strategy should be to win, and then bring our forces home. It was stated earlier that General Petraeus made a statement that Afghanistan has been known over the years as a graveyard of empires, and we cannot take that history lightly. That was part of a speech that he gave.

I would like to say some other things that he mentioned in that speech:

''We have a hugely important interest in ensuring that Afghanistan does not once again become a sanctuary for transnational terrorists. And to complement and capitalize on the increased military resources, more civilian assets, adequate financial resources, close civil-military cooperation and a comprehensive approach that encompasses regional states will be necessary. Our objectives are of enormous importance. We all need to summon the will and the resources necessary to make the most of it.''

It was just a couple of years ago when we were having a similar debate when we were being told by some that we needed to get out of Iraq, that there was no way we could win, and General Petraeus was called to lead the surge. And now he is telling us how we can win in Afghanistan. Mr. Chairman, I think now is not time to be retreating. Now is not the time when we're sending 20,000 troops and are ready to embark on this surge to win, to help the people of Afghanistan and preserve our national interests there. Now is the time to let the forces know that we support them. We support their mission. We want them to be successful and return home safely.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, everyone acknowledges that there is no military solution in Afghanistan, only a political solution; but we are putting billions of dollars into building up our military presence without a clear vision of how to bring our troops home, an exit strategy, for lack of a better term. Every military mission has a beginning, a middle, a time of transition and an end. But I have yet to see that vision articulated in any document, speech or briefing.

We're not asking for an immediate withdrawal. We're surely not talking about cutting or running or retreating. Just a plan. If there's no military solution for Afghanistan, then please, just tell us how we will know when our military contribution to the political solution has ended. Requiring an outline for how our military operations are to proceed in Afghanistan so that Congress can effectively weigh the level of investment, both human and financial, is called doing our job, something this body neglected to do throughout the past 8 years.

I welcome the reports, the time frames, the matrixes included in H.R. 2647. But once again, we're trying to define what the administration has failed to articulate for itself. When I first ran for Congress, I promised my constituents that I would never, ever send our servicemen and -women into a war without a clearly defined mission and a clear vision of how we would bring them home safely to their families and to their loved ones. I am sticking to that promise. Please support the McGovern-Jones-Lee-Pingree amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–182.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MCGOVERN:

At the end of subtitle E of title X of the bill, add the following new section:

SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, 2008, and 2009, and any fiscal year thereafter.

''(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

''(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

''(B) The rank of each student and instructor.

''(C) The country of origin of each student and instructor.

''(D) The courses taken by each student.

''(E) The courses taught by each instructor.

''(F) Any years of attendance by each student in addition to the fiscal year covered.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

This amendment is identical to the amendment approved by the House last year. Its purpose is quite simple: for over 40 years, the names of students and instructors at the former U.S. Army School of the Americas and now the Western Hemisphere Institute for Security Cooperation were available to the public. All you had to do was make a phone call, write a letter, file a FOIA request, and the names were provided.

Suddenly in August 2006, the names became classified. The only reason cited by the Defense Department for denying the names was that the list includes personal information, but nothing about the request had changed. No one had asked for new information and certainly none of a personal nature. So for the past 3 years, the names of graduates and instructors at WHINSEC have remained secret. Well—almost secret. Names constantly pop up in WHINSEC PR materials, sometimes with a photo; but the public is still denied access.

In over four decades of public access, not once has there ever been a whisper that the military officers attending WHINSEC were targets. And those were some pretty turbulent years with coups in the southern cone, civil wars in Central America, drug lords, drug cartels and armed groups in the Andes, especially Colombia and Peru. Not a hint that attending the school was dangerous.

The WHINSEC is supposed to be a model for transparency, accountability, and respect for civil society and human rights. What signal does the school send to its Latin American counterparts about our democratic values when it denies access to information that has been available for decades? Vote to restore public access to this amendment. Vote for this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield myself as much time as I may consume.

I rise in strong opposition to this amendment. While my colleagues on the opposite side of the aisle will argue that disclosing the personal information of the students and instructors of WHINSEC is in the name of transparency and good oversight, what they're actually suggesting is that the United States does not respect the privacy of foreign citizens and, more specifically, our allies in the western hemisphere who are invited to attend the U.S. military schools.

What concerns me is that this amendment exposes WHINSEC's students and instructors, which includes U.S. citizens, to hostile personal hazards, such as identity theft and surveillance, intimidation or attack from foreign intelligence security and terrorist organizations.

In terms of oversight, Congress already receives the information. We just received a copy of the attendees for 2008, and we were able to keep our partners and their families safe. I think it's important to recognize that WHINSEC is an important tool for strengthening security cooperation with our key allies in the western hemisphere. This includes Mexico, our neighbor to the south. WHINSEC provides training to Mexican land forces in the Spanish language and builds their capacity to prevail in the fight against drug trafficking, organized crime and other transnational threats. Such training and cooperation is critical to our homeland security.

It baffles me that given the narcofight on our border, some of my colleagues think that now is the right time to expose our past, current and future partners and deprive them of their safety and security. I will oppose this amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment. The Western Hemisphere Institute has much to be proud of, including an enviable curriculum and dedicated support staff. Returning to a policy of public disclosure of student names and instructors will remove one of the lingering doubts about this school. It's come a long way, and I am very proud of what it does. I am a strong supporter of that school. Publicly revealing the names does not discourage attendance.

According to statistics provided by the Department of Defense to the Center For International Policy for fiscal years 2001 through 2006, Latin American and Caribbean countries provided, on the average, more students to this institution, to this school during the time that WHINSEC made the names of students and instructors publicly available than when the institute refused to provide such information.

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There is no real reason to withhold those names. We should be proud of what we do there. We want them to return to their country to be proud of their studies there.

Mr. MCKEON. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, even though my former Rules Committee colleague and I couldn't disagree more when it comes to WHINSEC, he is my good friend and I always look forward to our spirited debates on this matter. Predictably, I rise today to take issue with his amendment.

The gentleman has stated today and in the past that the information on the WHINSEC students and instructors is always made available but that since 2005 disclosure and transparency have been lacking. To be clear, Mr. Chairman, the Department of Defense has provided to Congress the names, country of origin, and rank, courses, and dates of attendance of all students and instructors at WHINSEC since the year 2005.

Since we already know exactly who is attending WHINSEC, I am led to wonder, Mr. Chairman, what is the McGovern amendment trying to accomplish? Unfortunately, I believe that the release of personal information has less to do with transparency and more to do with the efforts to shut WHINSEC down, something that this Congress has repeatedly rejected. If transparency is the issue, Mr. Chairman, WHINSEC is open to visitors every working day. It invites people to sit in class, talk with the students, talk with the faculty, and review instructional material. This is perhaps the most open, transparent, and welcoming organization in the Department of Defense.

Mr. MCGOVERN has also stated in the past that from time to time WHINSEC PR materials include pictures of students and instructors, so why the need to protect the identities of attendees? While this may be true, these are not the materials that end up in the mailboxes of narcotraffickers and drug lords in Central and South America; however, these criminals do search the Internet for the names of law enforcement personnel who stand in their way.

I would also note there's a big difference between the voluntary and involuntary publishing of the names of the WHINSEC participants. Obviously, an attendee who is an undercover counterdrug officer would be more reticent to have his or her name posted on a Web site than would someone who has since become a high-ranking public official.

Mr. Chairman, every Member of this body should know that WHINSEC is an invaluable tool for military-to-military cooperation between us, the United States, and Latin America and is a vital means for strengthening security cooperation in the region. Publicizing the names of WHINSEC students in their home countries could very well lead to hostile attention from nations, organizations, and individuals that may wish to do harm to the U.S., its friends and its allies. Such publications

could serve as a disincentive to Central and South American, and Mexican, yes, Mexican students who otherwise want to attend WHINSEC and could discourage nations from sending their students to the school.

It would undercut the effectiveness of WHINSEC as a tool for building hemispheric security cooperation and communicating the democratic values and respect for human rights we espouse. If our ability to influence the democratic trajectory of the region were diminished, it would be countries like Venezuela and China that would fill the void.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional minute.

Mr. GINGREY of Georgia. I therefore believe this amendment could potentially do much more harm than good, and I ask all my colleagues to oppose it.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia, who represents WHINSEC in his district (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

I just want the Members of this House to know that I represent the area where WHINSEC is located, Fort Benning, Georgia. I represented formerly the School of the Americas. I've been involved in this debate year in and year out. This is my 17th year.

The all-encompassing question is whether or not WHINSEC or its predecessor trained terrorists and murderers who did harm. That's an issue. But to create transparency, we want to make sure that this amendment passes so that people on both sides of the issue can get the facts and transparency and know who goes to the school, who teaches at the school, what the curriculum is. Having that be transparent is all we want to do, and the facts will speak for themselves.

I support WHINSEC. It's one of the greatest tools that our country has for democracy in our hemisphere. It's a good opportunity for us to make friends, keep friends, and to cooperate. But we want to make sure that there is no misunderstanding, and I join with the chairman in supporting this amendment and ask my colleagues to do the same.

Mr. Chair, I am pleased to co-sponsor this amendment to the FY 2010 National Defense Authorization Act to restore public access and transparency to the names of students and instructors at the Western Hemisphere Institute for Security Cooperation, or WHINSEC.

WHINSEC is located in Georgia's 2nd Congressional District at Ft. Benning. I have on many occasions visited the school and have supported the school's efforts to share its civil and military training with our friends and partners in Latin America. WHINSEC is a military and academic institution, the primary effort of which is to promote peace, democratic values, and respect for human rights through inter-American cooperation.

I agree with my esteemed colleague, Mr. MCGOVERN, that the school should provide the names of Latin American and U.S. military personnel who attend or teach at the school, as well as the curriculum taught at the school.

This amendment brings back the former policy of disclosing attendees, faculty members and course offerings. Allowing this information to become public will protect the school from attempts to discredit its efforts to develop partnerships and the principles of democracy.

It will also demonstrate to the nations of Latin America that the lessons learned at WHINSEC are ethnical, promote human rights, and provide a civil/military framework of building democratic governments.

Please join me in supporting this effort to ensure that the institutions we entrust to promote democratic principles are open for review and discussion. I urge you to support the amendment to H.R. 2647, the FY 2010 National Defense Authorization Act.

Mr. MCGOVERN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my friend from Georgia (Mr. GINGREY) talked about the fact that the names were being released by WHINSEC. The fact he didn't mention is they're being released to us in a classified form so that no one in the public can see them. And it is not unique for this information to be made public. Other Army, Air Force and Navy military schools and training schools still provide the public with the names of Latin American students. I have a pile of them right here. Each one asserts the needs of the public interest outweigh any consideration for privacy. And I believe that standing up for transparency, accountability, and our own democratic values strengthens our national security and U.S.-Latin American relations. The danger comes when democratic values and transparency are viewed as detrimental.

Mr. Chairman, the House approved this amendment last year; it should approve it again. The cosponsors of this amendment do not agree on the fate of WHINSEC, but we all agree that we need to restore public access to these names.

Look at these lists, Mr. Chairman, all blacked out. Does this look like transparency? Is this democracy at work? Is this the model we want Latin American militaries to copy? The names were public for decades until August 2006. Openness was the norm, not secrecy.

Mr. Chairman, I urge my colleagues to support this amendment and restore public access, restore transparency, restore accountability. It is the right thing to do.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The gentleman from California has 15 seconds remaining.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, it's very simple: if you release the names of these foreign special operators that are at WHINSEC, you are literally encouraging their murder. The men and women fighting for justice in Central and South America, if you release those names, you will have their attempted murder on your hands if this amendment passes.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 1.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 5, 6, 8, 12, 13, 16, 17, 18, 19, 21, 22, 26, 29, 45, 61, 63, and 64 offered by Mr. SKELTON:

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. PROHIBITION ON RECRUITMENT, ENLISTMENT, OR RETENTION OF PERSONS ASSOCIATED OR AFFILIATED WITH GROUPS ASSOCIATED WITH HATE-RELATED VIOLENCE AGAINST GROUPS OR PERSONS OR THE UNITED STATES GOVERNMENT.

Section 504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) PERSONS ASSOCIATED OR AFFILIATED WITH HATE GROUPS.—

''(1) PROHIBITION.—A person associated or affiliated with a group associated with hate-related violence against groups or persons or the United States Government, as determined by the Attorney General, may not be recruited, enlisted, or retained in the armed forces.

''(2) DEFINITION OF HATE GROUP.—In this subsection, the terms 'group associated with hate-related violence' or 'hate group' mean the following:

''(A) Groups or organizations that espouse or engage in acts of violence against other groups or minorities based on ideals of hate, ethnic supremacies, white supremacies, racism, anti-Semitism, xenophobia, or other bigotry ideologies.

''(B) Groups or organizations engaged in criminal gang activity including drug and weapons trafficking and smuggling.

''(C) Groups or organizations that espouse an intention or expectation of armed revolutionary activity against the United States Government, or the violent overthrow of the United States Government.

''(D) Groups or organizations that espouse an intention or expectation of armed activity in a 'race war'.

''(E) Groups or organizations that encourage members to join the armed forces in order to obtain military training to be used for acts of violence against minorities, other groups, or the United States Government.

''(F) Groups or organizations that espouse violence based on race, creed, religion, ethnicity, or sexual orientation.

''(G) Other groups or organizations that are determined by the Attorney General to be of a violent, extremist nature.

''(3) EVIDENCE OF ASSOCIATION OR AFFILIATION WITH HATE GROUP.—The following shall constitute evidence that a person is associated or affiliated with a group associated with hate-related violence:

''(A) Individuals possessing tattoos or other body markings indicating association or affiliation with a hate group.

''(B) Individuals known to have attended meetings, rallies, conferences, or other activities sponsored by a hate group.

''(C) Individuals known to be involved in online activities with a hate group, including being engaged in online discussion groups or blog or other postings that support, encourage, or affirm the group's extremist or violent views and goals.

''(D) Individuals who are known to have in their possession photographs, written testimonials (including diaries or journals), propaganda, or other materials indicating involvement or affiliation with a hate group. Such materials can include photographs, written materials relating to or referring to extreme hatred that are clearly not of an academic nature, possession of objects that venerate or glorify hate-inspired violence, and related materials, as determined by the Attorney General..

''(E) Individuals espousing the intent to acquire military training for the purpose of using such training towards committing acts of violence of a purpose not affiliated with the armed forces.

''(4) REQUIREMENTS FOR RECRUITERS AND ENLISTMENT PROCESSING STATIONS.—A military recruiters may not enlist, or assist in enlisting, a person who is associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3). A person at any military enlistment processing station who, during the screening process, is found to be affiliated or associated with a hate group (including through admitting to any such affiliation or association on any form or document) is automatically prohibited from enlisting.

''(5) SEPARATION.—

''(A) SEPARATION REQUIRED.—A person discovered or determined to be associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3), shall be immediately discharged from the armed forces, in the manner prescribed in regulations regarding discharge from service.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a member of the armed forces who has renounced the member's previous affiliation or association with a group associated with hate-related violence, as determined by the commanding officer of the member.

''(6) REPORTING REQUIREMENT.—Not later than April 1, 2010, and annually thereafter, the Secretary concerned shall submit to the Committees on Armed Service of the Senate and House of Representatives a report—

''(A) on the presence in the armed forces of members who are associated or affiliated with a group associated with hate-related violence and describing the actions of the Secretary to discharge such members; and

''(B) describing the actions of the Secretary to prevent persons who are associated or affiliated with a hate group from enlisting.''.

AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department, or of a Federal department or agency, that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at facility, notify the International Committee of the Red Cross (referred to in this section as the ''ICRC'') of such custody or effective control, as soon as possible.

(b) ACCESS.—The head of a military service or department, or of a Federal department or agency, with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, pursuant to subsection (a), shall ensure ICRC access to any detainee within 24 hours of the receipt by such head of an ICRC request to access the detainee. Such access to the detainee shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department, or of a Federal department or agency, with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) SCOPE OF ACCESS.—The ICRC shall be provided access, in accordance with this section, to any physical locality at the Theater Internment Facility at Bagram Air Base, Afghanistan, determined by the ICRC to be relevant to the treatment of the detainee, including the detainee's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, or other locations not named in this section.

(d) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) create or modify the authority of a military service or department, a Federal law enforcement agency, or the intelligence community to detain an individual; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

AMENDMENT NO. 8 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle D of title V (page 144, after line 3), add the following new section:

SEC. 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9359 the following new section:

''§ 9359a. Air Force Academy Athletic Association: authorization, purpose, and governance

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of the Air Force may establish a nonprofit corporation, to be known as the 'Air Force Academy Athletic Association', to support the athletic program of the Air Force Academy.

''(b) ORGANIZATION AND DUTIES.—(1) The Air Force Academy Athletic Association (in this section referred to as the 'Association') shall be organized and operated as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986 and under the powers and authorities set forth in this section and the provisions of the laws of the State of incorporation. The Association shall operate on a nonpartisan basis exclusively for charitable, educational, and civic purposes consistent with the authorities referred to in this subsection to support the athletic program of the Academy.

''(2) Subject to the approval of the Secretary of the Air Force, the Association may—

''(A) operate and manage athletic and revenue generating facilities on Academy property;

''(B) use Government facilities, utilities, and services on the Academy, without charge, in support of its mission;

''(C) sell products to the general public on or off Government property;

''(D) charge market-based fees for admission to Association events and other athletic or athletic-related events at the Academy and for use of Academy athletic facilities and property; and

''(E) engage in other activities, consistent with the Academy athletic mission as determined by the Board of Directors.

''(c) BOARD OF DIRECTORS.—(1) The Association shall be governed by a Board of Directors made up of at least nine members. The members, other than the member referred to in paragraph (2), shall serve without compensation, except for reasonable travel and other related expenses for attendance at required meetings.

''(2) The Director of Athletics at the Academy shall be a standing member of the Board as part of the Director's duties as the Director of Athletics.

''(3) Subject to the prior approval of all nominees for appointment by the Secretary of the Air Force, the Superintendent shall appoint the remaining members of the Board.

''(4) The Secretary of the Air Force shall select one of the members of the Board appointed under paragraph (3) to serve as chairperson of the Board.

''(d) BYLAWS.—Not later than July 1, 2010, the Association shall propose its by-laws. The Association shall submit the by-laws, and all future changes to the by-laws, to the Secretary of the Air Force for review and approval. The by-laws shall be made available to Congress for review.

''(e) TRANSITION FROM NONAPPROPRIATED FUND OPERATION.—(1) Until September 30, 2011, the Secretary of the Air Force may provide for parallel operations of the Association and the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic program of the Academy. Not later than that date, the Secretary shall dissolve the nonappropriated fund instrumentality and transfer its assets and liabilities to the Association.

''(2) The Secretary may transfer title and ownership to all the assets and liabilities of the nonappropriated fund instrumentality referred to in paragraph (1), including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property without cost or obligation to the Association.

''(f) CONTRACTING AUTHORITIES.—(1) The Superintendent may procure, at fair and reasonable prices, such athletic goods, services, human resources, and other support from the Association as the Superintendent considers appropriate to support the athletic program of the Academy. The Association shall be exempt from the requirements of section 2533a of this title and the Buy American Act (41 U.S.C. 10a et seq.).

''(2) The Superintendent may accept from the Association funds, goods, and services for use by cadets and Academy personnel during participation in, or in support of, Academy or Association contests, events, and programs.

''(g) USE OF AIR FORCE PERSONNEL.—Air Force personnel may participate in—

''(1) the management, operation, and oversight of the Association;

''(2) events and athletic contests sponsored by the Association; and

''(3) management and sport committees for the National Collegiate Athletic Association and other athletic conferences and associations.

''(h) FUNDING AUTHORITY.—The authorization of appropriations for the operation and maintenance of the Academy includes Association operations in support of the Academy athletic program, as approved by the Secretary of the Air Force.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9359 the following new item:

''9359a. Air Force Academy Athletic Association: authorization, purpose, and governance.''.

AMENDMENT NO. 12 OFFERED BY MR. TURNER

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed ''to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty.''.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that ''will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.''.

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed: ''Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.''.

(4) President Obama also said: ''As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies—including the Czech Republic. But we will begin the work of reducing our arsenal.''.

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act only if the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy's National Nuclear Security Administration will be sufficiently funded to—

(A) maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the congressional committees specified in subsection (d) a report on the stockpiles of strategic and non-strategic weapons of the United States and the Russian Federation.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) DEFINITION.—For the purposes of this section, the term ''advanced conventional weapons'' means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

AMENDMENT NO. 13 OFFERED BY MR. BRIGHT

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 8xx. FOLLOW-ON CONTRACTS FOR CERTAIN ITEMS ACQUIRED FOR SPECIAL OPERATIONS FORCES.

(a) AUTHORITY FOR AWARD OF FOLLOW-ON CONTRACTS.—The commander of the special operations command, acting under authority provided by section 167(e)(4) of title 10, United States Code, may award a follow-on contract for the acquisition of an item to a contractor who previously provided such item if—

(1) the item is an item of special operations-peculiar equipment and not anticipated to be made service common within 24 months of the initial contract;

(2) the item was previously acquired in the make, model, and type—

(A) using competitive procedures;

(B) under the authority of other statutory authority permitting noncompetitive or limited competition procurement actions (such as section 8(a) of the Small Business Act (15 U.S.C. 637(a)), section 31 of such Act (15 U.S.C. 657a, relating to the HUBZone program), and section 36 of such Act (15 U.S.C. 657f, relating to procurement program for small business concerns owned and controlled by service-disabled veterans)); or

(C) as a result of a competition among a limited number of sources on the basis that the disclosure of the need for the item would compromise national security; and

(3) the acquisition of the item by means other than a follow-on contract with the contractor would unduly delay the fielding of such item to forces preparing for or participating in overseas contingency operations or for other deployments undertaken in response to a request from a combatant commander.

(b) LIMITATIONS.—A contract awarded using the authority in subsection (a)—

(1) may have a period of performance of not longer than one year;

(2) may be used only to acquire one or more items having an individual unit price under $100,000; and

(3) may have a total value not exceeding $25,000,000.

(c) NOTIFICATION.—Not later than 45 days after the use of the authority in subsection (a), the commander of the special operations command shall submit to the congressional defense committees a notification of the use of such authority.

(d) TERMINATION OF AUTHORITY.—The commander of the special operations command may not use the authority in subsection (a) on and after October 1, 2013.

AMENDMENT NO. 16 OFFERED BY MR. BISHOP OF GEORGIA

The text of the amendment is as follows:

At the end subtitle B of title XXVIII, add the following new section:

SEC. 2821. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL COMMUNITIES FOR DEVELOPMENT OF PUBLIC INFRASTRUCTURE DIRECTLY SUPPORTING EXPANSION OF MILITARY INSTALLATIONS.

Paragraph (3) of section 2391(d) of title 10, United States Code, is amended to read as follows:

''(3) The terms 'community adjustment' and 'economic diversification' may include—

''(A) the development of feasibility studies and business plans for market diversification within a community adversely affected by an action described in subparagraph (A), (B), (C), or (E) of subsection (b)(1) by adversely affected businesses and labor organizations located in the community; and

''(B) the development of public infrastructure that directly supports the expansion activities described in subparagraph (A) of subsection (b)(1).''.

AMENDMENT NO. 17 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

(1) in making decisions with respect to the procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal;

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness; and

(3) not later than 180 days after the date of the enactment of this Act, and annually thereafter, submit to Congress a report on the methods developed pursuant to this section and the progress of the live-fire review and recommendations for reducing the lifecycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

AMENDMENT NO. 18 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in

combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 19 OFFERED BY MR. COHEN

The text of the amendment is as follows:

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased.

AMENDMENT NO. 21 OFFERED BY MR. CONNOLLY OF VIRGINIA

The text of the amendment is as follows:

Page 163, line 11, strike ''service,'' and insert the following: ''service (including a contract to which the servicemember is included with family members),''.

At the end of subtitle I of title V (page 180, after line 11), add the following new section:

SEC. 594. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING RESIDENTIAL AND MOTOR VEHICLE LEASES.

Section 305(e) of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

''(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

''(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

''(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.''.

AMENDMENT NO. 22 OFFERED BY MR. COSTA

The text of the amendment is as follows:

Page 115, after line 25, insert the following:

SEC. 356. STUDY ON DISTRIBUTION OF HEMOSTATIC AGENTS.

(a) STUDY.—Not later than December 31, 2009, the Secretary of Defense shall carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, to ensure each military service is complying with that service's policies with respect to hemostatic agents, including a description of any distribution problems and attempts to resolve such problems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all members of the Armed Force deployed in combat zones should carry life-saving resources with them, including hemostatic agents.

AMENDMENT NO. 26 OFFERED BY MR. DEFAZIO

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. DEFENSE SUBCONTRACTOR PROLIFERATION COST EFFECTIVENESS STUDY AND REPORTS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the total number of subcontractors used on the last five major weapons systems in which acquisition has been completed and determine if fewer subcontractors could have been more cost effective.

(b) MANAGEMENT BURDEN.—In conducting the study, the Secretary of Defense shall evaluate any potential cost savings derived from less management burden from multiple subcontractors on the Federal acquisition workforce.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than March 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the results of the study.

(d) REPORT BY COMPTROLLER GENERAL.—Not later than May 1, 2010, the Comptroller General shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a review of the Department of Defense report submitted under subsection (c).

AMENDMENT NO. 29 OFFERED BY MR. FLAKE

The text of the amendment is as follows:

Page 352, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 1039. REPORT ON COMPETITIVE PROCEDURES USED FOR EARMARKS IN DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008.

(a) REPORT REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the congressional earmarks described in subsection (b).

(b) CONGRESSIONAL EARMARKS DESCRIBED.—The congressional earmarks described in this subsection are the congressional earmarks (House) and the congressionally directed spending items (Senate) on the list published in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate and contained on pages 372 to 476 of the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 3222 of the 110th Congress (Report 110–434).

(c) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall set forth the following with respect to each congressional earmark on the list referred to in subsection (b):

(1) The competitive procedures used to procure each earmark, including the process used, the tools employed, and the decisions reached.

(2) If competitive procedures were not used to procure an earmark, the reasons why competitive procedures were not used, including a discussion of the decision making process and how the decision to use procedures other than competitive procedures was reached.

AMENDMENT NO. 45 OFFERED BY MR. SMITH OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 565, after line 10), add the following new section:

SEC. 2821. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

(1) Security and safety procedures.

(2) Land/utilities management and services.

(3) Educational assistance.

(4) Emergency services.

(5) Community services.

(6) Environmental services.

AMENDMENT NO. 61 OFFERED BY MR. KIRK

The text of the amendment is as follows:

At the end of subtitle B of title VI (page 200, after line 14), add the following new section:

SEC. 619. ADDITIONAL SPECIAL PAYS AND BONUSES AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR THE DURATION OF THE UNITED STATES MISSION.

(a) AUTHORITY TO DEVELOP DEMONSTRATION PROGRAM.—Notwithstanding the limitations specified in subsection (b) of section 352 of title 37, United States Code, on the maximum amount of assignment or special duty pay that may be paid to a member of the Armed Forces under such section, the Secretary of Defense may develop a program to provide additional special pays and bonuses to members (particularly members who score a 4.0 on the Foreign Service Institute test for the dominant languages of Pashto and Dari) who agree to serve on active duty in Afghanistan for six years or the duration of the United States mission in Afghanistan, whichever occurs first. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) RELATION TO OTHER AUTHORITIES.—A program developed under subsection (a) may be provided

(1) without regard to the lack of specific authority for the program or policy under title 10 or title 37, United States Code; and

(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of—

(A) determining requirements for operational assignment stability; and

(B) establishing programs to achieve greater stability when operational requirements so dictate.

(c) WAIVER OF OTHERWISE APPLICABLE LAWS.—Except as provided in subsection (a), a provision of title 10 or title 37, United States Code, may not be waived with respect to, or otherwise determined to be inapplicable to, a program developed under subsection (a) without the approval of the Secretary of Defense.

(d) NOTICE AND WAIT REQUIREMENT.—A program initiated under subsection (a) may not be implemented until—

(1) the Secretary of the Defense submits to Congress—

(A) a description of the program, including the purpose and the expected benefit to the Government;

(B) a description of the provisions of titles 10, or 37, United States Code, from which the program would require a waiver, and the rationale to support the waiver;

(C) a statement of the anticipated outcomes as a result of implementing the program; and

(D) the method to be used to evaluate the effectiveness of the program.

(e) DURATION OF DEVELOPED PROGRAM.—A program developed under subsection (a) may be provided for not longer than a three-year period beginning on the implementation date, except that the Secretary of Defense may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the program.

(f) REPORTING REQUIREMENTS.—

(1) REPORT.—The Secretary shall submit to Congress an annual report on the program provided under subsection (a) during the preceding year, including—

(A) a description of any programs developed and fielded under subsection (a) during that fiscal year; and

(B) an assessment of the impact of the programs on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(g) TERMINATION OF AUTHORITY.—Subject to subsection (e), the authority to carry out a program under this section expires on December 31, 2012.

AMENDMENT NO. 63 OFFERED BY MR. BISHOP OF NEW YORK

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), add the following new section:

SEC. 316. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

(a) IN GENERAL.—The Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation lasting longer than one year.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the use of open-air burn pits in contingency operations. The report shall include—

(1) a description of each type of waste burned in such open-air burn pits; and

(2) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(A) a plan to use such alternative methods; or

(B) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(d) DEFINITIONS.—In this section:

(1) The term ''contingency operation'' has the meaning given that term by section 101(a)(13) of title 10, United States Code.

(2) The term ''covered waste'' includes—

(A) hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) solid waste containing plastic.

AMENDMENT NO. 64 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710(a)(2)(B) of title 10, United States Code, is amended by inserting '', county,'' after ''identification of the State''.

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—The Secretary of Defense shall—

(1) as part of the Secretary's annual budget submission to Congress, include the funding levels requested for Military Munitions Response Program and Installation Restoration Program; and

(2) evaluate and report on the progress of such programs in the Defense Environmental Program's Annual Report to Congress.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time I yield 3 minutes to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership in an area that has been of concern for me for a long time, the disappointing and widespread environmental legacy of the Department of Defense. In every State, communities must deal with former training grounds contaminated with live bombs, leftover shells, leaking chemicals.

I have a map here. Every single State, every territory of the United States—and it is an ongoing problem. In June, in Florida, fishermen hauled aboard a live guided missile. On May 22 a farmer plowing his field overturned a live rocket.

We need to be more serious about it, and I appreciate the committee's help, first of all, in focusing with the Department of Defense, requiring the Secretary to report clearly the funding levels requested for the program. We have a new administration. We hope there will be a new commitment to work on this. With additional transparency, we are much more likely to know at least where we are. It's also time for military to be proactive and reduce the amount of munitions generated in the first place.

I'm pleased that they have agreed to another amendment offered by my friend Ms. BROWN-WAITE from Florida to require the Department of Defense to think strategically about ways to lessen the long-term health and environmental consequences, specifically, development of lifecycle accounting for munitions, review of live-fire practicing, and recommending ways to reduce the costs and incidents of unexploded ordnance. Smarter procurement and testing will reduce the long-term impacts of munition, saving money, resources, having safer American lands and more successful operations abroad.

Just a few volleys of a standard rocket system with a 5 percent failure rate generates thousands of unexploded ordnance for training lands here at home, and it complicates our missions abroad. Consider the plight of civilian populations in Iraq and Afghanistan, the millions who will rebuild their lives amidst the munitions wreckage left over the last 6 years of combat.

This is a problem at home in the United States. This is a problem abroad. It is time for us to face up to it. I appreciate the committee's leadership in helping zero in on it. I hope we can do a better job because it will save money while it saves lives at home and abroad.

I enter into the RECORD a list of Munitions and Unexploded Ordnance, UXO, incidents and news for May and June 2009.

June 11, 2009 in Pachtua, MS, 20 Small Unexploded WWII White Phosphorous Bombs Found During Pipeline Work

June 10, 2009. Long Hill, NJ, World War II vet finds ''souvenir'' and alerts bomb squad

June 9, 2009, Norwood, OH, Deactivated Explosives Found At Park

June 9, 2009. Arden Hills, MN, Cleanup Costs Too Much for Potential Developer

June 9, 2009. Arden Hills, MN, Cleanup Costs Too Much for Potential Developer

June 8, 2009. Madiera Beach, FL, Fishing Boat Hauls Up Guided Missile

June 8, 2009. Camp LeJeune, NC, U.S. Supreme Court Refuses to Hear Case About Toxic Water at Camp Lejeune

June 8, 2009. California, MD, Ordnance Uncovered at Landfill

June 4, 2009. Columbus, OH, Road Closed after Artillery Shell Discovered

June 1, 2009. Turtlecreek Township, OH, Discarded Hand Grenade Found

June 1, 2009. Nantahala National Forest, NC, Ordnance Found Near Trail

May 22, 2009. Woolmarket, MS, Explosion Rocks Woolmarket Neighborhood

Mr. MCKEON. Mr. Chairman, I yield at this time 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise in support of my amendment to the National Defense Authorization funding, which is included in en bloc 1. I thank Chairman SKELTON and also Ranking Member MCKEON for allowing this amendment to be included.

In 2005 the Department of Army authorized the creation of the Combat Action Badge to provide special recognition to soldiers who personally engage the enemy during combat operations. This is a very honorable distinction. However, the award limits eligibility for this badge to those soldiers

that served after September 18, 2001, overlooking the thousands of veterans who have made similar sacrifices in previous wars.

My amendment corrects this error by expanding eligibility to include those soldiers who have served since December 7, 1941. In accordance with the wishes of those veterans who may be eligible for this badge, the costs of it would be borne by the individuals, not the military. Therefore, not only does this award recognize veterans who engage the enemy in combat, but it does so at no additional cost to the Army.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. MCKEON. I yield the gentlewoman an additional 15 seconds.

Ms. GINNY BROWN-WAITE of Florida. I urge my colleagues to support this amendment.

Mr. SKELTON. Mr. Chairman, at this time I yield 1 minute to my friend, a member of the Armed Services Committee, the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Chairman, this amendment would ban the use of open-air burn pits overseas after 12 months. Such a dangerous waste disposal method should only be used temporarily while a permanent and safe alternative is developed. The amendment specifically prohibits the burning of medical and hazardous waste or solid waste containing plastic in open-air pits. The burning of such wastes produces chemicals that have proven toxic to humans and represents an unacceptable health risk.

□ 1130

The U.S. military has been disposing of hundreds of tons of war zone waste through burn pits. All who live and work on these bases are routinely exposed to the smoke from these pits, which includes waste from medical facilities, dining facilities, maintenance facilities, as well as trash. To imagine the scale of these burn pits, the one at Balad Air Base in Iraq has increased from 2 tons per day early on to several hundred tons per day.

We simply must protect our troops who have had repeated exposure to this. We do not wish to see an Agent Orange situation develop here. And so I ask that we set some limits on the burning of these pits.

These pits pose a very serious health risk to our troops. Of the nearly 2 million servicemembers who have deployed, a significant portion has been exposed to the fumes and smoke from such burn pits. Up to now, we have continued to dispose of solid wastes this way. But 6 years in Iraq and 8 years in Afghanistan is far longer than anyone can possibly justify as an emergency measure. I understand that sometimes they may have to do this for 3 or 6 or even 12 months, but it has been 8 years!

In the past, we've been to slow to acknowledge the health effects of Agent Orange and Gulf War Illness. We cannot let that happen to our servicemembers again. For decades, it was impossible for them to access the VA medical services they needed and deserved because there was no recognition of the damage Agent Orange had done. We saw this again, after the Gulf war. In 2008, a study by the National Academy of Sciences validated what veterans of the Gulf War already knew—that Persian Gulf War illness is very real.

There is a good reason why it is illegal to have open-air burn pits for disposal of medical and hazardous wastes in our country: they pollute and degrade the environment, and harm people's health. If we wanted to burn those chemicals here in America and expose people here, the EPA would swoop down, and we'd be penalized because you can't do that. And why can't you do it—because it's dangerous to our health.

If we support the troops, don't we also support their health? Don't we have the same concerns about their health when they're supporting our country and fighting overseas as we do when they live here in our communities? When they deploy, our servicemembers put their lives at risk to fight for us, and do not deserve to suffer this added, unjustifiable risk. Preventable environmental hazards must not result in ruined health or lost lives.

This amendment takes a critically important step toward addressing the health risks that burn pits pose to our troops. It has been endorsed by the American Legion, DAV, IAVA, MOAA, the National Guard Association, Veterans and Military Families for Progress, and the VFW. And I thank my friend, Mr. BISHOP, for being a leader on this issue and standing up for our troops.

Mr. MCKEON. Mr. Chairman, I am happy to yield at this time to Mr. TURNER, the gentleman from Ohio, subcommittee ranking member, 2 minutes.

Mr. TURNER. Thank you, Ranking Member MCKEON. I want to thank our chairman for his support for an amendment that's in the en bloc.

Two weeks ago, JIM MARSHALL and I introduced the NATO First bill. With the chairman's support, six out of eight of the provisions of that bill are included in some form of the National Defense Authorization Act that recognized support for our allies in Europe. As the U.S. and Russia begin our START negotiations of the previous START Treaty expiring at the end of 2009, it's important for us to set some framework.

This amendment would limit the use of FY 2010 defense funds to implement reductions for U.S. strategic nuclear forces pursuant to a treaty with Russia, for example, START, unless the President certifies that the treaty: one, provides sufficient verification mechanisms; two, does not limit U.S. ballistic missile defense systems capabilities or advanced conventional weapons capabilities; and that the National Nuclear Security Administration is sufficiently funded. The amendment also requires a report on U.S. and Russian nonstrategic nuclear weapons.

I want to thank Roger Zakheim from our staff, who worked diligently for the drafting of the NATO First bill and also for the accomplishment of these amendments.

I want to thank the chairman who has continued to work in a bipartisan way to accomplish a number of provisions in this bill that are important to our national security, and I believe this is certainly one of them.

Mr. SKELTON. Mr. Chairman, the gentleman from Georgia desires to have a colloquy at this point, Mr. KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

I rise today in strong support for the community of Hinesville, Georgia, and Liberty County. I commend the area for their ardent support of our troops and the Army at Fort Stewart, which has continuously engaged in the challenging missions in the defense of our Nation around the globe.

November 2007, the Army announced that Fort Stewart would receive another brigade combat team using the findings of the 2005 Base Realignment and Closure Committee, along with Fort Bliss and Fort Carson. Since that time, the community installation and Congress have geared up and invested for that growth. Working with post leadership and the Pentagon, Congress appropriated funds for military construction projects such as barracks, buildings, and operation facilities at $154 million for FY 2008 and $352 million for FY09. Clearly the Army has invested greatly to maintain Fort Stewart's tradition as an award-winning installation of excellence.

At the urging of the Army staff and the military leadership on post, the Hinesville community stepped forward to be sure that the new troops would have adequate housing and public infrastructure. The Department of Defense also sent the Office of Economic Adjustment to assist the community to properly prepare for the arrival of the new brigade combat team. Investments were made for new schools, roads, infrastructure.

Banks made many loans to property developers who, in turn, purchased land and accelerated their efforts to provide homes and commercial properties to support the arrival of over 10,000 soldiers and family. However, the decision announced by the Army this June has brought all this economic activity to a halt. While some of this infrastructure will be used or absorbed in time, it is clear that without the arrival of the brigade combat team, the city has overbuilt and overinvested.

The economic hardship would not have occurred without the BRAC-based decision to bring additional troops and the Army's insistence that Hinesville get aggressively involved. The community support in Fort Stewart still has much to offer for the Army.

I stand here in support of the provisions within this bill that will help address the hardship incurred by the small rural communities that support Fort Stewart.

Mr. SKELTON. Mr. Chairman, I am pleased to respond to the gentleman from Georgia. He has a long record of support and advocacy for Fort Stewart and our Nation's Armed Forces, and I

am pleased to inform that gentleman that language has been included in this bill to direct the Secretary of Defense to carefully consider the economic impact of this policy change on local communities and to provide to the Congress information about the Department's efforts to mitigate the negative effects. This includes a report on any new enduring missions planned for the bases affected, including a summary of the Department's plans to lessen the economic hardship or investment loss.

I would be happy to work with the gentleman and the Secretary of Defense, of course, to consider how to address the negative impact of recent basing decisions on the local communities that so strongly support our troops.

Mr. KINGSTON. I thank the gentleman for his kind words of support for the patriotic and hardworking people in the communities surrounding Fort Stewart, and I appreciate the chairman's support to work with me through this year's National Defense Authorization Act to ensure that the Army and the local communities can continue to have strong partnerships in the support of the troops.

The Acting CHAIR. The Chair will note that the gentleman from California has 7¾ minutes remaining, and the gentleman from Missouri has 3 minutes remaining.

Mr. MCKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank our ranking member, Mr. MCKEON, and especially our chairman, IKE SKELTON, for approving one of the amendments in the en bloc.

In December, I became the first Member of this House to serve in an imminent danger area in Afghanistan in uniform. During my time, I learned that most NATO soldiers with our command only deployed for 6 months and Americans deployed for 12. Only State and USAID personnel served for years in Afghanistan.

Major General Flynn, our former J–2 of the Joint Chiefs of Staff, now head of all intelligence for the African command under General McChrystal, convinced me that we need a core of experts in uniform who can deliver on years of commitment to the Afghan deployment, who can build especially an expertise in the Afghan languages of Dari and Pashtu. This amendment, the Larsen-Kirk amendment, allows a for-the-duration incentive for members of the military wishing to make a deployment to Afghanistan.

It's for-the-duration deployments that helped us win World War II. DOD and senior commanders feel that this language that will build a dedicated long-term Afghan core of enlisted officers will quickly become the leaders of our Afghan NATO effort.

Based on our bipartisan bill that Congressman LARSEN and I introduced, our bill would lay out a $250,000 payment for a soldier willing to make a for-the-duration commitment and another $250,000 for a 4.0 or better score in Pashtu or Dari. In my discussions with the troops currently in the field in Kandahar, they are pumped up about the opportunity that this commitment would be.

I feel that only a small number of soldiers would sign up, but each one of them, if strategically placed in key Afghan provinces, would become vital assets to our effort and the success of President Obama's campaign in Afghanistan. And I really applaud the chairman and the ranking minority member for putting this in the bill.

Mr. ANDREWS. I am pleased to yield 1 minute to my friend and colleague, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding.

I rise to join my colleague, Representative CAROL SHEA-PORTER, in urging my colleagues to support our amendment which would ban the use of open burn pits in war zones.

Disturbing reports are coming to light every day about the reckless disposal of hazardous waste in open burn pits in Iraq and Afghanistan and the devastating toll they are taking on the health of hundreds of our service men and women. It is encouraging that Secretary Shinseki and Secretary Gates have responded to our questions and stated they have taken seriously our concerns about the danger of burn pits, but this legislation is necessary to see to it that this action takes place.

The legislation is endorsed by the American Legion, by the DAV, by the IAVA, by the National Guard Association, and by the VFW. I urge its passage.

Mr. MCKEON. Mr. Chairman, I reserve the balance of our time.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, a member of the Armed Services Committee, the gentleman from Virginia (Mr. NYE) for 1 minute.

Mr. NYE. I would like to thank the chairman for yielding.

Mr. Speaker, a lot of the legislation that comes through this House deals with obscure technical points in Federal programs that most Americans have never and will never hear of.

However, the amendment that I have introduced, along with my good friends and colleagues from Virginia, Mr. GERRY CONNOLLY and Mr. TOM PERRIELLO, is a commonsense solution to a common problem faced by our military personnel.

In my district of Hampton Roads, many men and women are regularly deployed overseas to Iraq and Afghanistan. When a soldier, sailor, airman, or marine is preparing to leave their home and family to serve their country in harm's way, the last thing he or she should have to worry about is paying a cell phone contract termination fee.

In the last Congress, legislation was passed to allow deployed servicemembers to exit an individual cell phone contract without paying a penalty, and this amendment will extend that same protection to military personnel whose phones are registered through family plans.

The amendment is supported by the Iraq and Afghanistan Veterans of America, and I urge all my colleagues to join me in easing the burden on our men and women in uniform.

Mr. MCKEON. I yield, at this time, 1 minute to the gentleman from Arizona (Mr. FRANKS), a member of the committee.

Mr. FRANKS of Arizona. I thank the distinguished gentleman.

Mr. Chairman, I want to say that I support the Hastings amendment because it tries to make sure that groups determined by the Attorney General to be of violent or extremist nature are not recruited into military service. But I take some offense that one of the Cabinet-level officials of our government categorized people who are, quote, dedicated to a single issue such as opposition to abortion or immigration as right-wing extremists, and I am concerned that the amendment might be misunderstood.

And I would like to hear from the other side that this is not the intent of the amendment and that we would make sure that someone that was dedicated to the patriotism and protecting their country, which it takes a certain amount of extreme dedication to go out and pour one's blood on a foreign battlefield for the cause of human freedom, and I want to make sure that those individuals are not considered extremists under Mr. HASTINGS' part of the en bloc amendment.

Would anyone speak to that on the other side?

The Acting CHAIR. Is the gentleman asking someone to yield?

Mr. FRANKS of Arizona. Yes, I would yield to the chairman.

The Acting CHAIR. The gentleman's time has expired, however.

Mr. SKELTON. I yield to the gentleman.

Mr. FRANKS of Arizona. I guess I am asking the chairman of the committee that the Hastings amendment would not include—the definition of right-wing extremists would not be included in the amendment that's being offered by the Hastings amendment under the en bloc.

Mr. SKELTON. We will have to check, just a moment.

Mr. FRANKS of Arizona. Mr. Chairman, maybe I could just ask for your assurances that people dedicated to single issues in this country such as opposition to abortion or immigration would not be considered extremists and not be disallowed into the military; at least, that would not be your intent under this amendment.

Mr. SKELTON. That is correct.

The Acting CHAIR. The gentleman from Missouri. The gentleman from Missouri has three-quarters of a minute remaining.

Mr. SKELTON. I yield the balance of my time to the to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Thank you, Mr. Chairman.

Mr. Chairman, I am pleased to introduce this amendment with my fellow Virginians Mr. NYE and Mr. PERRIELLO. During the 110th Congress, the Servicemembers Civil Relief Act did address cell phone and property lease contracts for active-duty deployed. However, they did not address—they addressed individual cell phone contracts and individual leases. They did not provide that protection to family cell phone plans.

As a result, we have servicemembers who are finding themselves having to continue to pay obligations to cell phone companies. Under the motor vehicle section of our amendment, the leasing agent may not charge an early termination penalty, something also not addressed in SCRA last year.

This is a practical amendment that will help our active-duty deployed and their families make sure that they are safe and secure from this kind of hounding when they are serving their country overseas.

The Acting CHAIR. The time of the gentleman has expired.

□ 1145

Mr. MCKEON. Mr. Chairman, I continue to reserve, unless the chairman needs more time.

The Acting CHAIR. The majority has no time remaining.

Mr. MCKEON. I yield such time as he may consume to the gentleman from Missouri.

Mr. SKELTON. I yield 1 minute to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Chairman, I am proud to rise today with my freshmen colleagues from Virginia, GERRY CONNOLLY and GLENN NYE, for this commonsense solution.

When our men and women in uniform are deployed, they should not be punished; they should be celebrated. This is a commonsense fix to ensure that there are no termination fees when cutting off a cell phone contract or an auto leasing deal for our troops when they deploy.

This is the sort of thing that I think the new class came here to do; see a problem, find a solution, and bring it to this floor. We are proud today to do this for all of those who serve, and we request support for the amendment.

Mr. BERMAN. Mr. Chair, I rise in opposition to the Turner amendment to H.R. 2647.

While I appreciate the fact that the gentleman incorporated a number of changes suggested by the Chairman of the Armed Services Committee—which clearly improved the text—and that this debate is about what kind of a strategic force reduction agreement to have, rather than whether to have one at all, I remain concerned about the timing of this amendment.

It is offered as President Obama is preparing to embark on an important visit to Moscow, where he and Russian President Medvedev will hold a summit to discuss a range of critical issues, including the negotiation of a new agreement on U.S. and Russian strategic nuclear forces.

Limiting the scope of a future treaty on the eve of these sensitive discussions would make it much more difficult for the President to negotiate an agreement that adequately protects U.S. national security interests.

Indeed, imposing these limits would only give Russian negotiators additional leverage over the United States as these negotiations begin.

Aside from the fact that this amendment undermines the U.S. negotiating posture, the Executive Branch would almost surely declare that this provision infringes on the President's constitutional authority. So we are providing the Russians with leverage on a provision that the President is likely to treat as advisory. I simply don't think this is the right approach.

In a more general sense, the amendment would also undermine the President's efforts to improve relations with Russia, and particularly to increase cooperation with Moscow on preventing Iran from developing a nuclear weapons capability.

Mr. Chair, for all of these reasons, I urge my colleagues to oppose the Turner amendment.

Mr. COHEN. Mr. Chair, I would like to thank Chairman SKELTON, Ranking Member MCKEON, and former Ranking Member MCHUGH for their tireless work to put together this year's National Defense Authorization Act.

My amendment to the NDAA directs the Department of Defense to report on the potential effects of expanding the current statute regarding directing disposition of remains of a servicemember who dies in combat. The DOD is to report back to Congress within 180 days with their findings.

I filed this amendment because the current policy under 10 U.S.C. 1482 is too restrictive, limiting the individuals who can be designated to a spouse, blood relative, or adoptive parent.

In today's society, many families are not as simple as that.

Specialist Christopher Fox of Memphis, only 21 years old, was on his second tour in Iraq and was due to be discharged from the Army in July of this year.

However, he died in Iraq on September 29, 2008 of wounds sustained when he encountered small-arms fire while on patrol.

Specialist Fox wanted his mother-figure—the woman who was awarded temporary custody when he was seventeen—to oversee his burial arrangements.

Her name was listed on the DD93 form filled out by Specialist Fox to direct disposition of his remains, as required by the DOD.

However, due to Federal law, DOD could not allow his written intent to be carried out.

I know that Specialist Fox is not alone in wanting someone other than a spouse or blood relative to oversee their burial arrangements.

Expansion of the 10 U.S.C. 1482 is supported by the Air Force Association, AMVETS, the National Guard Association of the United States, the National Association of Uniformed Services, the United States Army Warrant Officers Association, and the Vietnam Veterans of America.

We need to remember the sacrifices of our servicemembers and do what we can to honor their memory and their wishes.

It is with this purpose that I filed this amendment to require the DOD to study the current statute. I urge my colleagues to support and pass this amendment.

Mr. COSTA. Mr. Chair, I rise today asking my colleagues support an amendment to H.R. 2647, the National Defense Authorization Act for FY10. This amendment would request the Secretary of Defense to carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to ensure each branch of the military is complying with their own policies on hemostatic agents.

Since the American Civil War, the percentage of our men and women that are killed in action has remained unchanged at approximately twenty percent, despite the numerous advances in battlefield equipment and treatment. The American Red Cross also estimates that half of all military deaths on the battlefield are a result of excessive blood loss. All branches of our Armed Services are using hemostatic agents, which are either surgical gauze with blood clotting agents or a granular powder, which have been proven to save the lives of soldiers and Marines.

In February 2003, the Committee on Tactical Combat Casualty Care, an organization made up of over 30 military and civilian doctors, recommended that all combatants carry hemostatic dressings. Military Medicine published a report in January 2005 which stated that ''the use of effective hemostatic dressings will benefit most combat injuries (whether they are life threatening or not) because better hemorrhage control is always advantageous.''

It is clear that the men and women who are risking their lives in combat zones should have access to any and all life saving items, including hemostatic agents. Also, these combat zones can be extremely hostile and the terrain can be extreme, resulting in delays in evacuating injured soldiers or Marines. We need to ensure that not only field medical staff is supplied with these life saving items, but ensure that each solider and Marine has one in their individual first aid kit as well.

This amendment also includes a Sense of Congress that every member of the Armed Services deployed in a combat zone should carry a hemostatic agent and asks the Department of Defense to submit a report back to Congress on how these agents are distributued and where distribution problems may occur.

I want to thank Chairman SKELTON and Ranking Member MCKEON for accepting this amendment. Also, I want to thank both of them and their staff for their hard work on this authorization.

Mr. SMITH of New Jersey. Mr. Chair, today I am offering an amendment to the fiscal year 2010 National Defense Authorization Act that will ensure that the Department of Defense has done their due diligence and that my constituents have access to information needed regarding a DOD proposal that will significantly impact our local community.

By way of background, over 20 years ago, the Navy entered into a Section 801 Housing agreement to build 300 units on Naval Weapons Station Earle. Because of changed home porting plans initiated in the 1990's, there are simply no sailors or dependents to live there. When Colts Neck was put into my district in 2003, the units were already 75 percent unoccupied.

Naval Weapons Station Earle's mostly vacant 300 units of housing at Laurelwood has long been—and is today—unnecessary, obsolete and a financial burden to the Navy. Regrettably, the Navy is still in a bind and has

made one bad decision after another in an attempt to recoups losses they failed to properly anticipate in 1988.

Despite the fact that there are next to no tenants at Laurelwood, the contract stipulates mandatory federal payment to the developer—estimated to be $3.5 million a year—regardless of occupancy.

At issue today are the deeply troubling consequences imposed by an egregiously flawed contract. The so-called out-lease period which becomes effective in 2010 and ends in 2040 makes all 300 housing units available to virtually anyone with rent money, with a guarantee of unimpeded access inside one of the most sensitive munitions depots in the country.

The Navy's EIS and the ROD should have been comprehensive reviews of all relevant challenges, dangers, and costs associated with the proposed matriculation of Laurelwood to civilian use. They were not.

Both documents fell short in addressing the myriad of valid concerns raised by the community including security, education and transportation, to name just a few. The Navy initiated its review process of Laurelwood as far back as 2002 so the questions left unanswered by their ''analysis'' are numerous and troubling.

On education, for example, their study offers us no assurances whatsoever of anything close to fairness and equity. Under the Navy plan, local communities are left to educate hundreds of non-military children for whom the towns can not adequately plan without proper numbers. The Navy's assumption that a third of these children would be educated in public schools is unsupported and masks the real problems that these schools will face when the influx of between 300 and 600 new students happens. My amendment is necessary to ensure that the school boards have all relevant information and can plan and budget accordingly.

The Navy has been extraordinarily myopic on the paramount issue of security and both the EIS and the ROD are devoid of any meaningful analysis of the true costs to the Navy and surrounding jurisdictions if Laurelwood rents to civilians who are then able to drive onto and through the base.

We cannot hermetically seal our military bases but, in my view, the Navy's proposal unwittingly does the reverse: it creates vulnerabilities where they do not exist today. It compromises national security and unnecessarily puts the people on and around Earle in potential danger.

Shortly after federal prosecutors revealed that a group of young men were planning to infiltrate Fort Dix, which is also located in my Congressional District, and kill as many servicemembers as possible, Congress recognized the vulnerability of our military bases and took steps to ensure that those who are seeking access to our bases are thoroughly checked and accounted for.

However, the Navy now plans to remove these restrictions and allow any member of the public to drive onto and through the largest munitions depot on the East Coast.

Incredibly, the Navy believes that ''impacts to security from the proposed action are not anticipated.'' In my opinion—which is supported by a Department of Defense Inspector General (IG) report I requested earlier this year—the Navy is not providing adequate security at the base now. I requested this report after a security guard at the base raised concerns regarding the performance of the security contractors at Earle (D–2009–045). The IG produced troubling findings. They stated that the Navy did not know whether all contractor security guards had completed a background check or that they had completed all training required by the contract.

The Navy's security plan places undue faith in a fence as a means to deterring or mitigating access and appears to rely simply on adjusting already inadequate patrols currently performed by private security guards at no perceived increase in cost.

The Navy believes that ''additional security personnel will likely be required to patrol the additional perimeter fencing,'' but gives no clue whatsoever as to how many and at what cost. Again, this information—which GAO will provide in accordance to my amendment—is needed if a prudent decision is to be reached.

It is worth noting that two of the other installations that are approaching the outlease deadline share similar security concerns. Port Hueneme's security officials believe that ''allowing the general public to live in the units would, at a minimum, indirectly affect the mission of the base'' and require ''additional police officers and patrols, and an increased security budget.'' Ft. Hood recently required that the renters of their Section 801 Housing units must undergo a background check as a condition of residency—although given the demand for this housing by military personnel, no background checks have been conducted or are expected.

In my view, the 1988 contract itself—written long before the bitter lessons of the USS *Cole*, the Khobar Tower bombings, the destruction of our embassies in Nairobi and Dar es Salaam, and 9/11—fails to anticipate and its authors could not have adequately understood as we do today the dangers inherent in proximity, enhanced 24/7 surveillance of potential targets, and the proliferation of sleeper terror cells.

The 9/11 Commission Report is replete with instances of dangers unrecognized, unacknowledged, and unanticipated that led to the worst terrorist attack on US soil ever.

I strongly believe that the Navy is in the process of compounding its initial 1988 contracting mistake with a far more serious one that is fraught with significant danger for Navy personnel and the people residing in adjacent communities.

Until now, the security of my constituents and the costs that they will bear when this proposal is implemented has been deferred to the interest that has a conflict of interest: the Navy.

My amendment would change that. It will ensure a thorough and comprehensive study of all relevant factors. It will allow our local community to adequately plan and budget for the impacts of the decision—which they overwhelmingly oppose—and I urge its adoption.

Mr. MCKEON. Mr. Chairman, if the gentleman from Missouri requires no further time, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, since we have no additional requests, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. MC KEON

The Acting CHAIR. It is now in order to consider Amendment No. 2, as modified, printed in House Report 111–182.

Mr. MCKEON. Mr. Chairman, it is my pleasure to introduce this amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2, as modified, offered by Mr. MCKEON:

At the end of subtitle E of title X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE HONORABLE JOHN M. MCHUGH.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1993, Representative John M. McHugh was elected to represent New York's 23rd Congressional district, which is located in northern New York and consists of Clinton, Hamilton, Lewis, Oswego, Madison, and Saint Lawrence counties and parts of Essex, Franklin, Fulton, and Oneida counties.

(2) Representative McHugh also represents Fort Drum, home of the 10th Mountain Division.

(3) Prior to his service in Congress, Representative McHugh served four terms in the New York State Senate, representing the 48th district from 1984 to 1992.

(4) Representative McHugh began his public service career in 1971 in his hometown of Watertown, New York, where he served for five years as a Confidential Assistant to the City Manager.

(5) Subsequently, Representative McHugh served for nine years as Chief of Research and Liaison with local governments for New York State Senator H. Douglas Barclay.

(6) Representative McHugh is known by his colleagues as a leader on national defense and security issues and a tireless advocate for America's military personnel and their families.

(7) During his tenure, he has led the effort to increase Army and Marine Corps endstrength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retired pay (concurrent receipt) and safeguard military retiree benefits for our troops.

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the Unites States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

(10) In the 111th Congress, Representative McHugh was appointed Ranking Member of the Armed Services Committee of the House of Representatives by the Republican membership of the House of Representatives.

(11) On June 2, 2009, the President announced his intention to nominate Representative McHugh to serve as the Secretary of the Army.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable John M. McHugh, Representative from New York, has served the House of Representatives and the American people selflessly and with distinction and that he deserves the sincere and humble gratitude of Congress and the Nation.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to introduce this amendment that honors a good friend of mine, a good friend of the House of Representatives, a good friend of our Armed Forces and the American people, Congressman JOHN MCHUGH.

Mr. Chairman, Representative MCHUGH has represented New York's 23rd Congressional District in the House of Representatives since 1993—we came here together—and he has done so with honor and integrity. Representative MCHUGH's district includes Fort Drum, the home of the outstanding 10th Mountain Division, for which he has been a tireless advocate. He is honored and respected by all members of the 10th Mountain Division, past and present.

Prior to his service in the House of Representatives, he served for many years in local, State and Federal government. Since coming to the House of Representatives, he has been a champion for the members of the Armed Forces. He is known by his colleagues as a leader on national defense and security issues and a relentless advocate for America's military personnel and their families.

While in the House, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retiree pay, or concurrent receipt, and safeguard military retiree benefits for our troops.

Mr. Chairman, this work is always important, but it has never been more important than now, while our troops are in combat. Representative MCHUGH has done outstanding work to support our men and women in uniform and their families.

Representative MCHUGH has served on the House Armed Services Committee since the 103rd Congress. He was appointed as the chairman of the Morale, Welfare and Recreation panel and then as the chairman of the Military Personnel Subcommittee. His leadership of these two subcommittees has advanced the support and recognition of the needs of the members of our armed services and their families to a greater level than ever before.

More recently, during the 111th Congress Representative MCHUGH was appointed ranking member of the House Armed Services Committee. During his time as ranking member, he continued his tireless work to ensure the success of our Armed Forces, our national defense and our security.

Mr. Chairman, earlier this month President Obama announced his intention to nominate Representative MCHUGH to serve as the Secretary of the Army. I can say with confidence that our loss will definitely be the Army's gain. I am absolutely certain that Representative MCHUGH will serve the Army with the same commitment and dedication that he has provided to our men and women in uniform while he has been on this side of the river.

I want to thank him for his leadership on this committee. His passion for and dedication to the members of our Armed Forces will be sorely missed by this body. He is a great friend that we will miss working with here on the Hill, but I am sure we will have future opportunities to work with him in his new capacity.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in strong support of this amendment, a sense of Congress honoring Congressman JOHN MCHUGH.

The Acting CHAIR. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. JOHN MCHUGH is an outstanding American, an outstanding Member of Congress, the former ranking member of the House Armed Services Committee. He has served the people of America in this capacity selflessly and with distinction, and it is our opportunity now to express gratitude as a Congress and as a nation for his efforts.

He has represented New York's 23rd Congressional District since 1993. His district includes northern New York, including Fort Drum. He has been a public servant now for some 40 years, having served in the local, the State and Federal levels of our government. He is a highly respected leader on national defense and has been a staunch advocate for America's military personnel and their families.

As chairman and subsequently ranking member of the Subcommittee on Military Personnel on our Armed Services Committee, JOHN MCHUGH has shared my desire to increase the end-strength for the Army and the Marines, enhance military pay, and began efforts to eliminate concurrent receipt to allow the payment of both veterans disability and military retired pay.

Given his background and his experience, the President nominated JOHN MCHUGH to serve as Secretary of the Army on June 2nd of this year. It is a tribute to his accomplishments in national defense on behalf of the servicemen and women and their families.

It is a pleasure to honor him in this manner. It is a pleasure to have served with him. We will, of course, miss him, his brightness, his humor and his quick wit, and his dedication to our Armed Forces. We wish him the very best as he serves as the Secretary of the Army.

I can only say this, Mr. Chairman, that the Army will be in good hands with JOHN MCHUGH. We thank him for his service here and look forward to working with him in his new capacity.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I would like to just embarrass our friend a little bit. Maybe we could ask him to stand where we could all see him.

This sounds like a funeral service. This is not a funeral service, it is not a memorial service. We just want to thank you, JOHN, for your work. He is a young man and will be doing a lot more in the service of his country and his State I am sure in the future.

With that, I yield back the balance of my time.

The Acting CHAIR (Mr. HOLDEN). The question is on the amendment, as modified, offered by the gentleman from California, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. It is now in order to consider Amendment No. 9 printed in House Report 111–182.

Mr. FRANKS of Arizona. Mr. Chairman, I offer amendment No. 9.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FRANKS of Arizona:

Page 57, line 18, strike section 224 and insert the following new section 224:

SEC. 224. POLICY ON BALLISTIC MISSILE DEFENSE SYSTEM TO PROTECT THE UNITED STATES HOMELAND, ALLIES, AND FORWARD DEPLOYED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) North Korea's nuclear program and its long, medium, and short-range ballistic missiles represent a near-term and increasing threat to the United States, our forward-deployed troops and allies.

(2) North Korea, in violation of United Nations Security Council Resolutions 1695 and 1718, launched a Taepodong-2 rocket on April 5, 2009, demonstrated a multi-stage, long-range ballistic missile. This flight demonstrated a more complete performance than Pyongyang's July 2006 Taepodong-2 launch.

(3) According to reports, the Taepodong-2 long-range ballistic missile could currently threaten the west coast of the United States and, according to estimates by the United States intelligence community, when fully developed could threaten the entire continental United States.

(4) North Korea has deployed the Musudan intermediate range ballistic missile which can threaten Okinawa and Guam, 200 Nodong missiles which can reach Japan, and 600 Scud missiles which threaten South Korea.

(5) North Korea is a missile proliferator and has shared ballistic missile technology with other weapons proliferating nations such as Iran. It also aided Syria with its nuclear program.

(6) North Korea walked away from the Six-Party talks and ordered United States and International Atomic Energy Agency inspectors out of the country in April 2009.

(7) On April 29, 2009, Pyongyang threatened to conduct a nuclear test and launch an intercontinental ballistic missile unless the United Nations Security Council apologize and withdraw all resolutions.

(8) Following through on its provocative threat, North Korea conducted a nuclear test on May 25, 2009 in violation of United Nations Security Council Resolution 1718.

(9) North Korea test-fired six shorter-range missiles off the country's east coast following its nuclear test on May 25, 2009.

(10) On May 25, 2009, President Obama stated, ''North Korea's nuclear ballistic missile programs pose a great threat to the peace and security of the world and I strongly condemn their reckless action. . . The record is clear: North Korea has previously committed to abandoning its nuclear program. Instead of following through on that commitment it has chosen to ignore that commitment. These actions have also flown in the face of United Nations resolutions.''

(11) North Korea's nuclear test and missile launches demonstrate present international diplomatic efforts are not sufficient to deter North Korea from developing, deploying, and launching missiles or developing nuclear technology. There has been no progress toward engagement or complete and verifiable denuclearization of the Korean Peninsula.

(12) The pace and scope of North Korea's actions demonstrate that it is intent on achieving a viable nuclear weapons capability, long-range intercontinental ballistic missile delivery capability, and recognition as a nuclear weapons state.

(13) In response to the unanimous passage of United Nations Security Council Resolution 1874 on June 12, 2009, North Korea responded that it would not abandon its nuclear programs and vowed to start enriching uranium and weaponize all its plutonium.

(14) Media reports indicate North Korea is warning of a nuclear war. In addition, it may be preparing for launch an intercontinental ballistic missile with the range to reach the United States. Further reports, citing U.S. defense officials, indicate U.S. satellite photos show long-range ballistic missile activity at two launch sites in North Korea.

(15) On February 3, 2009, the Government of Iran successfully launched its first satellite into orbit—an act in direct violation of United Nations Security Council Resolution 1737.

(16) General Maples, Director of the Defense Intelligence Agency, recently said, ''Iran's February 3, 2009, launch of the Safir space launch vehicle shows progress in mastering technology needed to produce ICBMs.''

(17) On April 5, 2009, President Barack Obama said, ''So let me be clear: Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies.''

(18) On May 19, 2009, the Government of Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile, which can reach Europe, Israel, and United States forces deployed in the Persian Gulf Region.

(19) According to the April 2009 Defense Intelligence Agency report, ''Foreign Ballistic Missile Capabilities'', ''**[**t**]**he threat posed by ballistic missile delivery systems is likely to continue increasing while growing more complex over the next decade. Current trends indicate that adversary ballistic missile system, with advanced liquid- or solid-propellant propulsion systems, are becoming more flexible, mobile, survivable, reliable and accurate while also presenting longer ranges.''

(20) According to the April 2009 Defense Intelligence Agency report, ''Foreign Ballistic Missile Capabilities'', ''Prelaunch survivability is also likely to increase as potential adversaries strengthen their denial and deception measures and increasingly base their missiles on mobile sea- and land-based platforms. Adversary nations are increasingly adopting technical and operational countermeasures to defeat missiles defenses. For example, China, Iran and North Korea exercise near simultaneous salvo firings from multiple locations to defeat these defenses.''

(21) General Kevin Chilton, Commander of the United States Strategic Command testified on March 19, 2009, ''I think the approach for missile defense has been a layered defense, as you've described, that looks at opportunities to engage in the boost phase, in the mid-course, and then terminal.''

(22) General B.B. Bell, Commander, U.S. Forces-Korea testified in July 2007, ''Here in Korea, we have but minutes to detect, acquire, engage and destroy inbound theater ballistic missiles in the SCUD and No-Dong class. We estimate that north Korea has around eight hundred of these missiles in their operational territory. Today, they are capable of carrying conventional and chemical munitions. Intercepting these missiles during their boost phase while over north Korean territory would be a huge combat multiplier for me. Therefore, I enthusiastically support the pursuit of the unique combat capability provided by the ABL in attacking missiles in their boost phase.''

(b) POLICY.—It shall be the policy of the United States to continue development and fielding of a comprehensive, layered missile defense system to protect the homeland of the United States, our forward-deployed forces, and allies against the near-term and increasing short, medium, and long-range ballistic missile threats posed by rogue nations such as North Korea. These missile defenses shall consist of national and theater missile defenses, but neither should come at the expense of the other. It shall also be the policy of the United States to continue developing systems designed to intercept missiles in the boost phase of flight in order to defend against developing sophisticated threats.

(c) ELEMENTS IN DISCHARGE OF THE POLICY.—The discharge of the policy stated in subsection (b) shall include the following:

(1) Continued testing, fielding, sustainment, and modernization of the ground-based midcourse defense system, specifically—

(A) not less than 44 ground-based interceptors at Fort Greely, Alaska and Vandenberg Air Force Base, California;

(B) completion of missile field number two at Fort Greely, Alaska;

(C) aging and surveillance;

(D) capability enhancement;

(E) modernization and obsolescence;

(F) operationally realistic testing; and

(G) viable production capability.

(2) Continued development and testing of the Airborne Laser Program

(3) Continued technology maturation and demonstration of the technologies associated with the Kinetic Energy Interceptor

(4) Continue technology maturation and demonstration of the technologies associated with the Multiple Kill Vehicle

(5) Continued support for on-orbit experimentation of the Space Tracking and Surveillance System demonstration satellites, and concept development and technology maturation for a follow-on capability.

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE.

(a) FUNDING.—The amount otherwise provided by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $1,200,000,000, for the Missile Defense Agency, of which—

(1) $600,000,000 is to be available for the ground-based midcourse defense system;

(2) $237,000,000 is to be available to the Airborne Laser Program;

(3) $177,100,000 is to be available to the Multiple Kill Vehicle;

(4) $165,900,000 is to be available for the Kinetic Energy Interceptor; and

(5) $20,000,000 is to be available for the Space Tracking and Surveillance System.

(b) OFFSETTING REDUCTION.—The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $1,200,000,000, to be derived from sites that are projected to meet regulatory milestones ahead of schedule or are at greatest risk of being unable to execute Public Law 111-5 and fiscal year 2010 funding as planned in fiscal year 2010.

The Acting CHAIR. Pursuant to House Resolution 572 and the order of the House of today, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, nuclear weapons, especially those connected to intercontinental ballistic missiles, represent the greatest danger, the greatest weapon ever devised, threatening the human family. The enemies of the United States are defiantly developing delivery systems for those devastating weapons.

Mr. Chairman, to be clear, ballistic missile threats are increasing in the world, and while that threat is increasing, our budget in Congress to effect missile defense is decreasing. My amendment would restore the $1.2 billion that was cut from last year's appropriated amount.

The administration and those who support these cuts have created a false choice between theater defense and homeland defense. If this Congress can find $787 billion for a so-called stimulus economic package, then we have no excuse but to also fund both theater defense and the national defense of the American people.

Mr. Chairman, North Korea has recently conducted a nuclear test and missile launches, and President Obama has called Iran's nuclear and ballistic missile activity ''a real threat.'' Despite the threat increase, this bill slashes by 35 percent the only system that we have that is tested and proven to protect the homeland against ICBMs, our Ground-based Midcourse Defense system. My amendment would restore these cuts.

Mr. Chairman, North Korea is right now planning a ballistic missile launch, and yesterday in fact declared it is ready to ''wipe out the United States.'' We have a chance this moment to restore the funds to make these systems viable to protect the American people from this exact threat.

I urge my colleagues to vote in favor of protecting the American people and to vote ''yes'' on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 10 minutes.

Mrs. TAUSCHER. Mr. Chairman, I stand in significant opposition to this amendment. The committee's bill provides $9.3 billion for missile defense, fully funding the administration's request. The budget supports our efforts to build a robust defense against threats from rogue nations such as North Korea, and increases funding for proven missile defense systems like The Aegis BMD and the Terminal High Altitude Aerial Defense, called THAAD, by $900 million over the budget level of last year.

This amendment would result in wasteful, unnecessary spending. As Secretary Gates told our committee, The security of the American people and the efficacy of the missile defense system are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed or research programs that are essentially sinkholes for taxpayer dollars.

With all due respect, Mr. Chairman, I find myself here trying to rescue the missile defense program from its strongest advocates, because all they want to do is spend money. We have spent $120 billion over the last 10 years on missile defense. I am a strong supporter of missile defense, but unless you have oversight and unless you have an operationally effective system to protect against the existing threats and deploy those systems to protect our forward-deployed troops, the American people and our allies, it is just spending money after money after money.

The advocates of missile defense that just want to spend money don't seem to want to deal with the fact that in this bill we authorize $1 billion to test, sustain and improve the existing system, because what we found out recently is that the system that is deployed has got some problems. It has got problems with operation and maintenance because enough of that money during the previous administration wasn't spent to make sure that the system was maintained.

Democrats are strong on missile defense. We want to make sure we have a proven system, one that is going to not only work but one that is also going to deter, and the best way to do that is to have a system that is operationally effective and tested, one that is maintained properly, and one that is fielded to array against and deter and defeat the threats.

I think that on our side, we believe that we have done that, both during the time of the Bush administration and certainly now in full support of the President's budget request.

Mr. Chairman, I am happy to reserve my time.

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Mr. FRANKS of Arizona. Mr. Chairman, I would just respond by suggesting that to say $1.2 billion in missile defense spending would be wasteful, in the light of the fact that when three airplanes hit this country, it cost us $2 trillion in our economy and nearly $100 billion to clean it up, I think that is shortsighted.

With that, I yield 1 minute to the distinguished ranking member of the committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding.

In the last 2 months, North Korea has followed through on its provocative threat to conduct a nuclear test and launch missiles. Today we hear that Pyongyang is vowing to enlarge its nuclear arsenal and has warned of a ''fire shower of nuclear retaliation.'' These are grave and serious threats.

However, at a time when Iran and North Korea have demonstrated the capability and intent to pursue long-range ballistic missiles and nuclear weapons programs, the defense bill endorsed reductions to capabilities that would provide a comprehensive missile defense system to protect the U.S. homeland, our forward-deployed troops and our allies.

This amendment is common sense. It is a sound measure that would reverse the administration's $1.2 billion cut to missile defense. It would restore a 35 percent reduction to the Nation's Ground-based Midcourse Defense system, located in Alaska and California, which is signed to protect the U.S. homeland. It would restore investments in vital research and development like the airborne laser program, which is the cusp of demonstrating breakthrough technologies.

I urge my colleagues to support this amendment. To do otherwise would be irresponsible.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Strategic Forces Subcommittee, Mr. TURNER.

Mr. TURNER. Mr. Chairman, I rise to speak in favor of the Franks amendment. I was very disappointed with the administration's decision to cut $1.2 billion out of missile defense funding below the fiscal year 2009 funding. Make no mistake, this is a cut. We are going to spend $1.2 billion less than we spent in 2009.

We are going to do this while we have increasing threats, not decreasing threats, to the United States. And make no mistake, the Department of Defense has not provided one data point. They have not provided one study. They have not provided any information, no intelligence that indicates we have a reduced threat, all the while we know with this reduced threat, there is no justification for a reduction.

I am concerned with the top-line missile defense cut, I am deeply concerned about the specific cuts that include a 35 percent cut to the Ground-based Midcourse Defense system in Alaska and California, and the administration decision to decrease the planned number of field interceptors, which is our response to North Korea's ICBMs, terminate construction of a missile field in Alaska that is partially complete, and curtail additional GMD development.

I support the Franks amendment. While we have an increased threat, we should not be decreasing our commitment to missile defense.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a long-standing member of the Strategic Forces Subcommittee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. The issue is not whether the country will have a missile defense; the issue is whether the country will have an effective missile defense.

Ninety-nine percent of the threat comes from regional missiles, so this budget increases by about 50 percent the amount of money that we spend on effective regional defense systems.

But let's talk about what we would do if the Pyongyang threat came true and a missile was fired from North Korea. Here is the first thing we would do: We would rely upon the ground-based systems in Alaska. We put nearly a billion dollars into improving those systems. The Secretary of Defense has testified that the 30 interceptors in place are plenty, that they are enough. We improve upon them, and we use that system.

Second, we look to a system that we frankly think will work better because the testing has been more promising and more accurate, the SM–3, Block 2A interceptors, funding for which is increased by 50 percent in this bill.

The issue is not whether we have a missile defense; it is whether we have one that works. I will requote the Secretary of Defense: ''The security of the American people and the efficacy of the missile defense are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed, or research programs that are essentially sink holes for taxpayers' dollars.''

We would not invest in Civil War-era technology that doesn't work to defend our country. We would invest in the 21st-century technology that does work, and that is what we are doing.

We should oppose this amendment.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LARSEN of Washington) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 962. An act to authorize appropriations for fiscal years 2009 through 2013 to promote

an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

The message also announced that pursuant to Senate Resolution 203, 111th Congress, the Acting President pro tempore, upon the recommendation of the majority leader and the minority leader, appointed the following Senators as members of the committee to receive and report evidence in the impeachment of Judge Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The Senator from Missouri (Mrs. MCCASKILL) (Chairman).

The Senator from Minnesota (Ms. KLOBUCHAR).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. TOM UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The Senator from Delaware (Mr. KAUFMAN).

The Senator from Florida (Mr. MARTINEZ) (Vice-Chairman).

The Senator from South Carolina (Mr. DEMINT).

The Senator from Wyoming (Mr. BARRASSO).

The Senator from (Mississippi) (Mr. WICKER).

The Senator from Nebraska (Mr. JOHANNS).

The Senator from Idaho (Mr. RISCH).

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The Committee resumed its sitting.

The Acting CHAIR (Mr. HOLDEN). The gentleman from Arizona has 5½ minutes remaining and the gentlewoman from California has 6½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, haven't I yielded just 4 minutes thus far? I yielded myself 2 minutes in the beginning, Mr. MCKEON 1 minute and Mr. TURNER 1 minute?

The Acting CHAIR. The gentleman from Arizona went 30 seconds over his time.

Mr. FRANKS of Arizona. I yield the gentleman from Alabama (Mr. GRIFFITH) 1 minute.

Mr. GRIFFITH. Mr. Chairman, I appreciate this difficult situation. I believe that as the budget was formed and the decisions were made, North Korea was not as aggressive, nor was Iran. I stand in support of the Franks amendment. I share the gentlelady's concern that accountability needs to be increased; but in this time of increasing threat, I would prefer that we err on the side of the Franks amendment, even if we must attach certain conditions to it in conference. But I would urge Members to support it.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a longstanding member of the Strategic Forces Subcommittee.

Mr. LANGEVIN. Mr. Chairman, I thank the gentlelady for yielding.

Mr. Chairman, I urge my colleagues to oppose this amendment. Chairman SKELTON and Chairwoman TAUSCHER have crafted a bill that protects the United States and our allies from real ballistic missile defense. And I think it is the right balance. There is no doubt that this Nation needs a robust ballistic missile defense, and we have properly invested our resources into those areas of ballistic missile defense that are working and have the most promise.

The underlying bill provides $9.3 billion for missile defense, supporting critical programs that are testing and operational and eliminating unnecessary and unproven programs that waste taxpayer dollars.

The Franks amendment, in contrast, would direct precious resources to flawed programs that, to paraphrase Secretary Gates, will enhance neither the efficacy of our missile defense nor the security of our citizens.

In his opening statement the gentleman, the sponsor of the amendment, said that the greatest threat that we face is a ballistic missile from a rogue nation. That is not accurate. There is no doubt that is a threat, we have to be concerned about it, but realistically the greatest threat is from fissile material or a nuclear weapon being smuggled into the United States and being detonated. That is not just my opinion, but that of many national security experts.

I have had the privilege of serving on almost every major national security committee in this Congress, both on the Intelligence Committee and on the Armed Services Committee. On the Armed Services Committee, I served as subcommittee chairman of the Subcommittee on Emerging Threats. That is the greatest threat that we face; and this mark, the chairman's mark, contains more support for counterproliferation programs to secure fissile material or nuclear weapons that could be smuggled into the country. That is the right approach.

Meanwhile, the proposed cut to DOE's environmental cleanup would eliminate as many as 33 jobs when America can least afford it. This bill balances our security needs with realistic budget considerations. Funding proven systems like Aegis BMD and THAAD with significant increases to prevent rogue nation threats to our country.

Mr. FRANKS of Arizona. Mr. Chairman, might I inquire as to the remainder of the time.

The Acting CHAIR. The gentleman from Arizona has 5 minutes remaining, and the gentlewoman from California has 4½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, when the gentlelady from California says that we are fully funding the administration's request, that is true. I accept that at face value. But what if the administration is wrong? What if they have made the wrong request? Remember, this is an administration that has said Iran has legitimate nuclear ambitions. No, they don't. There is no legitimate pursuit of nuclear power in Iran; it is all for an evil and despicable purpose.

This is an administration that got it wrong on the Iranian dissidents and has sort of back-pedaled over the past several days and recast their support of the dissidents when they really missed the mark. So I take the gentlelady at face value that they are fully funding the request; but in my opinion, the request is wrong.

The gentleman from Arizona is right: this is an aggressive regime that ought not to be coddled. This is an effort to make sure that all of us are safe, and this is a sacred duty. I urge the adoption of the Franks amendment.

Mrs. TAUSCHER. Before I yield, I would just like to engage the new Member from Illinois. I know you are a new Member, sir, but the truth of the matter is over the last 8 years of the Bush administration where all we did was spend money without very much oversight, we would have had, after spending all that money, $120 billion, we should have a system that is operationally effective and actually achieved credible deterrence.

You have to ask yourself why that hasn't happened after $120 billion. The question is not how much money you spend; it is whether you spend it smartly. That is what this budget does.

I yield to the gentleman from Washington (Mr. LARSEN) for 2 minutes.

Mr. LARSEN of Washington. I thank the gentlelady from California for yielding, and I rise in opposition to the Franks amendment.

The committee's bill does provide $9.3 billion for missile defense which fully funds the capabilities that the United States needs to protect our country. The threat to our Nation from ballistic missiles is real. Our adversaries have a multitude of short- and medium-range missiles and are developing more advanced missiles as well.

This budget will help keep our Nation and our servicemembers safe from the threats that we face. For instance, the number of Aegis ships will grow from 21 to 27; the number of SM–3 interceptors from 131 to 329; and the number of THAAD interceptors from 96 to 287. These are urgently needed investments to protect our troops in the field. This budget also includes funding for the operation, testing and sustainment of Ground-based Midcourse Defense, and follows Secretary

Gates and the Missile Defense Agency recommendations to have that number of interceptors at 30.

Secretary Gates has also said at the level of capability that North Korea has now and is likely to have for some years to come, 30 interceptors, in fact, provide a strong defense against North Korea.

But even more so, for the first time ever, combatant commanders were part of developing this budget, and the combatant commanders have said that this budget meets their needs as well.

I also have to oppose this amendment because of where the offset is coming from: $1.2 billion from the DOE's environmental cleanup. We had this debate in committee in some respects, not over this amount, $1.2 billion, but over some amount. I think we need to understand that cleaning up the nuclear legacy, the Cold War legacy in this country is an obligation. Some people have called this an obsession. Is it an obsession to clean up nuclear waste that is in the groundwater around communities in this country?

□ 1215

It is not an obsession; it is an absolute obligation. And if we cut these dollars, we are cutting away that obligation.

Something more important as well. Even though the Recovery Act put up to $5 billion in this budget, it's because we've neglected this obligation in the past.

The Acting CHAIR. The time of the gentleman has expired.

Mrs. TAUSCHER. I yield the gentleman an additional 30 seconds.

Mr. LARSEN of Washington. Cutting these dollars from environmental cleanup continues to neglect that obligation that we have to communities all over the country to clean up America's ultimate toxic asset, the cold war legacy of nuclear waste in our communities.

So I would ask my colleagues to oppose this amendment.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind Members to address their remarks to the Chair.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I rise in strong support of the Franks amendment.

I am closer to Korea than anybody in this room, and they are launching a missile on July 4. We have a missile defense site in Alaska that has missiles there now that can shoot that down. We just want to finish it, and this money would finish it.

It sends a wrong message to our enemies if we retreat from the missile defense we have today, and some people say, including Mr. Gates, it doesn't work. Well, I bet your dollar it does work, and it will work. But I don't like sitting in Alaska looking at that missile that can reach us and reach Hawaii, and we don't have the defense to shoot it down. Maybe today we might shoot one down, but we need to finish this Fort Greely missile defense site, and this money would do it. It's shovel ready.

This is a good bill, this just makes it a little better. It's the right thing to do for America. It's the right thing to do for Alaska. It's the right thing to do for freedom of all of the world.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the chairman of the committee, Mr. SKELTON of Missouri.

Mr. SKELTON. I rise in opposition to this amendment.

Secretary Gates announced a series of changes in the missile defense program and so testified. I wish to compliment the gentlelady from California (Mrs. TAUSCHER), the chairman of the subcommittee that covered this subject, for the excellent work that she and the subcommittee did regarding missile defense. They got it right. They increased funding for theater missile defense programs by $900 million. They capped the deployment for long-range missile defense interceptors in Alaska at 30 as opposed to the 44 previously planned. Right now, there are 26 currently deployed. And they cancelled the Multiple Kill Vehicle program, the Kinetic Energy Interceptor program, and the second Airborne Laser prototype aircraft because they were not working.

Consequently, they did it right by allowing and authorizing $9.3 billion for missile defense programs overall. I oppose the amendment. We did it right.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BROUN).

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Chairman, I rise today to speak in favor of the amendment to restore $1.2 billion in funding for missile defense.

Just yesterday, North Korea threatened to wipe the United States off the map. It is unconscionable that we would decrease funding for our missile defense system during a period where North Korea and Iran's nuclear programs and ballistic missiles pose a real and increasing threat to the United States.

In May, Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile which could reach Europe, Israel, and United States forces deployed in the Persian Gulf. This $1.2 billion cut forces an unnecessary choice between protecting our homeland against longer-range missiles and protection of our forward-deployed troops and allies against shorter-range missiles. The threat will only continue to increase over the next decade as technology increases for them. We are decades behind in having a comprehensive multilayered system.

I urge my colleagues to support this amendment.

The Acting CHAIR. The gentleman from Arizona has 2 minutes remaining, and the gentlewoman from California has 30 seconds remaining and the right to close.

Mrs. TAUSCHER. Mr. Chairman, I reserve my time.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, we've been talking about missile defense here and an amendment that relates to missile defense. I think one of the things that is important, and maybe a little confusing, is the fact that there are different kinds of missiles that an enemy might send against us, and so we have different kinds of missile defense depending on the nature of what is sent against us.

The debate here centers on the very long-range missiles that are known as intercontinental ballistic missiles. We have only one way to stop those missiles, and that is what's called ground-based defense. Now, we have started. We have dug the holes and built the silos for some additional ground-based missiles, and this budget is cutting the funding for something that we have already started. The amendment would restore those and finish something that we agreed to so we are not wasting money starting something and stopping it partway. So that is part of the amendment. And this is missile defense, which is important, along with the other kinds of missile defenses which are supported in this bill and have been done very well by the committee overall.

The second component of this amendment restores what is known as the Airborne Laser, a very promising technology which is based more on trying to stop a missile as it's being launched. It has the benefit of being as fast as a flashlight beam that you put on the missile and you kill it right over enemy territory when it's being launched. The bill, the way it is proposed, is going to cut the funding for the Airborne Laser. This amendment restores that important funding. Again, this is a program that we've started, invested a whole lot of money in, and it needs to go forward.

Mr. FRANKS of Arizona. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIR. The gentleman from Arizona has 30 seconds remaining. The gentlewoman from California has 30 seconds remaining, and she has the right to close.

Mr. FRANKS of Arizona. Mr. Chairman, I will yield myself 30 seconds.

Mr. Chairman, an ICBM landing in the United States or over the United States could subject us to an EMP tragedy or destroy one of our cities and change our concept of freedom forever. The only system that we have to defend us in a tested and proven way from that threat is our Ground-based Midcourse Defense. The budget, as it

stands now, cuts it 35 percent. This amendment would restore that money to protect our children and families from such a threat.

We need to protect this country from madmen like Mr. Ahmadinejad and madmen like Mr. Kim Jong-Il. It is our first duty under the Constitution to do so, and I adjure this body to pass this amendment.

Mrs. TAUSCHER. Mr. Chairman, I could not make a better argument for rejecting the Franks amendment.

Let's get it right. We are investing $9.3 billion for missile defense because we believe what the President has said is right, that we need to have defenses that are going to defeat long-range, short-range, and medium-range systems that are raid against the United States, our forward-deployed troops, and our allies. Don't take the money from cold war legacies. We are going to lose 10,000 jobs of people that are cleaning up sites around the country.

We need to defeat this amendment because we want to invest money smartly. We don't want to follow what we've done for the last 8 years, which is just spend money and not have any oversight.

Let's get this right. Let's have strong missile defense. Defeat the Franks amendment.

Mr. SESSIONS. Mr. Chair, I rise today in support of this amendment which restores $1.2 billion to the Missile Defense Agency's budget. However, I would like to express my deep concern regarding the misguided and downright dangerous priorities of this Administration and the Democrat Majority with this Defense Authorization.

For the past three years, the defense of our nation has been ranked at the bottom of this Democrat Majority's agenda. Between FY 2007 and FY 2009, the Democrats have increased non-defense funding by 85 percent; an increase of $358 billion. However, funding for our national defense is found at the very bottom of the list with spending increases of only 9 percent.

With the increasing threats of nations like North Korea and Iran—especially considering North Korea's preparations to launch a ballistic missile in the direction of Hawaii on or around July 4th—it is essential that Congress provides the U.S. with the appropriate defense mechanisms to protect our country. Yet the Democrat Majority still has the audacity to cut $1.2 billion from our missile defense systems.

Mr. Chair, this Majority has a false set of priorities which is not only misguided but endangers the security of our nation.

Mr. SIMPSON. Mr. Chair, I rise in opposition to the Franks-Cantor-Sessions-Broun-Roskam Amendment and in support of the fundamental obligation this body has to fully fund our Nation's Environmental Management Program.

I support my colleagues' efforts to increase funding to the Missile Defense Agency. The decision to cut funding for this program is dangerous and short-sighted, especially at a time when countries like Iran and North Korea are seeking nuclear weapons programs that put our country and its citizens at risk. However, while I support the efforts to restore funding, I cannot support the offset and the repercussions that cutting funding for our Nation's Environmental Management Program would have.

There is nothing conservative about cuts that the Franks-Cantor Amendment would make or the impact they would have. These cuts ultimately will slow the pace of cleanup at our Nation's nuclear contaminated sites, thus costing taxpayers more money in the long-run.

In sites across the country, including in my home State of Idaho as well as in Washington State, South Carolina, Tennessee, and a number of other states, rest the nuclear remnants of the Cold War. These sites are contaminated with, and home to, some of the most dangerous materials in the world. The people who work at these sites, and the states that host them, have been through a great deal over the past fifty years to accommodate the defense of our Nation.

In return, they expect the Federal Government to make good on its promise, and legal obligation, to clean up these sites and protect the environment of future generations. Many of these states have legally-binding agreements with the Federal Government that dictate when and how these materials will be remediated and then disposed.

The Franks-Cantor Amendment will slow the pace of work at these sites and put the Federal Government at significant risk of missing legally-binding deadlines. Those missed deadlines mean penalties which will be paid for by the taxpayers. In addition, the cost of doing this work goes up substantially each year it is delayed, again putting taxpayers at risk.

I recognize the argument that the EM program was recently awarded a huge sum of money in the stimulus program and can easily withstand a $1.2 billion reduction this year. I don't agree with the argument, but I understand where my colleagues are coming from when they make it.

Mr. Chair, their argument is one that gives me great heartburn. When the Senate added $6 billion for the EM program to the stimulus bill, I knew I would hear this argument used time and again to undermine the base budget of the EM program that Members like DOC HASTINGS, ZACH WAMP, GRESHAM BARRETT, myself, and others have worked so hard to increase and stabilize over the past 10 years.

I was worried when we passed the stimulus bill that my colleagues would see the EM program as a slush fund, flush with stimulus cash, from which they could seek offsets for increases to priorities elsewhere. Sure enough, here we are, putting the base EM program at risk because of the desire to infuse the program with one-time money that may have short-term benefits, but will cause significant long-term damage down the road.

I have spent my career defending the EM program and seeking stable funding so that our Nation can make good on its promise to our States. I remain as committed as ever to protecting the base program and keeping cleanup of these sites on track.

Mr. Chair, as I said earlier, I strongly support my colleagues' efforts to restore funding for the Missile Defense Agency. However, I strongly oppose the funding reductions included in this amendment. In the strongest possible terms, I urge my colleagues to reject the Franks-Cantor amendment and keep the EM program on track in Idaho, Washington, South Carolina, Tennessee, New Mexico, Ohio and the other States in which its work is so crucial.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. AKIN

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111–182.

Mr. AKIN. Mr. Chairman, I ask for adoption of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. AKIN:

At the end of title X (page 374, after line 6) add the following new section:

SEC. 1055. TRANSPARENCY REPORT FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 14 days after the date on which an employee of the Department of Defense is required to sign a non-disclosure agreement in the carrying out of the official duties of such employee (other than as such non-disclosure agreement relates to the granting of a security clearance), the Secretary of Defense shall submit to the congressional defense committees a report on such non-disclosure agreement, including—

(1) the topics that are prohibited from being discussed under such non-disclosure agreement;

(2) the number of employees required to sign such non-disclosure agreement;

(3) the duration of such non-disclosure agreement and the date on which such non-disclosure agreement terminates;

(4) the types of persons to which the signatories to such non-disclosure agreement are prohibited from disclosing the information covered by such non-disclosure agreement, including whether Members or staff of Congress are included in such types to which disclosure is prohibited;

(5) the reasons employees are required to sign such non-disclosure agreement; and

(6) the criteria used to determine which matters were included as information not to be disclosed under such non-disclosure agreement.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall apply with respect to any non-disclosure agreement entered into by an employee of the Department of Defense on or after January 1, 2009.

(2) INITIAL REPORT.—The report required under subsection (a) (as applied in accordance with paragraph (1)) with respect to non-disclosure agreements entered into on or after January 1, 2009, and before the date of the enactment of this Act, shall be submitted not later than 120 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, the amendment that we're bringing to the floor

here is dealing with a situation that has become increasingly difficult between the legislative branch and the executive branch, but specifically the Pentagon. That is that the leadership at the Pentagon is requiring generals or admirals to sign nondisclosure agreements; that is, they're not allowed to share their opinions with Members of Congress.

In the past, our relationship with the Pentagon has been one of openness and trying to work together as a team. The Armed Services Committee has always been a very bipartisan committee who worked well together. We've always tried to have a win-win kind of situation both between the parties, but also between the legislative branch and the Pentagon. Unfortunately, these nondisclosure statements have a tendency, we are concerned, with muzzling our admirals and generals and preventing them from giving us data that we need to be able to do our job.

This amendment is being brought also by the gentleman from Virginia (Mr. FORBES), and I would yield 2 minutes to him.

Mr. FORBES. Mr. Chairman, if we don't listen to anything else on this debate, we need to pause just a moment and listen to what's happening right now.

Just a couple of moments ago in missile defense, we heard over there, ''Unless you have oversight, you should not spend money on missile defense or other platforms,'' and yet the majority and this administration fights us at every juncture to deny the transparency we need for that very oversight.

This administration came in. The first Executive order that they had, said, democracy requires accountability and accountability requires transparency. And the first things they do, when it comes to national defense, they issue gag orders to hundreds of people in the Pentagon so that they could not talk about the severity of some of these changes and some of the cuts taking place. They classified the inspections on our vessels so we can't know the difficulty we have with maintenance requirements. They refused to certify that the budget would meet our shipbuilding plan as required by law. They refused to even send over a shipbuilding plan. They refused to certify an aviation plan that the budget would meet, that as required by law. They refused to even send over an aviation plan, and they refused to give us the outyear projections on what the budget dollars would actually be.

Mr. Chairman, we have a simple amendment that would try to rein in some of these gag orders, and the majority has already sent out a letter saying it's just too hard, it's going to impact all of these other programs, when they could have exempted every single one of those programs if they wanted to; they just refused to do it.

The bottom line is, Mr. Chairman, when it comes down to transparency with this administration, here's what it means: We're going to be transparent to our enemies. We are going to tell them what questions we can ask them, what we can try to gather, information from them, when they're about to attack our Nation, our innocent civilians, but when it comes to transparency to the American people and what's going in the budget, we're not going to do that. So, Mr. Chairman, I hope it will be the pleasure of this House to adopt this amendment and put some transparency back in this process.

Mr. AKIN. Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. SKELTON. I had a law school professor by the name of Fratcher, and every once in awhile during discussion in the class he would say, ''Read it. What does it say?''

We read this amendment—which I know the authors seek to ensure congressional insight into the budget process and the Quadrennial Defense Review, and those are very worthy goals, but unfortunately, reading this amendment in the way it is drafted will overwhelm the Pentagon and harm critical Department of Defense efforts. They won't have time to do much more than comply with this amendment. It is drafted in such a way that it just couldn't be done. And I am sad that a worthy goal is being thwarted by the improper drafting thereof.

The Department of Defense routinely enters into such agreements to protect the privacy of servicemembers and, of course, to protect sensitive information. As a result, the amendment would require several reports on thousands of nondisclosed agreements. For instance, casework for wounded warriors, health care quality assurance processes, criminal and administrative investigations, accident investigations, contract source selections, accepting proprietary data from private industry, other business transactions that require confidential treatment until concluded.

□ 1230

The amendment will result in the reporting of thousands of transactions to Congress, each requiring an individual report containing large volumes of information and justification. Due to the administrative burden and the chilling effect of this amendment, the Department of Defense may be forced to reduce efforts to assist wounded warriors and otherwise help servicemembers solve their problems.

I commend them for their worthy goal, but in the lesson taught me by my professor, Mr. Fratcher, reading it just makes it impossible for the Department of Defense to comply with it.

So, consequently, I seriously am strongly opposed to this amendment.

I reserve the balance of my time.

Mr. AKIN. I yield 1 minute to the distinguished ranking member of the Armed Services Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding. This amendment would require the Secretary of Defense to report to the Congress on the use of nondisclosure agreements within the DOD. The use of nondisclosure agreements is a new and troubling way of gagging our military and DOD civilians. Congress should be aware of any effort by the Department to restrict information.

This amendment is about transparency. Congress cannot sit back and let the Department of Defense stiff-arm us. Congress has a constitutional duty to raise and support armies, provide and maintain a Navy, to make rules for the government, regulation of the land and naval forces. We can't allow the Department of Defense to prevent us from exercising our constitutional duty.

I understand the chairman has concerns about the language, but I would urge him to support the amendment and work with us in conference. We have lots of time left to work on this. I think, together, we can strengthen this. I think we're in agreement on concept. We need to know what we need to know to do our duty.

With that, I ask support of the amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman. I rise in opposition. Here's the concern that we have about this amendment. Let's say that we have a servicemember who is suspected of sharing sensitive information with another country or someone they shouldn't share it with, and those investigating the alleged offense enter into a confidentiality agreement not to share any information about the investigation because it would impair the investigation.

As I read this amendment, within 2 weeks of entering that agreement it would have to be reported to the committees of the Congress substantial information about it. I don't see any protections in the amendment that would say that the disclosure of the agreement would have to be done in such a way so as not to impair the investigation.

Look, there's a difference between transparency and redundancy. There's a difference between transparency and paralysis. We need to have transparency so we can do our constitutional job. But if we have paralysis, we impair the executive branch from doing its job.

We share the goal of this amendment, but we reject the means, and we would urge a ''no'' vote on the amendment.

Mr. AKIN. May I ask the Chair how much time is remaining?

The Acting CHAIR. The gentleman from Missouri (Mr. AKIN) has 1 minute remaining. The other gentleman from

Missouri (Mr. SKELTON) has 1½ minutes remaining.

Mr. AKIN. I very much appreciate the tremendous cooperation that so existed on the Armed Services Committee. I'm sensitive to your concerns about this being overly broad in its drafting. I hate redtape and paperwork and am very open-minded to work along these lines. I think our concerns are very much the same on this issue. And I look forward to working with you.

Unfortunately, in trying to get the thing drafted the way we wanted, we ran out of time today. So we're just going to go ahead and offer the amendment, but I look forward as we have time in the weeks ahead.

I yield back the balance of my time.

Mr. SKELTON. The bill that we sent to the Senate and subsequently sent to the President for his signature is supposed to mean exactly what it says. It's in English language, it's clear, and we expect the Department of Defense to follow it to the letter, and those we direct duties to, to fulfill those duties correctly. And to send them a message that cannot be fulfilled, sadly, that this amendment requires, is just wrong.

So, consequently, I oppose this and hope that it will not pass.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. AKIN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 2.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 10, 11, 23, 28, 30, 31, 32, 35, 36, 37, 38, 40, 41, 42, 47, 48, 49, 50, 53, 56, and 58 offered by Mr. SKELTON:

AMENDMENT NO. 10 OFFERED BY MR. KRATOVIL

The text of the amendment is as follows:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 1230. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) The specific substance of any existing formal or informal agreement with NATO ISAF countries regarding the following:

''(i) Mutually agreed upon goals.

''(ii) Strategies to achieve such goals, including strategies identified in 'The Comprehensive Political Military Strategic Plan' agreed to by the Heads of State and Government from Allied and other troop-contributing nations.

''(iii) Resource and force requirements, including the requirements as determined by NATO military authorities in the agreed 'Combined Joint Statement of Requirements' (CJSOR).

''(iv) Commitments and pledges of support regarding troops and resource levels.'';

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of the specific substance of any existing formal or informal agreement with non-NATO ISAF troop-contributing countries regarding the following:

''(A) Mutually agreed upon goals.

''(B) Strategies to achieve such goals.

''(C) Resource and force requirements.

''(D) Commitments and pledges of support regarding troops and resource levels.''.

(b) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A)—

(A) by striking ''individual NATO ISAF countries'' and inserting ''each individual NATO ISAF country''; and

(B) by inserting ''estimated in the most recent NATO ISAF Troops Placemat'' after '', including levels of troops and equipment'';

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.''; and

(4) in subparagraph (I) (as redesignated)—

(A) by redesignating clause (ii) as clause (iii); and

(B) by inserting after clause (i) the following:

''(ii) The location, funding, staffing requirements, current staffing levels, and activities of each Provincial Reconstruction Team led by a nation other than the United States.''.

(c) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (J) (as redesignated) by striking ''subsection (c)(4)'' and inserting ''subsection (c)(5)''.

AMENDMENT NO. 11 OFFERED BY MR. KRATOVIL

The text of the amendment is as follows:

At the end of subtitle D of title XXVIII (page 597, after line 7), add the following new section:

SEC. 2846. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods

''(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense shall permit and encourage the Secretaries of the military departments, heads of Defense agencies, and the heads of other instrumentalities of the Department of Defense to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by—

''(1) an electric utility;

''(2) independent system operator;

''(3) State agency; or

''(4) third-party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

''(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations act. The Secretary concerned or head of the Defense Agency or other instrumentality shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

''(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts provided in advance in an appropriations Act derived from subsection (b) above, 100 percent shall be available to the military installation where the proceeds were derived, and at least 25 percent of that appropriated amount shall be designated for use in energy management initiatives by the military installation where the proceeds were derived.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods.''.

AMENDMENT NO. 23 OFFERED BY MR. CUMMINGS

The text of the amendment is as follows:

At the end of title V (page 180, after line 11), add the following new section:

SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

''(C) A commissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves who serves or has served in a leadership position with either a military department command or combatant command.

''(D) A retired general or flag officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.

''(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.''.

AMENDMENT NO. 28 OFFERED BY MR. DRIEHAUS

The text of the amendment is as follows:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.

The Comptroller General shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

AMENDMENT NO. 30 OFFERED BY MR. GRAYSON

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new secton:

SEC. 830. COMPTROLLER GENERAL REPORT ON DEFENSE CONTRACT COST OVERRUNS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on cost overruns in the performance of defense contracts.

(b) MATTERS COVERED.—The report under subsection (a) shall include, at a minimum, the following:

(1) A list of each contractor with a cost overrun during any of fiscal years 2006, 2007, 2008, or 2009, including identification of the contractor and the covered contract involved, the cost estimate of the covered contract, and the cost overrun for the covered contract.

(2) Findings and recommendations of the Comptroller General.

(3) Such other matters as the Comptroller General considers appropriate.

(c) COVERED CONTRACT.—In this section, the term ''covered contract'' means a contract that is awarded by the Department of Defense through the use of a solicitation for competitive proposals, in an amount greater than the simplified acquisition threshold, and that is a cost-reimbursement contract or a time-and-materials contract.

AMENDMENT NO. 31 OFFERED BY MR. HARE

The text of the amendment is as follows:

At the end of subtitle F of title III (page 115, after line 25) insert the following new section:

SEC. 356. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note) is amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (g)(1), by striking ''2010'' and inserting ''2011''.

AMENDMENT NO. 32 OFFERED BY MR. HODES

The text of the amendment is as follows:

At the end of title V (page 180, after line 11), add the following new section:

SEC. 594. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 122) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

''(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

''(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

''(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

''(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

''(B) the adjutant general of each state, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

''(3) OPERATION.—

''(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

''(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

''(ii) examining the influence of military culture on risk and protective factors for suicide; and

''(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

''(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

''(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

''(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

''(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

''(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

''(C) COLLABORATION WITH CENTERS OF EXCELLENCE.— The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.''.

AMENDMENT NO. 35 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The text of the amendment is as follows:

Page 249, after line 22, insert the following new paragraph:

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

AMENDMENT NO. 36 OFFERED BY MS. LEE OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle B of title XII (page 453, after line 21), insert the following new section:

SEC. ___. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act or otherwise made available by this or any other Act shall be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

AMENDMENT NO. 37 OFFERED BY MR. LIPINSKI

The text of the amendment is as follows:

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 20, 1943, units of the United States Marine Corps, supported by units of the United States Army and warships and aircraft of the United States Navy, conducted an amphibious landing on the Island of Betio, Tarawa Atoll, in the Gilbert Islands in the Pacific Ocean.

(2) The United States military forces faced an entrenched force of 5,000 Japanese soldiers.

(3) The Tarawa landing was the first American amphibious assault on a fortified beachhead in World War II.

(4) Just 76 hours later, the American flag was raised at Tarawa.

(5) More than 1,100 Marines and other members of the Armed Forces were killed during the battle.

(6) Most of the Marines, soldiers, and sailors who were killed during the battle were buried in hastily dug graves and cemeteries on Tarawa.

(7) Between 1943 and 1946, the remains of some of the Marines and other members of the Armed Forces were disinterred and reinterred in temporary graves by the Navy.

(8) After World War II, the remains of some of these Marines and other members of the Armed Forces were recovered and returned to the United States for burial.

(9) Due to mistakes in reinterment, poor records, as well as other causes, the remains of 564 Marines and other members of the Armed Forces killed in the battle of Tarawa are in unmarked, unknown graves.

(10) Since 1980, the Department of Defense has recovered remains from some unmarked graves that have been found through construction or other activity on Tarawa.

(11) The remains of members of the Armed Forces on Tarawa continue to be threatened by construction or other land disturbing activity.

(12) Recent research has shed new light on the locations of unmarked and lost graves of members of the Armed Forces on Tarawa.

(13) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed at Tarawa who lie in unmarked and lost graves.

(b) SENSE OF CONGRESS.—In light of these findings, Congress—

(1) reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars;

(2) recognizes the courage and sacrifice of the members of the Armed Forces who fought on Tarawa;

(3) acknowledges the dedicated research and efforts by persons to identify, locate,

and advocate for the recovery of remains from Tarawa; and

(4) encourages the Department of Defense to review this research and, as appropriate, pursue new efforts to conduct field studies, new research, and undertake all feasible efforts to recover, identify, and return remains of members of the Armed Forces from Tarawa.

AMENDMENT NO. 38 OFFERED BY MRS. MALONEY

The text of the amendment is as follows:

At the end of subtitle I of title V (page 180, after line 11), insert the following new section:

SEC. 594. REPORT ON PROGRESS IN COMPLETING DEFENSE INCIDENT-BASED REPORTING SYSTEM.

Not later than 120 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Defense shall submit to Congress a report detailing the progress of the Secretary with respect to the Defense Incident-Based Reporting System.

AMENDMENT NO. 40 OFFERED BY MR. MINNICK

The text of the amendment is as follows:

At the end of subtitle B of title VII (page 252, line 18), add the following new section:

SEC. 716. REPORT ON RURAL ACCESS TO HEALTH CARE.

The Secretary of Defense shall submit to the congressional defense committees a report on the health care of rural members of the Armed Forces and individuals who receive health care under chapter 55 of title 10, United States. The report shall include recommendations of resources or legislation the Secretary determines necessary to improve access to health care for such individuals.

AMENDMENT NO. 41 OFFERED BY MR. SARBANES

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. PROCUREMENT PROFESSIONALISM ADVISORY PANEL.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts, to be known as the Procurement Professionalism Advisory Panel, to study the ethics, competence, and effectiveness of acquisition personnel and the governmentwide procurement process, including the following:

(1) The role played by the Federal acquisition workforce at each stage of the procurement process, with a focus on the following:

(A) Personnel shortages.

(B) Expertise shortages.

(C) The relationship between career acquisition personnel and political appointees.

(D) The relationship between acquisition personnel and contractors.

(2) The legislation, regulation, official policy, and informal customs that govern procurement personnel.

(3) Training and retention tools used to hire, retain, and professionally develop acquisition personnel, including the following:

(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(b) ADMINISTRATION OF PANEL.—The Comptroller General shall be the chairman of the panel.

(c) COMPOSITION OF PANEL.—

(1) MEMBERSHIP.—The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) FAIR REPRESENTATION.—For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(d) PARTICIPATION BY OTHER INTERESTED PARTIES.—The Comptroller General shall ensure that the opportunity to submit information and views on the ethics, competence, and effectiveness of acquisition personnel to the panel for the purposes of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representatives of Federal labor organizations not represented on the panel.

(e) INFORMATION FROM AGENCIES.—The panel may secure directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of administration of the rules described in subsection (a). Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(f) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study to—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Homeland Security and Government Affairs of the Senate; and

(D) the Committee on Armed Services of the Senate.

(2) AVAILABILITY.—The Comptroller General shall publish the report in the Federal Register and on a publically accessible website (acquisition.gov).

(g) DEFINITION.—In this section, the term ''Federal labor organization'' has the meaning given the term ''labor organization'' in section 7103(a)(4) of title 5, United States Code.

AMENDMENT NO. 42 OFFERED BY MS. SCHAKOWSKY

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new section:

SEC. 830. ACCESS BY CONGRESS TO DATABASE OF INFORMATION REGARDING THE INTEGRITY AND PERFORMANCE OF CERTAIN PERSONS AWARDED FEDERAL CONTRACTS AND GRANTS.

Section 872(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455) is amended by striking ''the Chairman and Ranking Member of the committees of Congress having jurisdiction'' and inserting ''any Member of Congress''.

AMENDMENT NO. 47 OFFERED BY MR. SOUDER

The text of the amendment is as follows:

Page 24, line 10, strike ''or otherwise made available''.

AMENDMENT NO. 48 OFFERED BY MR. SPACE

The text of the amendment is as follows:

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note), as amended by section 523, is further amended by adding at the end the following new subsection:

''(c) SECURE METHOD OF ELECTRONIC DELIVERY.—

''(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

''(2) AUTHORITY TO CEASE DELIVERY.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.''.

AMENDMENT NO. 49 OFFERED BY MR. THOMPSON OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII (page 611, after line 21), add the following new section:

SEC. 2858. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the parcels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the

conveyance. If amounts are collected from the city in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 50 OFFERED BY MR. TAYLOR

The text of the amendment is as follows:

At the end of subtitle C of title I (page 37, after line 17), add the following new section:

SEC. 126. CONVERSION OF CERTAIN VESSELS; LEASING RATES.

(a) USE OF FUNDS FOR CONVERSION.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2010 for weapons procurement, Navy, for Mk–46 torpedo modifications, the Secretary of the Navy may obligate not more than $35,000,000 for lease and conversion of any covered vessel that, as a result of default on a loan guaranteed for the vessels under chapter 537 of title 46, United States Code, has become the property of the United States, such that the Maritime Administrator has rights to dispose of the financial interest of the United States in the covered vessels.

(b) DETERMINATION OF LEASING RATES.—The Maritime Administrator shall coordinate with the Secretary of the Navy to determine leasing rates that meet the obligation of the United States with respect to any loan guarantee for the vessels.

(c) MODIFICATION TO A COVERED VESSEL.—The Secretary of the Navy may make necessary modifications to a covered vessel for military utility as the Secretary considers appropriate.

(d) COVERED VESSEL DEFINED.—In this section the term ''covered vessel'' means each of—

(1) the vessel Huakai (United States official number 1215902); and

(2) the vessel Alakai (United States official number 1182234).

AMENDMENT NO. 53 OFFERED BY MR. VAN HOLLEN

The text of the amendment is as follows:

At the end of title XXVII (page 544, after line 10), add the following new section:

SEC. 2723. SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER, BETHESDA, MARYLAND, IN RESPONSE TO INSTALLATION EXPANSION.

Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, Bethesda, Maryland, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.

AMENDMENT NO. 56 OFFERED BY MR. WHITFIELD

The text of the amendment is as follows:

Page 245, after line 23, add the following new subparagraph (C) (and redesignate existing subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively):

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals

AMENDMENT NO. 58 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The text of the amendment is as follows:

At the end of title IX, add the following new section:

SEC. 9___. RECOGNITION OF AND SUPPORT FOR STATE DEFENSE FORCES.

(a) RECOGNITION AND SUPPORT.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (c) the following new subsections:

''(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the homeland security effort of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used for homeland security purposes exclusively at the local level and in accordance with State law.

''(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense may coordinate homeland security efforts with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or by a force established under subsection (c) and subject to the provisions of this section.

''(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

''(A) impede the ability of the Department of Defense to execute missions of the Department;

''(B) take resources away from warfighting units;

''(C) incur nonreimbursed identifiable costs; or

''(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

''(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty.

''(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

''(A) excess to the needs of the Department of Defense; and

''(B) suitable for use by a force established under subsection (c).

''(2) The Secretary of Defense may transfer personal property under this section only if—

''(A) the property is drawn from existing stocks of the Department of Defense;

''(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

''(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

''(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

''(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

''(h) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.

''(2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

''(3) Any such training program shall be conducted in accordance with an agreement between the Secretary of Defense and the State or the force established under subsection (c) if so authorized by State law.

''(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under paragraph (3) between the Department of Defense and a State or a force established under subsection (c) for such training assistance shall provide for payment of such costs.

''(i) FEDERAL FUNDING OF STATE DEFENSE FORCES.—Funds available to the Department of Defense may not be made available to a State defense force.

''(j) LIABILITY.—Any liability for injuries or damages incurred by a member of a force established under subsection (c) while engaged in training activities or State active duty shall be the sole responsibility of the State, regardless of whether the injury or damage was incurred on United States property or involved United States equipment or whether the member was under direct supervision of United States personnel at the time of the incident.''.

(b) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(n) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended in subsections (a), (b), and (c) by striking ''a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands'' each place it appears and inserting ''a State''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''PROHIBITION ON MAINTENANCE OF OTHER TROOPS.—'' after ''(a)'';

(2) in subsection (b), by inserting ''USE WITHIN STATE BORDERS.—'' after ''(b)'';

(3) in subsection (c), by inserting ''STATE DEFENSE FORCES AUTHORIZED.—'' after ''(c)'';

(4) in subsection (k), as redesignated by subsection (a)(1), by inserting ''EFFECT OF MEMBERSHIP IN DEFENSE FORCES.—'' after ''(k)''; and

(5) in subsection (l), as redesignated by subsection (a)(1), by inserting ''PROHIBITION ON RESERVE COMPONENT MEMBERS JOINING DEFENSE FORCES.—'' after ''(l)''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 109. Maintenance of other troops: State defense forces".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

''109. Maintenance of other troops: State defense forces.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and minority.

I yield 2 minutes to my friend, who is on the Armed Services Committee, the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Mr. Chairman, I rise in support of the en bloc amendment to H.R. 2647. Two specific amendments that I offered are included in this package. I encourage my colleagues on both sides of the aisle to support these efforts.

The first modifies the congressionally mandated Report on Progress Toward Security and Stability in Afghanistan. The amendment requires a comprehensive assessment that improves our understanding of the role being played by our coalition partners in Afghanistan.

My amendment requires that the report include any specifics on existing agreements with NATO countries as well as non-NATO troop contributing nations regarding the following: mutually agreed upon goals, strategies to achieve those goals, resource and force requirements, and commitments of support regarding troop and resource levels.

It also requires a listing of the unfulfilled commitments of coalition partners, as well as the location and staffing requirements of each provincial reconstruction team led by a nation other than the United States.

The second amendment I offered allows defense facilities to receive financial incentives for implementing energy management policies. Current law permits installations to receive financial incentives for implementing energy management measures only from an electric utility, not from a third-party energy management provider.

Andrews Air Force Base, as an example, was poised to accept $300,000 in financial incentives for reducing their usage, but was advised that they had no authority to accept the incentive from an entity other than a utility.

My amendment would give defense facilities the authority to accept these financial incentives from third-party energy management providers.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume. While I will not oppose the amendment offered by the gentleman from Mississippi contained in this bloc, I claim the time in opposition to express a concern I have about the amendment as drafted.

Mr. TAYLOR's amendment would authorize the Navy to use $35 million from procurement of lightweight torpedoes, known as Mark-46, to convert two commercial ferries for military uses as intratheater lift platforms. These two commercial vessels were built through a Maritime Administration title 11 loan guarantee, which may soon be in default.

A separate amendment in the base bill directs the Maritime Administration to consult with the Navy before disposing of these vessels should the Maritime Administration receive title to them through default on the loan.

The Navy has stated that they may have an interest in the vessels, but would likely have to make significant improvements to them to render the vessels appropriate for military use. This will require some study and planning on the part of the Navy.

Should the Navy determine that these vessels have military utility, I would not object to the Navy leasing and converting these commercial ferries. But I do ask the chairman and the gentleman from Mississippi to work with me in conference with the other body to find an alternate offset for this effort.

Although the GAO has indicated that there may be nearly $50 million in excess funds for the lightweight torpedo program, the Navy is currently in negotiations with the supplier to procure at least 38 more torpedo upgrade kits with $23 million of this money.

In addition, the Navy is moving to a full and open competition for these upgrade kits starting in fiscal year 2010. A $35 million reduction is more than a third of the fiscal year 2010 request and would substantially limit the Navy's ability to complete this program and continue to buy more upgrade kits.

The Navy is using the pressure of this future competition to get the best price possible on these additional upgrade kits this year. These upgrade kits are necessary to improve the capability of these torpedoes against quiet, diesel electric submarines.

Therefore, I will support the amendment, but hope we can work together to find a more suitable offset in the conference.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I'm pleased to yield 1 minute to our friend and colleague, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I'm grateful to Chairman SKELTON for including one of my amendments in en bloc amendment 2 and another in en bloc amendment 3. Both address oversight and transparency of defense contracting. The first will allow Members of Congress to access the contractor performance database created under the FY 2009 National Defense Authorization Act. The database collects information about civil, criminal, and administrative proceedings that result in a conviction or a finding of fault against companies holding U.S. government contracts.

Currently, access to the database is limited to the chairman and ranking members of certain committees, and limits the ability of Congress to determine the performance of contractors.

The second requires annual reporting on individuals responsible for overseeing contracts, including reports of how many dollars each contracting officer is responsible for and a report on how many contracting officers are themselves contract employees.

In 2008, the GAO found that 42 percent of Army contract specialists are themselves contractors. The amendment would ensure that we have access to information illustrating changes in the contract oversight workforce that will help us in improving defense contributing.

Mr. AKIN. I rise now to yield 2 minutes to the distinguished gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise to support the en bloc amendments. All of us know all too well that many young men and women returning from Iraq and Afghanistan have suffered serious physical and emotional injuries, including post-traumatic stress syndrome.

Camp Lejeune, Camp Pendleton, Fort Campbell, Kentucky, and Walter Reed have rehabilitative programs that include the therapeutic use of animals to treat these wounded warriors, and preliminary results show that these programs are particularly effective.

In the en bloc amendment I have an amendment that simply directs the Department of Defense, working with HHS and the Veterans' Administration, to conduct a study to determine whether the therapeutic use of animals to treat these wounded warriors should be expanded to other facilities and military installations around the country.

I urge support of the en bloc amendment and this amendment.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to our friend and colleague, the chairman of the Transportation and Infrastructure Subcommittee on the Coast Guard and Maritime Transportation, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding, and I rise in strong support of a great bill, the fiscal year 2010 National Defense Authorization Act. Additionally, Mr. Chairman, I'm proud that the language I offered to ensure that the National Guard and Reserve components are represented in the overall composition and scope of the Military Leadership Diversity Commission has been included in the en bloc.

By including the National Guard and Reserves, we ensure that the DOD does not present Congress with incomplete recommendations regarding the representation of gender- and ethnic-specific groups within the armed services.

My passion is to ensure that our armed services are representative of America and that the leadership pipeline reflects our Nation's diversity. And this amendment simply ensures that when the study and composition of this Commission is formulated, that the National Guard and Reserve components are included.

No component should be left behind in the DOD's shift to increase diversity in the Armed Forces. We can and we must do better for the sake of future gender- and ethnic-specific groups that will join the ranks to ensure minority representation, leadership and promote equality.

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Mr. MCKEON. I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, at this time I would yield 1 minute to our friend and colleague, the outstanding new Member from Florida (Mr. GRAYSON).

Mr. GRAYSON. I want to thank the chairman of the committee for allowing these amendments to go forward. This is a great bill; and in particular, I am happy to say that we have a good amendment in here that will finally get ahold of the subject of cost overruns.

I worked in defense procurement for 20 years. I worked fighting war profiteers in Iraq for 5 years before I came here; and one of the dirty dark secrets of defense contracting is the fact that contractors buy in. That's a term that is used by contractors to explain the situation where they compete for a time and materials contract or they compete for a cost reimbursement contract. They propose a certain cost or price, knowing full well they cannot meet that price. They get the contract, and they overcharge the government. It's a cost overrun. It happens every day of the week, and we need to get a fix on it so we can end it.

The first amendment that I have offered on this bill, which is the subject of my current statement, is to have the GAO identify cost overruns on a systematic basis and report to Congress in 90 days. I'm hopeful that that will give us a good fix on the scope of this problem and explain to us what we can possibly do to end this terrible tragedy which ends up cheating the taxpayer and cheating the troops.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to our friend and colleague from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I want to thank Chairman SKELTON for accepting my amendment.

My amendment encourages DOD to act to recover the remains of 564 brave men who died in the Battle of Tarawa but are still unaccounted for. In 1943, 1,100 servicemen were lost in 76 hours as this island was taken from the Japanese. The violence and speed of the battle resulted in makeshift graves that are now missing. Acting now to find and relocate the bodies is particularly important because development on the small island threatens the search. Most importantly, retired Marine William Niven has recently documented the likely locations of many of the unaccounted-for remains. History Flight has also used ground-penetrating radar to find remains. But unfortunately DOD has no plans to conduct new research. I would like to commend Chicago Alderman James Balcer, a decorated Vietnam Marine, for his leadership on this issue.

I would like to insert into the RECORD a resolution passed in the Chicago City Council, urging action on the recovery of our brave servicemen on Tarawa.

Whereas, On November 20, 1943, the 2nd Division of the United States Marine Corps and a part of the Army's 27th Infantry Division fought in one of the bloodiest battles of World War II on the Pacific atoll of Tarawa; and

Whereas, The American invasion force, consisting of 17 aircraft carriers, 12 battleships, 8 heavy and 4 light cruisers, 66 destroyers, and 36 transports, the largest American force that had ever been assembled for a single operation in the war, stormed the Japanese-held island fortress of Betio on the atoll; and

Whereas, During the 76 hours of fierce combat, 1,106 United States Marines were killed in action and over 2,200 were wounded in an operation that decimated over 4,500 Japanese defenders; and

Whereas, The 2nd Marine Division buried their dead in 43 temporary graveyards, recorded their location and departed Tarawa the following month; and

Whereas, Military records indicate that the surface of the island of Betio was subsequently graded by the United States Navy during the war, and temporary grave markers were replaced with proper ones; and

Whereas, However, when the United States Army went to Tarawa after the end of the war to reclaim the bodies, it recovered only 402 bodies, apparently because many of the replacement markers were incorrectly located; and

Whereas, In addition to the 402 reclaimed bodies, 118 of those Marines killed in action at Tarawa were buried at sea and 88 were listed as missing in action during the war, leaving the bodies of nearly 500 Marines killed in action unaccounted for; and

Whereas, Recently a not-for-profit organization called History Flight began an endeavor to determine the location of the missing remains of the Marines, spending thousands of hours researching military archives, and visiting Betio to conduct interviews and to employ a firm to conduct tests with ground-penetrating radar; and

Whereas, The research produced results that found the remains of some missing Marines on Betio and found strong evidence that, although some of the bodies have been accidently disinterred since World war II, more bodies of the Marines who died on Betio can be recovered if the United States Government dedicates resources to this recovery effort; now, therefore, be it

Resolved, That we, the Mayor and Members of the City Council of the City of Chicago, assembled this twenty-second day of April, 2009, do hereby urge the United States Congress to pass legislation appropriating necessary funds to the United States Department of Defense so that it may recover the missing bodies of the Marines who were killed in the battle of Tarawa and who remain buried on the island of Betio, and to relocate the bodies in accordance with the wishes of the Marines' families; and we do hereby urge the President of the United States to approve such legislation when it is passed by the Congress; and be it

Further Resolved, That copies of this resolution be delivered to the President of the United States, the United States Secretary of Defense, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Illinois congressional delegation.

JAMES A. BALCER,
Alderman, 11th Ward.

The Acting CHAIR. The gentleman from California has 7 minutes remaining, and the gentleman from New Jersey has 4½ minutes remaining.

Mr. MCKEON. I have no further speakers, so I will continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, it is my pleasure at this time to yield 1 minute to the gentlelady who is the Chair of the Water Resources Subcommittee, the gentlewoman from Texas (Ms. JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the leadership of the committee for this fine bill.

My amendment requires the Department of Defense to report on the need for and availability of mental health care services for servicemembers and their families that are stationed overseas. Many face depression and posttraumatic stress syndrome and are suicidal risks while trying to recover and readjust their lives. We've had more of this because we've had so many military members have to go back to the same war more than one time, and only a small percentage of them have been able to get any support.

I thank our chairman for accepting this amendment.

Mr. Chairman, I rise in favor of my amendment to H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010." Thanks to the chairman of the committee IKE SKELTON and ranking member MCKEON.

My amendment requires the Department of Defense to report on the need for and availability of mental health care services for service members and their families stationed outside of the United States.

Upon leaving the battlefield, soldiers' physical wounds are only half of their problems.

Mr. Chair, before being elected to public service, I was employed as the Chief Psychiatric Nurse at the VA Hospital in Dallas, Texas.

I have 15 years of hands-on experience with patient care, specialized in mental health.

My experience has taught me that mental health patients need to be treated with mercy, communication, information, and understanding.

My amendment today simply requests that the Defense Department report back to Congress on whether our health care workers abroad are adequately trained in detecting and treating mental illness and if we have the adequate resources and centers to treat these patients.

While fighting two wars, we have more veterans than ever before returning home.

Many face depression, PTSD, and suicidal risk while trying to recover and readjust to their lives at home.

So far, only a small percentage of servicemembers who may have been inflicted with PTSD or depression have been given the proper and necessary care.

Patients do not receive immediate evaluations or treatment.

They have to wait far too long to be given a sufficient amount of care.

It is, therefore, vital for the Department of Defense to assess the availability and quality of care of mental health centers abroad.

By gaining a proper understanding of the situation, we will be able to make the changes needed to aid our servicemembers through their recovery process.

This is why we must work towards fully understanding mental illnesses and continue to improve upon the care and treatment of mental health patients.

I urge my colleagues to support this amendment.

Mr. SKELTON. At this time I yield 1 minute to my friend, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I want to thank Chairman SKELTON for yielding. I want to salute him for his work on this bill and for including an amendment that we crafted that would promote efficiency and effectiveness within the Federal acquisition process. This amendment would create a procurement professionalism advisory panel.

My interest in this comes from two perspectives. One was serving on the Oversight and Government Reform Committee last session and seeing many instances of fraud and abuse that we can do something about, and also working with contractors in my district who want to make sure that their partner on the other side of the table, the Federal Government, is strong and has good procurement.

This advisory panel will focus on whether the government's procurement personnel have adequate resources, are adhering to high ethical standards, are receiving high-quality professional development and otherwise are being the best they can be, which will ensure efficiency and effectiveness in the procurement process.

Mr. SKELTON. I yield 1 minute to my colleague, the gentleman from New York (Mr. WEINER).

(Mr. WEINER asked and was given permission to revise and extend his remarks.)

Mr. WEINER. First of all, let me express my great gratitude to the chairman and ranking member for including language that I had suggested and also into improving general transparency in the bill.

The language that I inserted, that hopefully will be a part of the manager's amendment when passed, will ask the GAO the fundamental question, not only how much do the wars in Afghanistan and Iraq cost to our Federal taxpayers, but how much do they cost localities like mine where literally hundreds of thousands of hours have been lost by patriotic New Yorkers, particularly in homeland security jobs like police, fire and EMS, going off to fight on the frontlines, and yet the city taxpayers still wind up paying for it. Hundreds of thousands of hours have been lost.

Now obviously the primary cost of the war is the lost lives and the injured men and women who serve for us, and we should always keep them in our thoughts and our prayers. But there also is a growing cost to localities, particularly ones with profound numbers of employees, like New York City has. How much is this costing? The GAO is going to have to come back to tell all of us in our localities how many of the Reservists have gone off but yet the local taxpayers still are winding up picking up those costs. These are important things to know. I want to thank the chairman for including it. I urge a ''yes'' vote on the manager's amendment so it can be included in the law.

The Acting CHAIR. The gentleman from California has 7 minutes remaining, and the gentleman from Missouri has 1½ minutes remaining.

Mr. MCKEON. I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, this is an excellent series of amendments that we have placed en bloc, and I want to express my appreciation not only to the staff but to the minority, to the ranking member on the work that they have done, agreeing to these amendments and making this effort today move forward very, very smoothly.

Mr. WILSON of South Carolina. Mr. Chair, there is a real and current threat to the United States and our allies around the world from countries, such as Iran and North Korea, who are developing with the intention to employ missiles which have devastating potential. With the provocative rhetoric and increasing missile tests by North Korea on an almost daily basis, this is not the time to cut funding for missile defense. I would like to commend Congressman MIKE TURNER of Ohio and Congressman TRENT FRANKS of Arizona for their tireless work on the Armed Services Committee in advocating for the defense of our nation through a strong missile defense.

However, Mr. Chair, I have to stand in opposition to the Franks Amendment that would increase funding for the Missile Defense Agency by $1.2 billion with offsets found in the Environmental Management fund. I cannot stress enough that I encourage Congress and the Administration to increase funding for missile defense; however, the mechanism proposed by this amendment is ill-advised.

The Environmental Management program within the Department of Energy is responsible for cleaning up the waste of our nation's nuclear weapons production sites. Specifically, in the State of South Carolina, the Savannah River Site is a key Department of Energy industrial complex dedicated to the National Nuclear Security Administration program that supports the Department of Energy national security and non-proliferation programs. The Environmental Management program addresses the reduction of risks at the Savannah River Site through safe stabilization, treatment, and disposition of legacy nuclear materials, spent nuclear fuel, and waste. The Savannah River Site remains an important asset to this country as it was during the Cold War.

Every member of this body is aware that the Franks amendment has nothing to do with reducing nuclear waste cleanup funding and that it has everything to do with setting spending priorities within the federal government. Unfortunately, when it comes to the Democrat majority and the Administration, a policy of fiscal restraint has been imposed on the Department of Defense, while the rest of the federal government enjoys a policy of fiscal largesse.

Mr. TOWNS. Mr. Chair, I rise to note my concerns about the Grayson amendment to H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. As Chair of the Committee on Oversight and Government Reform with jurisdiction over procurement issues, I share Mr. GRAYSON's desire to ensure that our procurement process uses taxpayer dollars most efficiently and obtains the lowest possible prices. However, I am concerned that the Grayson amendment could conflict with the Administration's acquisition reform policies, would remove the ability of acquisition professionals to determine the ''Best Value'' for the taxpayers' dollars, and would significantly overburden the heads of agencies.

President Obama made it clear in his Memorandum of March 4, 2009, Government Contracting, Memorandum for the Heads of Executive Departments and Agencies, that acquisition professionals should be entrusted to determine the ''best value'' for taxpayer dollars in each procurement: ''The Federal Government has an overriding obligation to American taxpayers. It should perform its functions efficiently and effectively while ensuring that its actions result in the best value for the taxpayers.'' The Administration has made it clear that acquisition professionals ''must have the flexibility to tailor contracts to carry out their missions and achieve the policy goals of the Government.'' The Grayson amendment would unnecessarily restrict ''Best Value'' analysis.

The Federal Acquisition Regulation (''FAR'') defines ''Best Value'' as ''the expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.'' Instead of pre-determining the most important factors for consideration in an acquisition, our current system places that judgment in the hands of the acquisition professionals. These professionals tailor the evaluation factors for each individual acquisition to the particular needs of that acquisition. This process results in the ''Best Value'' for each taxpayer dollar. The FAR requires that price must always be considered in every source selection. But importantly, its importance must be considered in comparison to other criteria, including past performance, compliance with solicitation requirements, technical excellence, management capability, personnel qualifications, and prior experience. Additionally, all the factors and significant subfactors that will affect contract award and their relative importance must be stated clearly in the solicitation.

I believe that the goal of Mr. GRAYSON's amendment is to prevent situations where price receives minimal consideration in the acquisition process. I share this concern, and the Committee has received information that price has been routinely ignored as a major evaluation factor. Reforms are needed to ensure that price is treated as a critical criterion that is not given short shrift in the best value analysis.

However, the Grayson amendment would set a rigid numerical formula for consideration of price, which may not be appropriate in all circumstances. By requiring price to be ''at least equal to all other factors combined,'' this amendment would return our procurement process to the lowest price technically acceptable or sealed bid methods of the past, which failed to achieve the maximum yield for each tax dollar spent. Furthermore, this amendment would require the head of every agency who finds other factors more important than price (such as time of delivery, etc.) to issue a waiver. This process would be an overwhelming and unnecessary distraction for agency heads.

Mr. Chair, my concern about this amendment is about getting the best value for each tax dollar spent. I would like to continue to work together with Mr. GRAYSON to address his very legitimate concerns about the importance of price as an evaluation factor in the procurement process. However for the reasons discussed above, I cannot support this amendment in its present form.

Mr. HARE. Mr. Chair, I rise in strong support of the en bloc amendment #2 which includes an amendment I offered with my colleagues Congressmen BRALEY, TONKO and SCOTT MURPHY.

Mr. Chair, my district is home to the Rock Island Arsenal, the largest government-owned weapons manufacturing arsenal in the western world.

The Arsenal Support Program Initiative, commonly known as ASPI, has made a critical impact on the economic development of the Rock Island Arsenal and surrounding communities by bringing in new business and creating over 500 jobs.

Mr. Chair, ASPI was designed to help maintain the viability of our nation's arsenals by encouraging businesses to utilize and invest in the industrial base. It is also important to note that the Army supports ASPI because the program yields substantial cost savings for the government and contributes to the increased use of the industrial base by promoting public-private partnerships.

Mr. Chair, the underlying bill authorizes funding to continue the success of ASPI, but does not reauthorize the program, which is set to expire this year. My amendment simply seeks to extend the program authority through FY2011.

I want to thank Chairman SKELTON and Ranking Member MCKEON for agreeing to include my amendment in the en bloc package and urge my colleagues to support it.

Mr. SKELTON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 572, I request that following consideration of amendments en bloc No. 4 that amendment No. 20 be considered.

The Acting CHAIR. Notice has been given.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. SKELTON. What was the ruling on the previous recommendation?

The Acting CHAIR. Notice was given to take amendment No. 20 at a different place in the order.

Mr. SKELTON. I thank the Chair.

AMENDMENT NO. 24 OFFERED BY MR. CUMMINGS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 111–182.

Mr. CUMMINGS. I have an amendment at the desk that was made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. CUMMINGS:

After section 3505 insert the following new section (and redesignate accordingly):

SEC. 3506. DEFENSE OF VESSELS AND CARGOS AGAINST PIRACY.

(a) FINDINGS.—Congress finds the following:

(1) Protecting cargoes owned by the United States Government and transported on United States-flag vessels through an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy is in our national interest.

(2) Protecting United States-citizen mariners employed on United States-flag vessels transiting an area designated by the Coast Guard or the International Maritime Bureau of the international Chamber of Commerce as an area of high risk of piracy is in our national interest.

(3) Weapons and supplies that may be used to support military operations should not fall into the hands of pirates.

(b) EMBARKATION OF MILITARY PERSONNEL.—The Secretary of Defense shall embark military personnel on board a United States-flag vessel carrying Government-impelled cargoes if the vessel is—

(1) operating in an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy; and

(2) determined by the Coast Guard to be at risk of being boarded by pirates.

(c) LIMITATION ON APPLICATION.—This section shall not apply with respect to an area referred to in subsection (b)(1) on the earlier of—

(1) September 30, 2011; or

(2) the date on which the Secretary of Defense notifies the Congress that the Secretary believes that there is not a credible threat to United States-flag vessels carrying Government-impelled cargoes operating in such area.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Thank you, Mr. Chairman. I also extend my deep thanks to Chairman SKELTON for working so closely with me on this amendment, and I applaud his leadership of the House Armed Services Committee.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I have convened two hearings to examine maritime piracy, including one in May after two U.S.-flagged vessels, the Maersk Alabama and the Liberty Sun, both of which were carrying U.S. food aid, were attacked by Somali pirates. The attack against the Maersk Alabama left American Captain Richard Phillips hostage to the pirates. He was freed only through the decisive intervention of U.S. military forces.

Incidents of piracy in the Horn of Africa region are increasing. According to the International Maritime Bureau, in 2008 there were 111 actual and attempted Somali pirate attacks, resulting in the hijackings of 42 vessels. By mid May of this year, there had already been 114 actual and attempted Somali pirate attacks, resulting in 29 successful hijackings. Nonetheless, despite the obvious threat to United States mariners, the Department of Defense has been inexplicably reluctant to directly secure U.S.-flagged vessels transiting the Horn of Africa region, even when they are carrying government-owned cargoes.

While I have no doubt that our military would respond immediately if another U.S.-flagged vessel was attacked, the timeliness of their response could be hindered if Navy assets are far from the scene. Further, it is truly preferable to prevent an incident from occurring rather than to respond to a hostage situation. However, the DOD has repeatedly argued, including in the testimony before my subcommittee, that the area in which Somali pirates operate is so vast the Navy simply cannot prevent every attack by conducting patrols and, therefore, essentially merchant vessels should protect themselves. This perspective assumes that the only way the military can protect merchant shipping from pirates is to stage vessels across the entire million-square-mile theater of operations. Frankly, there are other ways to protect our merchant fleet.

The United States Maritime Administration estimates that approximately 54 U.S.-flagged vessels transit the Horn of Africa region during the course of a year. Of these, about 40 will carry U.S. Government food aid cargoes, and 44 have the ability to carry U.S. military cargoes. Only a handful of these vessels, fewer than 10 in a 3-month period, are estimated to be at serious risk of attack by pirates due to their operating characteristics.

Given these figures, my amendment would require the Department of Defense to embark military security personnel on U.S.-flagged vessels carrying United States Government cargoes when they transit pirate-infested waters if they are deemed to be at risk of being boarded by pirates.

Mr. Chairman, U.S. maritime labor unions collectively testified before my subcommittee in support of the immediate provision to U.S.-flagged vessels by the government of ''the force protection necessary to prevent any further acts of piracy against them.'' In keeping with that position, the Transportation Trades Department of The

AFL–CIO; the Masters, Mates and Pilots Union; the Marine Engineers' Beneficial Association and others support this legislation. The maritime unions also wrote in their testimony, ''When a vessel flies the United States flag, it becomes an extension of the United States itself, regardless of where in the world the vessel is operating.''

With that, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, while I will not oppose the amendment offered by the gentleman from Maryland, I claim the time in opposition to express some reservations I have about the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Maryland's amendment would require the Secretary of Defense to place military personnel on U.S.-flagged vessels operating in high-risk piracy areas of the world's oceans. The gentleman's intention is good. All Americans are outraged about the recent outbreak of piracy and desire a comprehensive solution. But we also must recognize that commercial shipping lines bear responsibility to secure their cargoes and should not be given free protection by U.S. military personnel everywhere in the world. The solution to piracy cannot simply be a military one. Additionally, the sad fact is that the bulk of U.S. cargo and U.S. citizens travel on ships that are not U.S.-flagged vessels and would not be protected by this amendment.

□ 1300

Further, the Navy and Marine Corps do not have a sufficient number of Embarked Security Teams, known as ESTs, which receive specialized training, to protect even the relatively small number of U.S. flagged vessels. Based on operational tempo and dwell times, set by the Chief of Naval Operations, it's clear that expanding the deployment of ESTs would negatively impact other existing operational commitments. For this reason and others, the Navy does not support placing ESTs on U.S. flagged vessels for protection from pirates nor does the commander of Fifth Fleet, Vice Admiral Gortney.

The Navy has also pointed out that embarking U.S. servicemembers on nonsovereign immune vessels presents legal issues, including possible criminal and civil liability for the servicemembers.

Therefore, while I will not oppose this amendment because the underlying purpose is good, I would ask the chairman and the gentleman from Maryland to work with me in conference with the other body to develop a lasting solution that protects United States' interests and does not place an undue burden on the Navy.

Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, just before I yield to our chairman, I want to just say to the gentleman we are talking about only providing security to U.S. flagged vessels carrying United States Government cargoes operated by United States citizens. Surely we can provide that.

With that, Mr. Chairman, I yield to the chairman of the Armed Services Committee (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment. There may be a requirement to redraft part of it at a future date, but I think the purpose and the intent are correct.

Piracy is here. It's an age-old problem. From the Marines' hymn the phrase ''to the shores of Tripoli,'' that was a successful antipiracy effort on behalf of the United States Marines.

We have to do our very best to protect America, American vessels, Americans that are sailing the ships, and particularly the government cargo that's on them. So I applaud Mr. CUMMINGS for making this substantial step in the right direction in combating piracy.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I would urge the body to pass this amendment. I think it's a very important amendment. We have heard the testimony in our subcommittee and this is an appropriate way to address it. It's a reasonable way.

Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in House Report 111–182.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. HOLT:

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) In January 2009, the Secretary of Defense tasked a special Department of Defense team to review the conditions of confinement at Naval Station, Guantanamo Bay, Cuba, to ensure all detainees there are being held ''in conformity with all applicable laws governing the conditions of confinement, including Common Article 3 of the Geneva Conventions'', pursuant to the President's Executive Order on Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities, dated January 22, 2009.

(2) That review, led by Admiral Patrick M. Walsh, included as one of its five key recommendations the following statement: ''Fourth, we endorse the use of video recording in all camps and for all interrogations. The use of video recordings to confirm humane treatment could be an important enabler for detainee operations. Just as internal controls provide standardization, the use of video recordings provides the capability to monitor performance and maintain accountability.''.

(3) Congress concurs and finds that the implementation of such a detainee videorecording requirement within the Department of Defense is in the national security interest of the United States.

(b) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (f), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(c) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (b), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (b). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(d) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term ''strategic intelligence interrogation'' means an interrogation of a person described in subsection (b) conducted at a theater-level detention facility.

(e) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (b); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto.

(f) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or other electronic recording required under subsection (b), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10

of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. I particularly want to thank the distinguished chairman of the committee, our friend, Mr. SKELTON, for his support of this amendment. It is identical to the amendment passed by the House during consideration of the 2009 Defense Authorization last year with the exception of some changes in the findings which I think strengthen the case for this amendment. A similar intelligence-focused, CIA-focused detainee video recording provision was included in the fiscal year 2010 Intelligence Authorization Act that was voted out of the House Permanent Select Committee on Intelligence last week.

Mr. Chairman, the amendment's purpose is simple. It is to improve the intelligence operations of our Armed Forces by ensuring the video recording of each strategic interrogation of any person who is in the control or detention of the Department of Defense.

Let me be clear: this amendment does not impede combat operations. The bill explicitly states that troops in the field in contact with the enemy shall not be required to videotape or otherwise record tactical questioning.

It does require the Secretary of Defense to promulgate and provide to the Congress guidelines under which video recording of detainees shall be done. It does require that the recordings be properly classified and maintained securely just as any foreign intelligence information should be. It does require that the recordings be maintained for an appropriate length of time. What is the reason for this amendment? Because multiple studies have documented the benefits of video recording or electronically recording interrogations. Law enforcement organizations across the United States routinely use the practice both to protect the person being interrogated and the officer conducting the interrogations. It is the standard of best practice.

Some U.S. attorneys are on record as favoring this requirement for the FBI. And the Customs and Border Patrol does routinely videotape or electronically record key interactions and interrogations with those in their custody. Video recording is the standard within the United States for interrogations of all types in all agencies and for prosecutors.

Well, what about the Department of Defense? Is it appropriate there? Earlier this year a task force convened by Secretary of Defense Gates to review our detainee policies issued its report. This is known as the ''Walsh Report.'' The report was unequivocal. It said: ''We endorse the use of video recording in all camps and for all interrogations. The use of video recording to confirm humane treatment could be an important enabler for detainee operations. Just as internal controls provide standardization, the use of video recordings provides the capability to monitor performance and to maintain accountability.''

But more than this, more than maintaining the standards for behavior in the interrogation room, it strengthens our ability to collect intelligence and understand what's going on. The amendment would strengthen previous laws passed by Congress regarding the treatment of detainees, and it would maximize our intelligence collections from such interrogations.

In fact, the origin of this amendment came from my questioning of interrogators. When I asked how they get maximum information of nuances of language, languages that the interrogators might not have real fluency with. Who reviews the tapes? I said. And they said, There are no tapes. By having tapes, we can get the maximum benefit of the interrogation.

This amendment is endorsed by major human rights organizations. It's been certified by CBO not to result in additional spending. I urge my colleagues to support this amendment.

Mr. Chairman, I yield, if he wishes, such time as he may consume to the distinguished Chairman.

Mr. SKELTON. Mr. Chairman, as a former prosecuting attorney, I speak in favor of this amendment.

It serves two purposes. First, it protects our men and women in uniform who are conducting interrogations of detainees from frivolous claims of alleged abuse or coercion. Second, the videotapes will act as a deterrent for private contractors or other agencies who are conducting interrogations of the Department of Defense detainees from straying from those requirements of the Army field manual in the treatment of detainees. It is a way to ensure that it is done right. And when you have a correctly conducted interrogation, in all probability the results will be positive. I certainly think this is a major step in the right direction. Videotaping is good.

The Acting CHAIR. The time of the gentleman from New Jersey has expired.

Mr. MCKEON. Mr. Chairman, I rise in very strong opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

We have been down this road before. Last year Mr. HOLT proposed a similar amendment to our bill. In response we received statements from the Army and the Under Secretary of Defense for Intelligence stating their opposition to mandatory videotaping and interrogations. Today the Office of the Secretary of Defense has informed us that the Department strongly opposes this amendment.

According to DOD, the provision would cause three main problems: it would severely restrict the collection of intelligence through interrogations. It would undercut the Department's ability to recruit sources. And it would impose an unreasonable administrative and logistical burden on the warfighter. A provision like this would create a public record that would go straight into terrorists' counter-resistance training programs.

I strongly, as I said, oppose this amendment.

At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I also rise in great deference and respect for my chairman and Mr. HOLT in this difference of opinion.

I think there's a great significant difference between collection of data in interrogations conducted in a law enforcement arena in which the evidence is gathered to go into a court of law to be presented with a proper chain of evidence and that the sources and methods are not necessarily needed to be protected versus the interrogations that go on every day in the battle against Islamic jihadists. I don't believe that those interrogations routinely should be videotaped.

We are in an argument right now with respect to data, photographs and videos, taken between September 11, 2001, and January 2, 2009, as to whether or not that data should be made public. I, for one, believe it should not be made public. There are differences of opinion on that. I personally think we need to legislate a fix to prevent those photographs from being put in the public domain and further inflaming the Islamic jihadists whom we oppose.

So I would oppose this videotaping because I think, as my ranking member has said, it works against our efforts to try to get intelligence on the fly and it will work against us. So with that I encourage my colleagues to vote against the amendment.

Mr. MCKEON. Mr. Chairman, just to again reiterate what the Department of Defense has told us, this is a statement that we received yesterday afternoon from the Department of Defense. I would like to read just a couple of things from it:

''The Department of Defense strongly opposes the provision because it would severely restrict the collection of intelligence through interrogations, undercut the Department's ability to recruit sources, and impose an unreasonable administrative and logistical burden on the warfighter.

''A statutory video recording requirement will be a matter of public record. Detainees will, therefore, know through counter-resistance training that anything they say will be recorded and may be used against them publicly, in a courtroom, or to gain leverage with other detainees. This will inhibit detainees from cooperating with interrogators and undercut the interrogators' most effective technique, establishing rapport with the detainees. Moreover, if a video recording is, in fact, released to the public and it becomes known that a detainee has collaborated with U.S. intelligence, the safety of the detainee and his family would be jeopardized.

''Even if a detainee agrees to be recorded, there is a tendency for both the detainee and the interrogator to 'play to the camera,' creating an artificiality to the questioning, thereby degrading the quality of the intelligence information.''

□ 1315

Mr. HOLT. Will the gentleman yield?

Mr. MCKEON. I yield the gentleman 30 seconds.

Mr. HOLT. I thank the gentleman.

The communication which you speak of came from a mid-level official at the Pentagon. The Secretary of Defense has not spoken on this. This is not a statement of administration policy against this. The only formal statement comes from the Walsh report, which I quoted from earlier, which said, We endorse the use of video recordings in all camps for all interrogations.

Perhaps this mid-level official at the Pentagon has not received the word that currently there are being developed improved procedures for detention and interrogation in this new administration.

The Acting CHAIR. The gentleman's time has expired.

Mr. MCKEON. Mr. Chairman, the mid-level official is a lieutenant colonel. I think that is fairly high-ranking, field officer, and I think the record, as he stated, stands for itself. He is a legislative officer with the department.

The lieutenant colonel will not state on the record something that opposes his higher rank. I think we all know that.

With that, I urge all us to defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 39 OFFERED BY MRS. MALONEY

It is now in order to consider amendment No. 39 printed in House Report 111–182.

Mrs. MALONEY. Mr. Chairman, I have a amendment at the desk, No. 39.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mrs. MALONEY:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. OVERSEAS VOTING ADVISORY BOARD.

(a) ESTABLISHMENT; DUTIES.—There is hereby established the Overseas Voting Advisory Board (hereafter in this Act referred to as the ''Board'').

(b) DUTIES.—

(1) IN GENERAL.—The Board shall conduct studies and issue reports with respect to the following issues:

(A) The ability of citizens of the United States who reside outside of the United States to register to vote and vote in elections for public office.

(B) Methods to promote voter registration and voting among such citizens.

(C) The effectiveness of the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act in assisting such citizens in registering to vote and casting votes in elections.

(D) The effectiveness of the administration and enforcement of the requirements of the Uniformed and Overseas Citizens Absentee Voting Act.

(E) The need for the enactment of legislation or the adoption of administrative actions to ensure that all Americans who are away from the jurisdiction in which they are eligible to vote because they live overseas or serve in the military (or are a spouse or dependent of someone who serves in the military) are able to register to vote and vote in elections for public office.

(2) REPORTS.—In addition to issuing such reports as it considers appropriate, the Board shall transmit to Congress a report not later than March 31 of each year describing its activities during the previous year, and shall include in that report such recommendations as the Board considers appropriate for legislative or administrative action, including the provision of funding, to address the issues described in paragraph (1).

(3) COMMITTEE HEARINGS ON ANNUAL REPORT.—During each year, the Committees on Armed Services of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate may each hold a hearing on the annual report submitted by the Board under paragraph (2).

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall be composed of 5 members appointed by the President not later than 6 months after the date of the enactment of this Act, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the House of Representatives;

(C) 1 shall be appointed from among a list of nominees submitted by the Majority Leader of the Senate; and

(D) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the Senate.

(2) QUALIFICATIONS.—An individual may serve as a member of the Board only if the individual has experience in election administration and resides or has resided for an extended period of time overseas (as a member of the uniformed services or as a civilian), except that the President shall ensure that at least one member of the Board is a citizen who resides overseas while serving on the Board.

(3) TERMS OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member shall be appointed for a term of 4 years. A member may be reappointed for additional terms.

(B) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(4) PAY.—

(A) NO PAY FOR SERVICE.—A member shall serve without pay, except that a member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) REIMBURSEMENT OF TRAVEL EXPENSES BY DIRECTOR.—Upon request of the Chairperson of the Board, the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act shall, from amounts made available for the salaries and expenses of the Director, reimburse the Board for any travel expenses paid on behalf of a member under subparagraph (A).

(5) QUORUM.—3 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(6) CHAIRPERSON.—The members of the Board shall designate one member to serve as Chairperson.

(d) STAFF.—

(1) AUTHORITY TO APPOINT.—Subject to rules prescribed the Board, the chairperson may appoint and fix the pay of such staff as the chairperson considers necessary.

(2) APPLICATION OF CIVIL SERVICE LAWS.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Board, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Board to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Board may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(2) OBTAINING OFFICIAL DATA.—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Board.

(3) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Board, the Administrator of General Services shall provide to the Board, on a reimbursable basis, the administrative support services necessary for the Board to carry out its responsibilities under this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this section for fiscal year 2010 and each succeeding fiscal year.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Thank you, Mr. Chairman.

This amendment would establish an overseas voting advisory board to provide guidance and oversight to the Federal Voting Assistance Program's efforts to increase ballot access for military and overseas voters.

I would like to thank the distinguished Chairman SKELTON for his support of this amendment.

The Voting Assistance Program, which is part of the Department of Defense, is the government's primary entity for assisting overseas voters' access to the ballot, including men and women serving in the military and Americans living abroad, who are our unofficial ambassadors. With the global economy, more and more Americans will be living abroad, and we need to make sure that their voices and votes are counted.

While the State Department cannot give an exact number, there are estimated to be between 4 and 6 million Americans living abroad. There are also hundreds of thousands of brave men and women abroad from Afghanistan to Germany, serving our country in the Armed Forces.

In recent election cycles, the Voting Assistance Program has failed to bring about increased overseas voting participation, even with extreme and increased cost to the taxpayer.

For example, in 2004, the Integrated Voting Assistance System, created by the Voting Assistance Program, cost over $500,000 with only 17 overseas voters participating. In 2006, the Voting Assistance Program did even worse by spending over $1.1 million on the same voting system, but it accounted for an increase of only eight votes placed in the system.

In 2008, the Voting Assistance Program Web site to help active members in the military to vote wasn't even put up and operative until July, just 4 months prior to the November election. From July 23 through November 4, 2008, of the roughly 1.6 million servicemembers across the Army, Navy, Air Force and Marine Corps, only 780 servicemembers requested ballots through the program. This really is disgraceful and disrespectful to the sacrifices made by our fighting men and women.

Mr. HONDA and I have offered this amendment to address the issues to overseas military and civilian voting now long before the next election. This panel will provide oversight for the Federal program that has struggled in a mission to ensure greater ballot access for Americans overseas and our military. The program's longtime director resigned her post in 2008, and at that time it appeared that the next director would be chosen in a closed process.

Along with many Members of this body on both sides of the aisle, we sent a letter to Defense Secretary Robert Gates urging him to conduct a fair and open hiring process for the program.

I am pleased that Secretary Gates did a national search and selected Mr. Robert Carey to be the next program director. I know and I respect his experience, and I believe he will bring fresh ideas and workable solutions to improve ballot access for all Americans living abroad.

And while he is very capable and will certainly bring long-awaited and much-needed overhaul of the program, the advisory panel will add additional strength, expertise, and depth and support for his efforts.

By passing this amendment, which will establish an oversight board, we can guarantee that the best policies are being pursued to provide better access to the ballot by bringing greater attention and support for the Voting Assistance Program for Americans living abroad for our military.

I thank my colleagues for supporting this amendment, and I urge a ''yes'' vote on the amendment.

I reserve the balance of my time.

The Acting CHAIR. Does any Member seek time in opposition?

Mr. MCKEON. Mr. Chairman, I rise to claim time in opposition, although I won't oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would establish an overseas advisory board.

Now, that will not be to tell people how to vote?

Mrs. MALONEY. Absolutely not. The purpose of the board is to increase voter participation. And in a global economy, believe me, there will be more and more Americans living abroad. We now have hundreds of thousands of military living abroad.

Mr. MCKEON. Reclaiming my time.

This will work to improve the process by which our men and women in uniform who are serving outside the United States register and vote in State and local and Federal elections.

I understand that Congress is already working to improve this process. I also understand that the Federal Voting Assistance Program, which is responsible for assisting our troops with the voting process, has a newly appointed director who will begin his duties next month.

With that, I support efforts to increase the opportunities for our servicemembers to vote. I congratulate the gentlelady from New York for bringing forth this amendment, and especially while they are serving in combat.

I know we have had questions during elections whether their votes were counted, whether they got back in time. So I really appreciate the effort she makes on their behalf and, therefore, I support and urge all of our Members to support this amendment.

I yield back the balance of our time.

Mrs. MALONEY. Reclaiming my time, I thank the gentleman for his support.

It certainly is a bipartisan effort to increase voter participation in our country, particularly for our brave men and women living abroad and serving in the military. In this new global economy, more and more Americans will be working abroad. This is a common goal for our Congress and for our democracy.

I thank the gentleman for his support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 3.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 43, 44, 7, 25, 27, 33, 46, 51, 52, and 54 offered by Mr. SKELTON.

AMENDMENT NO. 43 OFFERED BY MS. SCHAKOWSKY

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new section:

SEC. 830. ADDITIONAL REPORTING REQUIREMENTS FOR INVENTORY RELATING TO CONTRACTS FOR SERVICES.

(a) ADDITIONAL REPORTING REQUIREMENTS.—Section 2330a(c)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(H) With respect to such contracts for services—

''(i) the ratio between the number of individuals responsible for awarding and overseeing such contracts to the amount obligated or expended on such contracts; and

''(ii) the number of individuals responsible for awarding and overseeing such contracts who are themselves contractors.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2011 and fiscal years thereafter.

AMENDMENT NO. 44 OFFERED BY MR. SCHRADER

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. NOTIFICATION OF MEMBERS OF THE ARMED FORCES OF EXPOSURE TO POTENTIALLY HARMFUL MATERIALS AND CONTAMINANTS.

(a) NOTIFICATION REQUIRED.—In the case of a member of the Armed Forces who is exposed to a potentially harmful material or contaminant, as determined by the Secretary of Defense, the Secretary shall, as soon as possible, notify the member, and in the case of a member of a reserve component, the State military department of the member, of the member's exposure to such material or contaminant and any health risks associated with exposure to such material or contaminant.

(b) IN-THEATER NOTIFICATION.—If the Secretary of Defense determines that a member of the Armed Forces has been exposed to a potentially harmful material or contaminant while that member is deployed, the Secretary shall notify the member of such exposure under subsection (a) while that member is so deployed.

AMENDMENT NO. 7 OFFERED BY MR. LOBIONDO

The text of the amendment is as follows:

At the end of title V (page 180, line 11), add the following new section:

SEC. 594. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.

Section 1044(a)(4) of title 10, United States Code, is amended by striking ''the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense,'' and inserting ''the Secretary), for a period of time (prescribed by the Secretary)''.

AMENDMENT NO. 25 OFFERED BY MR. DAVIS OF KENTUCKY

The text of the amendment is as follows:

Page 352, after line 12, add the following:

SEC. 1039. STUDY ON NATIONAL SECURITY PROFESSIONAL CAREER DEVELOPMENT AND SUPPORT.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study by an appropriate independent, non-profit organization. The organization selected shall study the design and implementation of an interagency system for the career development and support of national security professionals. The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the Executive agency may determine.

(b) MATTERS CONSIDERED.—The study required by subsection (a) shall, at a minimum, include the following:

(1) The qualifications required to certify an employee as a national security professional.

(2) Methods for identifying and designating positions within the Federal Government which require the knowledge, skills and aptitudes of a national security professional.

(3) The essential elements required for an accredited interagency national security professional education system.

(4) A system for training national security professionals to ensure they develop and maintain the qualifications identified under paragraph (1).

(5) An institutional structure for managing a national security professional career development system.

(6) Potential mechanisms for funding a national security professional career development program.

(c) REPORT.—A report containing the findings and recommendations resulting from the study required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress by December 1, 2010.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code;

(2) the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code; and

(3) the term ''national security professional'' means, with respect to an employee of an Executive agency, an employee of such agency in a position relating to the planning of, coordination of, or participation in, interagency national security operations.

AMENDMENT NO. 27 OFFERED BY MS. DELAURO

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), add the following new section:

SEC. 708. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a member of the Armed Forces with a post-deployment mental health screening that is conducted in person by a mental health provider.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional not later than 120 to 180 days after the date on which the member returns from combat theater.

(2) Follow-ups by a case manager (who may or may not be stationed at the same military installation as the member) conducted by telephone at the following intervals after the initial post-deployment screening:

(A) Six months.

(B) 12 months.

(C) 18 months.

(D) 24 months.

(c) REQUIREMENTS OF COMBAT STRESS EVALUATION.—The combat stress evaluation required by subsection (b)(1) shall be designed to—

(1) provide members of the Armed Forces with an objective mental health and traumatic brain injury standard to screen for suicide risk factors;

(2) ease post-deployment transition by allowing members to be honest in their assessments;

(3) battle the stigma of depression and mental health problems among members and veterans; and

(4) ultimately reduce the prevalence of suicide among veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(d) CONSULTATION.—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(e) SELECTION OF MILITARY INSTALLATION.—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(f) PERSONNEL REQUIREMENTS.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric nurses, licensed professional counselors, or clinical social workers.

(2) Suicide prevention counselors.

(g) TIMELINE.—

(1) The demonstration project required by this section shall be implemented not later than September 30, 2010.

(2) Authority for this demonstration project shall expire on September 30, 2012.

(h) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2010;

(2) an interim report every 180 days thereafter; and

(3) a final report detailing the results not later than January 1, 2013.

AMENDMENT NO. 33 OFFERED BY MR. HOLDEN

The text of the amendment is as follows:

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Combat Medevac Badge''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6259. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6259. Combat Medevac Badge''.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 8757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8757. Combat Medevac Badge''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

AMENDMENT NO. 46 OFFERED BY MR. SMITH OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. SENSE OF CONGRESS AND REPORT ON INTRA-FAMILIAL ABDUCTION OF CHILDREN OF MILITARY PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the intra-familial abduction to foreign countries of children of members of the Armed Forces constitutes a grave violation of the rights of military parents whose children are abducted and poses a significant threat to the psychological well-being and development of the abducted children.

(b) REPORT ON INTRA-FAMILIAL CHILD ABDUCTION EFFECTING ACTIVE DUTY MILITARY PERSONNEL.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and not later than December 31 of calendar year 2010 and each December 31 thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the programs, projects, and activities carried out by the Department of Defense to assist members of the Armed Forces whose children are abducted.

(2) CONTENTS.—The report required under paragraph (1) shall include information concerning the following:

(A) The total number of children abducted from military parents, with a breakdown of the number of children abducted to each country that is a party to the Hague Convention on the Civil Aspects of International Child Abduction (the ''Hague Convention'') and each country that is not a party to the Hague Convention.

(B) The total number of children abducted from military parents who were returned to their military parent, with a breakdown of the number of children returned from each country that is a party to the Hague Convention and each country that is not a party to the Hague Convention, including the average length of time per country that the children spent separated from their military parent, whether the Department of Defense helped facilitate any of the returns, specific actions taken to facilitate the return, and other Departments involved.

(C) Whether these numbers are shared with the Department of State for inclusion in the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

(D) An assessment as to how international child abductions impact the force readiness of affected military personnel.

(E) An assessment of the effectiveness of the centralized office within the Department of Defense responsible for implementing measures to prevent international child abductions and to provide assistance to military personnel, including—

(i) the coordination of international child abduction-related issues between the relevant agencies and departments with the Department of Defense;

(ii) the education of appropriate personnel;

(iii) the coordination with family support offices and other applicable agencies, both within the United States and in host countries, to implement mechanisms for assistance to left behind parents;

(iv) the coordination with the Department of State and National Center for Missing and Exploited Children to provide assistance to left behind parents in obtaining the return of their children; and

(v) the collection of the data required by subparagraphs (A) and (B).

(F) An assessment of the current availability of, and additional need for assistance, including general information, psychological counseling, financial assistance, leave for travel, legal services, and the contact information for the office identified in subparagraph (E), provided by the Department of Defense to left behind military parents for the purpose of obtaining the return of their abducted children and ensuring the force readiness of military personnel.

(G) The means through which available services, information, and activities relating to international child abductions are communicated to left behind military parents.

(H) The proportion of identified left behind military parents who utilize the services and activities referred to in subparagraph (F).

(I) Measures taken by the Department of Defense, including any written policy guidelines, to prevent the abduction of children.

(J) The means by which military personnel are educated on the risks of international child abduction, particularly when they first arrive on a base abroad or when the military receives notice that the personnel is considering marriage or divorce abroad.

(K) The training provided to those who supply legal assistance to military personnel, in particular the Armed Forces Legal Assistance Offices, on the legal aspects of international child abduction and legal options available to left behind military parents, including the risks of conferring jurisdiction on the host country court system by applying for child custody in the host country court system.

(L) Which of the Status of Forces Agreements negotiated with host countries, if any, are written to protect the ability of a member of the Armed Forces to have international child abduction cases adjudicated in the member's State of legal residence.

(M) The feasibility of including in present and future Status of Forces Agreements a framework for the expeditious and just resolution of intra-familial child abduction.

(N) Identification of potential strategies for engagement with host countries with high incidences of military international child abductions.

(O) Whether the Department of Defense has engaged in joint efforts with the State Department to provide a forum, such as a conference, for left behind military parents to share their experiences, network, and develop best practices for securing the return of abducted children, and the assistance provided for left behind parents to attend such an event.

(P) Whether the Department of Defense currently partners with, or intends to partner with, civilian experts on International Child Abduction, to understand the psychological and social implications of this issue upon Department of Defense personnel, and to help develop an effective awareness campaign and training.

AMENDMENT NO. 51 OFFERED BY MR. TIERNEY

The text of the amendment is as follows:

Page 57, line 13, insert ''and the proposed radars'' after ''proposed interceptor''.

AMENDMENT NO. 52 OFFERED BY MR. TIERNEY

The text of the amendment is as follows:

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. STUDY ON DISCRIMINATION CAPABILITIES OF MISSILE DEFENSE SYSTEM.

(a) STUDY.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the technical and scientific feasibility of the discrimination capabilities of the missile defense system of the United States, as such system is designed and conceived as of the date of the study.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the study.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committees on Armed Services, Appropriations, and Oversight and Government Reform of the House of Representatives.

(2) The Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate.

AMENDMENT NO. 54 OFFERED BY MR. WALZ

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. REPORT ON JOINT VIRTUAL LIFETIME ELECTRONIC RECORD.

Not later than December 31, 2009, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress a report on the progress that has been made on the establishment, announced by the President on April 9, 2009, of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. The report shall—

(1) explain what steps compose the Secretaries' plan to fully achieve the establishment of the seamless record system between the two departments;

(2) identify any unforeseen obstacles that have arisen that may require legislative action; and

(3) explain how the plan relates to the mandate in section 1635 of the National Defense Authorization Act for Fiscal Year 2008

(Public Law 110-181; 10 U.S.C. 1071 note) that the Secretary of Defense and the Secretary of the Department of Veterans Affairs jointly develop and implement, by September 30, 2009, electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by the majority and the minority.

Mr. Chairman, I understand that the gentleman from Colorado (Mr. POLIS) wishes to propose a colloquy, and I yield 3 minutes to the gentleman.

Mr. POLIS. I thank the gentleman.

Mr. Chairman, I rise today to gain a better understanding of the status of the policy and law on the service of gay men and lesbians in the military, commonly referred to as Don't Ask, Don't Tell. The law and policy, established in 1993, disrupts unit cohesion as gay and lesbian servicemen and women worry constantly—''who knows what''—about their private lives.

Given the objective of the President to repeal the law and the evidence that the law and policy harmed military readiness and morale, what will be the strategy of the Committee on Armed Services for assessing this law?

Mr. SKELTON. I thank the gentleman for raising this issue. It's fair to say that much has happened since the law was adopted back in 1993, and I propose that the committee will continue to engage in a deliberative process to hear perspectives from all sides of the debate, but particularly to understand the perspectives of the civilian and military leadership of the Department of Defense and the perspectives of ordinary servicemembers.

If we conclude that repeal is the appropriate course, the success of the change will hinge on our full understanding of the implications of the change and the development of a law and policy that will preserve the readiness and morale of our military forces. Certainly hearings will be at the heart of the committee's effort to determine those necessary facts.

Mr. POLIS. Mr. Chairman, can we expect hearings to be conducted this summer?

Mr. SKELTON. Our Military Personnel Subcommittee has already held one hearing with outside experts. We will clearly need to hear the perspectives of the Department of Defense as well. Since the civilian leadership responsible for personnel matters within the Office of the Secretary of Defense has not yet been announced, I don't believe it would be appropriate to begin a formal reassessment process until the new Under Secretary for Personnel and Readiness has been allowed to settle into the position. But the committee will continue to hold hearings.

Mr. POLIS. Thank you, Mr. Chairman.

At this point, I would like to yield 30 seconds to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Thank you, Mr. Chairman.

Mr. Chairman, I would like to add my voice to the growing chorus calling for the repeal of the Don't Ask, Don't Tell law.

As you have suggested, many years have passed since the law has been adopted, and I believe that many of the reasons that the Members of Congress found compelling in 1993 will be considered outdated by current servicemembers and the American public today.

Mr. Chairman, I know our schedule in Armed Services is challenging, but I would encourage you to consider conducting hearings at the earliest possible date in the hope of correcting this policy that I believe undermines national security and military readiness.

I thank the gentleman for yielding.

Mr. POLIS. I thank the gentleman for his comments and I thank the chairman for the opportunity to discuss the issue.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. I thank the distinguished gentleman for yielding and for his help and the chairman's help in making this amendment, my amendment, part of the en bloc amendment.

This amendment requires the Department of Defense, Mr. Chairman, to report to Congress on the plight of our service members who, along with their children, suffer from intrafamilial international child abduction. The international movement of our servicemembers make them especially vulnerable to the risks of international child abduction.

Attorneys familiar with this phenomenon estimate that there are approximately 25 to 30 new cases of international child abductions affecting our servicemembers every year. One man, Commander Paul Toland, recently came into my office largely because of the publicity about David Goldman and his son, Sean Goldman, the Brazilian case that I have been working on. He heard about it, and he came in and said, You have got to hear my story. And it is a heartbreaking story.

Commander Toland was deployed to Yokohama, Japan. He and his wife, regrettably, had a split.

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She is now tragically deceased. And yet for approximately 6 long years, he has been trying to get his daughter back and has been unable to. The custody of his child is with the maternal grandparents. Again, he has not been able to get his own child back. Commander Toland received poor advice from the Naval Legal Services Officer on how to adjudicate the case. Have others?

Be advised, The amendment will not entangle the Department of Defense in custody disputes. Rather it will instruct the Department of Defense to study and produce a comprehensive report to Congress about what they are doing to ensure that our servicemembers are receiving preventive education, legal protections and other assistance needed to avoid and, when necessary, resolve the international abduction of their children. This is the least we can do for those who serve our nation.

Our servicemen and women risk much in the service of our Nation. We must do all that we can to mitigate the risks to their families. I thank my colleagues for supporting this amendment, especially the ranking member and the distinguished Chair.

I rise in support of the amendment to require the Department of Defense (DOD) to report to Congress on the plight of our service members who, along with their children, suffer from intra-familial and international child abduction. The international movements of our service men and women make them especially vulnerable to the risks of international child abduction. This amendment will require a study to pinpoint the extent of the problem within our armed services and what the DOD is doing to prevent and remedy international child abduction within the armed services.

The particular issue of international child abduction came to my attention with the Sean Goldman case. As many of you know, Sean Goldman was abducted to Brazil by his mother for a family vacation when Sean was four years old. His mother divorced his father and refused to return the child to the United States, which was Sean's country of habitual residence and consequently should have been the legal jurisdiction in which custody was decided. Sean's father has been fighting for the return of his son for five years. Sean's mother is now deceased, and Sean's father still cannot get him back.

Since my involvement with this case, I have been receiving calls from parents left behind in an international child abduction—the particular plight of military parents caught my attention. Military parents are at heightened risk because they often marry when they are serving this country abroad, and may live in numerous countries, including the United States, while they build a family with their spouse. Upon divorce, one parent sometimes whisks the child away to a legal jurisdiction unfavorable to the left behind parent.

Such was the case of Commander Paul Toland, whose infant daughter was abducted by his estranged wife while he was stationed on our naval base in Yokohama, Japan. When he sought help from the Naval Legal Services Office on base, he was told to hire a local lawyer and deal with the issue himself in Japanese courts.

Whether through lack of training by the DOD or lack of attention by the personnel, this very wrong advice from the Naval Legal Services Office directed Commander Toland to

give up the legal jurisdiction of his home state and engage with a foreign legal jurisdiction that has NEVER returned a child to the United States. Commander Toland's former wife is now deceased, his daughter lives with her ailing grandmother in Japan, and he still cannot get her back. The fight has been six long years, and it continues with little hope.

Attorneys familiar with this phenomena estimate that there are approximately 25–30 new cases of international child abductions affecting our service men and women every year. Our service men and women risk much in their service to our nation. The DOD must do what it can to minimize their risks.

This amendment would not entangle the Department of Defense in custody disputes. Rather, this amendment will instruct the DOD to share with Congress what they are doing to ensure that our service men and women are receiving the preventative education, legal protection, and other assistance needed to avoid and resolve the international abduction of their children. This amendment asks the Department of Defense to report to Congress on the following items:

The total number of children abducted from military parents;

The total number of children who were later returned to left behind military parents;

What the DOD did to facilitate any of the returns, and what sorts of assistance the DOD offers to military parents—such as psychological counseling, financial assistance, legal services, and leave for travel;

The means through which available services, information, and activities relating to international child abductions are communicated to left behind military parents;

The training provided to those who supply legal assistance to the left behind military parents;

Measures taken by the DOD to prevent abductions;

Which of the Status of Forces Agreements negotiated with host countries are written to protect the military parent's ability to adjudicate abduction cases in the parent's state of legal residence;

The feasibility of including in present and future Status of Forces Agreements a framework for the resolution of child abduction;

Identification of potential strategies for engagement with host countries with high incidence of international child abductions;

Whether the DOD coordinates on abductions with other departments, such as the U.S. Department of State;

Whether the DOD currently partners with, or intends to partner with, civilian experts on international child abduction;

Whether the DOD has engaged in joint efforts with the U.S. Department of State to provide a forum, such as a conference, for left behind military parents to share experiences, network and develop best practices for securing the return of abducted children;

An assessment as to how international child abductions impact the force readiness of our service members.

We all want to do right by our service men and women. The study called for by this amendment will give us a window into what we are already doing, and what we can do better to protect our service men and women from the frustration and anguish of international child abduction.

Mr. SKELTON. Mr. Chairman, let me flash back to a previous amendment, the Akin-Forbes amendment. I just received a letter from the Assistant Secretary of Defense, dated today, regarding that amendment, which reads in part, While the Department supports transparency in government, we find the amendment as written directing the Secretary of Defense to submit a report on every employee covered under a nondisclosure agreement as overly burdensome and counterproductive in meeting the security challenges of today.

I yield 1 minute to my friend, my colleague, also a member of the Armed Services Committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of Mr. SKELTON's outstanding work on the underlying bill and also to support that portion of the en bloc amendment which sets up a mental health screening demonstration project cosponsored by Congresswoman DELAURO, Congressman MCMAHON of New York and myself.

This is an issue which addresses probably the most concerning issue that Admiral Mullen, Chairman of the Joint Chiefs, spoke to the Armed Services Committee about, which is the stress levels of our troops who have been repeatedly deployed in military conflict. General Odierno had a number of us over in December. Again, his number one concern was the uncomfortable and outrageous amount of suicides which is occurring in theater. I was with General Bagby in Europe a couple of weeks ago, who again stated that that is the biggest challenge facing our Armed Forces in Europe, who, again, are made up of many troops who have served in Iraq and Afghanistan. And the present system of screening for returning troops is simply to fill out a questionnaire. That is not enough.

This amendment will set up a demonstration project with a face-to-face evaluation with a mental health professional. This is the type of process that we need to deal with this unprecedented challenge.

Again, I urge strong support for the en bloc amendment which includes this important component.

Mr. MCKEON. I yield, at this time, Mr. Chairman, to the gentleman from Kentucky (Mr. DAVIS) 4 minutes.

Mr. DAVIS of Kentucky. Mr. Chairman, today I offer an amendment that will enable our Nation to more effectively plan and execute national security and interagency operations.

To enhance our national security, we must be able to effectively integrate the military and nonmilitary elements of our national power. This requires the effective integration of all agencies of the Federal Government, not only those with traditional national security roles. However, achieving highly integrated national security interagency planning and execution requires personnel who have the knowledge, skills and attributes to plan and participate in these interagency operations. At present, there is no permanent, institutionalized system for developing the skills and experience required.

Examples abound of the need for this change, and I will cite two briefly. My first relates to our ongoing interagency operations in Afghanistan, and I commend President Obama for his determination to pursue an integrated interagency approach to resolving that conflict.

As our national security community knows, helping the Afghan Government create a secure and stable society requires, among other things, that we assist farmers in growing crops other than poppies, which are used to produce opium. Unfortunately, the U.S. Department of Agriculture has never been used before now to provide personnel in support of operations like those in Afghanistan. Instead, the military has been required to fill the gap with people without agricultural experience.

While our soldiers are very adaptable, we would be better off if USDA were routinely engaged in overseas national security operations with other agencies, military and civilian, of the Federal Government.

Next I cite our experience in Iraq. In the early days of the Iraq occupation, there was no modern banking system in Iraq, and Iraqi security forces could only be paid in cash, which required them to leave their units and to spend days away from their units taking money home to their families. During this period, the deputy Treasury Secretary told me that if he was given the go-ahead, he was prepared to help Iraq establish a modern, electronic banking system which would have, among other things, enabled Iraqi soldiers to get their pay at home without leaving their units and ongoing combat operations.

If Treasury, and in particular a Treasury cadre of national security professionals, had been properly involved early on, the problem and rise of criminal gangs and militias could have been mitigated sooner, thereby contributing to increased Iraqi combat power, lightening the load on our troops during a very difficult period.

My amendment, simply put, would require the President to commission a study by an executive agency to develop national security professionals across departments of the Federal Government to provide skilled personnel for planning and conducting national security interagency operations.

It is critical that we achieve a transformation in national security education, training and interagency experience to produce national security professionals who are able to work seamlessly together. By requiring the President to commission such a study on an interagency national security professionals program, my amendment lays the foundation for that transformation.

I commend Chairman SKELTON. He has spent a lifetime supporting defense

reforms going back to Goldwater-Nichols and championing these reforms to further integrate our national security tools moving into the 21st century.

I thank Ranking Member MCKEON for his work on this issue during my 4 years on the Armed Services Committee and continuing now as our ranking member on the committee.

Mr. SKELTON. At this time, I yield 1 minute to my friend, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ. I want to thank the chairman and the ranking member for crafting a bill to keep this Nation safe and provide care for our warriors and their families.

I would also like to thank you for accepting this amendment as part of the en bloc amendment. It is a very simple amendment I'm offering that is asking that the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, submit a report to Congress by the end of the year telling us what progress they have made on the establishment of a joint virtual lifetime electronic medical record. This is to bring about seamless transition from when our warriors leave the service until they enter into the VA system, making sure they don't encounter all of the bureaucratic troubles, the holdups and the delays in processing of their claims.

As a 24-year veteran of our Armed Forces, I can tell you this is a critically important issue. It was backed and announced on April 9 by the President. This amendment will allow Congress to do its most critical function of oversight of the executive branch to make sure we are making progress to ensure the quality care of our veterans.

I thank the chairman and the ranking member for including it in a very fine bipartisan bill.

My amendment is very simple and, I believe, very significant: it would require the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, to submit to Congress a report on the progress that has been made on the establishment of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. The President announced on April 9 of this year that his Secretary of Defense and Secretary of VA would be working toward establishing that Joint Virtual Lifetime Record. My amendment simply aims to make sure the administration is doing what it says it would do, and to make sure that any required legislative assistance is identified. My amendment performs the crucial congressional oversight function of holding the administration accountable on its commitments. And this is a truly significant commitment, because it is widely understood that such a shared record system between DoD and VA is one of the keys to successfully providing our returning servicemen and women what we call a seamless transition as they return to civilian life. As a 24-year veteran of the National Guard and a member of the House Veterans' Affairs Committee, I know both from experience and from careful study that this challenge of ensuring that DoD and VA, two enormous and complex organizations with different missions, are cooperating to make sure that our troops, when they return home and become veterans, do not fall through the cracks at that moment is both one of the most difficult things to achieve and one of the best for guaranteeing that our veterans receive the best care possible ever after. I appreciate all the efforts the House Armed Services Committee has made to this effort, and I respectfully request that my amendment be included among them.

Mr. MCKEON. Mr. Chairman, we have no further speakers, and I would be happy to yield 2 minutes to the chairman.

Mr. SKELTON. I certainly thank the gentleman for that. I yield 1 minute to my friend, a very special lady, the Chair of the Appropriations Subcommittee on Agriculture, Rural Development and FDA, the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. According to the Army, 143 soldiers committed suicide in 2008, the highest rate since the Army began keeping records nearly three decades ago.

Mr. Chairman, after asking our men and women in uniform to sacrifice so much, the very least that we must do is to ensure that they get the care they deserve.

This amendment, based on the Sergeant Jonathan Schulze Military Mental Health Services Improvement Act, is about making sure our troops receive adequate pre- and postdeployment mental health evaluations. It directs the Secretary of Defense to conduct a demonstration project at two military installations, one Active Duty and one Reserve, to assess the feasibility and efficacy of providing face-to-face post-deployment mental health screenings between a member of the Armed Forces and a mental health provider.

The 2-year project will include a combat stress evaluation conducted by a qualified mental health professional within 120 to 180 days of the date the soldier returns, and a case manager will follow up.

Let me say thank you to Chairman SKELTON for his collaboration and his commitment to this issue. We have no excuse for failing the soldiers who have given this Nation everything. Let's give them a long life, good health and quality care.

Mr. SKELTON. May I inquire, Mr. Chairman, the time remaining, please.

The Acting CHAIR. The gentleman from Missouri has 5½ minutes remaining.

The gentleman from California has 3 minutes remaining.

Mr. SKELTON. At this time, I yield 1 minute to my colleague, the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Thank you, Mr. Chairman.

Mr. Chair, I rise in support of this amendment which I offer along with my esteemed colleague from Connecticut, the great Congresswoman ROSA DELAURO, together with my great colleague from Connecticut, JOE COURTNEY, and my great colleague from the great State of New Mexico, HARRY TEAGUE.

Like my colleagues, I too am alarmed at the statistics coming out of the armed services. Nearly 150 soldiers took their lives last year, the highest figures since the wars in Iraq and Afghanistan began.

In 2009, it is already reporting 64 potential active-duty Army suicides. One-to-one mental health screenings with a certified mental health professional is the least that we can offer to our servicemen and women that sacrifice so much for this country.

This amendment creates a well thought-out pilot program that would assess the feasibility of such screenings and would hopefully lead to legislation in a broader sense.

For this reason, I urge my colleagues here today to support this amendment on behalf of the men and women who serve this country so proudly.

Mr. SKELTON. I yield 2 minutes to my friend, the gentleman from Massachusetts (Mr. TIERNEY)

Mr. TIERNEY. I want to thank the chairman for the time and for the bill that he has put on the floor today.

I rise in support of this en bloc amendment, particularly because it includes two amendments that were made in order under the rule. The bill as reported by the committee specifies that no funds may be obligated for the deployment of a long-range missile defense system in Europe until the Secretary of Defense submits a report to Congress certifying that the proposed interceptor that is going to be deployed has been realistically flight-tested and has demonstrated a high probability of working in an operational manner. That makes perfect sense.

In recent months, those studies have been conducted by various independent scientists, and they have shown that the radar proposed for the Czech Republic does not have enough range to perform effectively. As my colleagues know, the interceptors' capabilities are dependent on the ability and the accuracy of the radar. That is why I believe that it is imperative that the Secretary's report also certify about the proposed radars, and that first amendment requires just that.

The second amendment directs the JASON panel, which has been providing independent scientific advice and consultation to the government since 1960 on matters of defense, science and technology, to conduct a study on whether the discrimination capabilities being sought by the Missile Defense Agency are achievable.

The system has to be evaluated by its ability to successfully distinguish between an enemy's missile and any accompanying decoys countermeasures. And right now, there is little evidence to suggest that the system can make those kinds of distinctions.

Furthermore, this is a big challenge. As Dr. Phil Coyle, who was the former

director of operational test and evaluation at the Pentagon noted during a hearing that we convened, ''shooting down an enemy missile going 17,000 miles per hour is like trying to hit a hole-in-one in golf when the hole is going 17,000 miles per hour. If an enemy uses decoys and countermeasures, missile defense is like trying to shoot a hole-in-one while the hole is going 17,000 miles per hour and the green is covered with black circles the same size as the hole. The defender doesn't know what target to aim for.''

So this report should inform Congress on whether or not the ballistic missile defense system will actually be able to employ discrimination technology.

So I hope to thank Chairman SKELTON for approving these amendments in the en bloc package. I believe they will provide important oversight over the missile defense system.

And finally, as one who has long believed Congress must reexamine how it funds this program, I'm delighted that it takes a small but important step in reducing by $1.2 billion the funding for these programs. I hope it is the beginning of a trend on the way we go.

Mr. LOBIONDO. Mr. Chair, I rise in strong support of this third en bloc amendment. I want to thank Chairman SKELTON and Ranking Member MCKEON for including the LoBiondo, Delahunt, Coble, Taylor amendment in this bloc.

A couple of weeks ago I met with Master Chief Petty Officer of the Coast Guard, Skip Bowen, to discuss benefits available to Coast Guard service members.

He brought to my attention the fact that current law provides active duty members of the Armed Forces and Coast Guard and their dependents with access to legal assistance in connection with their personal civil affairs. The law also grants eligibility to certain DoD reservists who are called to active duty for more than 30 days. Unfortunately, the law does not provide the same eligibility to similarly situated Coast Guard reservists.

I am offering this amendment with Representatives DELAHUNT and COBLE, two Coast Guard veterans, to ensure current Coast Guard reservists have access to the same legal assistance as other DoD reservists upon release from active duty.

This legal assistance is critical in helping reservists understand their rights under the Uniformed Services Reemployment Rights Act, the Service member's Civil Relief Act, as well as probate, housing, consumer and tax laws.

There are currently over 8,100 reservists in the USCG, including over a hundred serving on active duty in Iraq providing port and waterways security.

I thank the Chairman and Ranking Member for working with me on this important issue and I encourage all members to support this en bloc amendment.

Mr. TEAGUE. Mr. Chair, I'm very happy to rise in support of this amendment and thank my colleagues for their work on this very important issue, especially the distinguished Gentlelady from Connecticut, Congresswoman DELAURO. I also thank Chairman SKELTON and Chairwoman SLAUGHTER for the opportunity to consider this amendment to the National Defense Authorization Act.

As you all may know, I recently I introduced H.R. 2931, the Kyle Barthel Veterans and Service Members Mental Health Screening Act. The bill calls for mandatory confidential mental health screenings for members of the Armed Forces. By requiring the in person screenings, we can reduce the stigma associated with the unseen injuries sustained by our men and women in uniform and ensure that these brave soldiers and veterans receive the treatment they need and deserve. Ultimately, by mandating in person mental health screenings, we will reduce the incidence of suicides and substance abuse among active duty personnel and veterans.

When I introduced this bill, I named it after a young man whose life was cut too short because we as a nation failed to give him the mental health treatment he needed and deserved. It is my belief that mandating screenings by a qualified mental health professional for every member of the military is the only way to begin indentifying and treating the invisible wounds of war.

While I would have liked an across the board mental health screening mandate to be a part of this bill, I also realize that we need to walk before we run. I believe that this amendment is the first step on the road to effective mental health illness prevention and treatment for service members and veterans.

Mr. Chair, I don't want to lose another Kyle. I don't want to lose another fine American service member or veteran to an invisible but very real illness. I don't want to ever have to go to another mother, father, wife, or husband or brother or sister and say ''I'm sorry we didn't do enough''.

Let's stand together and protect the health of our service members and veterans. Support this amendment, and work with me to mandate mental health screenings for service members in the future.

I urge my colleagues to support this important amendment.

Mr. SKELTON. Mr. Chairman, we have no more speakers on this en bloc amendment. I yield back.

Mr. MCKEON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 4.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 55, 57, 59, 62, 66, 67, 68, 69, 65, and 60 offered by Mr. SKELTON:

AMENDMENT NO. 55 OFFERED BY MR. WEINER

The text of the amendment is as follows:

At the end of title VI (page 134, after line 24), add the following new section:

SEC. 665. COMPTROLLER GENERAL REPORT ON COST TO CITIES AND OTHER MUNICIPALITIES THAT COVER THE DIFFERENCE BETWEEN AN EMPLOYEE'S MILITARY SALARY AND MUNICIPAL SALARY.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the costs incurred by cities and other municipalities that elect to cover the difference between—

(1) an employee's military salary when that employee is a member of a reserve component and called or ordered to active duty; and

(2) the municipal salary of the employee.

AMENDMENT NO. 57 OFFERED BY MR. GRIFFITH

The text of the amendment is as follows:

Page 67, after line 5, insert the following:

SEC. ___. SENSE OF CONGRESS REAFFIRMING THE REQUIREMENT TO THOROUGHLY CONSIDER THE ROLE OF BALLISTIC MISSILE DEFENSES DURING THE QUADRENNIAL DEFENSE REVIEW AND THE NUCLEAR POSTURE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress passed and the President signed the National Missile Defense Act of 1999 (Public Law: 106-38), which stated: ''It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).''

(2) Section 118 of title 10, United States Code requires the Secretary of Defense ''every four years, during a year following a year evenly divisible by four, to conduct a comprehensive examination (to be known as a''Quadrennial Defense Review'') of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years.''

(3) Among the requirements established by section 118 of title 10, United States Code, for the elements that must be included in the Quadrennial Defense Review are the following:

(A) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

(B) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.

(C) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

(4) Section 1070 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-116) requires the Secretary of Defense to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years ''in order to clarify United States nuclear deterrence policy and strategy for the near term.''

(5) Among the requirements established by section 1070 of the National Defense Authorization Act for Fiscal Year 2008 for the elements that must be included in the nuclear posture review is ''[t]he role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.''

(6) The Final Report of the Congressional Commission on the Strategic Posture of the United States, issued on May 7, 2009, concluded: ''Missile defenses can play a useful role in supporting the basic objectives of deterrence, broadly defined. Defenses that are

effective against regional aggressors are a valuable component of the U.S. strategic posture. The United States should develop and, where appropriate, deploy missile defenses against regional nuclear aggressors, including against limited long-range threats. These can also be beneficial for limiting damage if deterrence fails. The United States should ensure that its actions do not lead Russia or China to take actions that increase the threat to the United States and its allies and friends.''

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should thoroughly consider the role of ballistic missile defenses during the Quadrennial Defense Review and the Nuclear Posture Review.

AMENDMENT NO. 59 OFFERED BY MR. HOLT

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) FINDINGS.—Congress finds that veterans who are members of the Individual Ready Reserve (in this section referred to as the ''IRR'') and are not assigned to units that muster regularly and have an established support structure are less likely to be helped by existing suicide prevention programs run by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—The Secretary of Defense shall ensure that all covered members receive a counseling call from properly trained personnel not less than once every 90 days so long as the member remains a member of the IRR.

(c) PERSONNEL.—In carrying out this section, the Secretary shall ensure the following:

(1) Personnel conducting calls determine the emotional, psychological, medical, and career needs and concerns of the covered member.

(2) Any covered member identified as being at-risk of self-caused harm is referred to the nearest military medical treatment facility or accredited TRICARE provider for immediate evaluation and treatment by a qualified mental health care provider.

(3) If a covered member is identified under paragraph (2), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

(d) REPORT.—Not later than January 31 of each year, beginning in 2010, the Secretary shall submit to Congress a report on the number of IRR members not assigned to units who have been referred for counseling or mental health treatment, as well as the health and career status of such members.

(e) COVERED MEMBER DEFINED.—In this section, a ''covered member'' is a member of the Individual Ready Reserve who has completed at least one tour in either Iraq or Afghanistan.

AMENDMENT NO. 62 OFFERED BY MR. SESTAK

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. TREATMENT OF AUTISM UNDER TRICARE.

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(18) In accordance with subsection (g), treatment of autism spectrum disorders.''; and

(2) by adding at the end the following new subsection:

''(g)(1) For purposes of subsection (a)(18), and to the extent that appropriated funds are available for the purposes of this subsection, treatment of autism spectrum disorders shall be provided if a health care professional determines that the treatment is medically necessary. Such treatment shall include the following:

''(A) Habilitative or rehabilitative care.

''(B) Pharmaceutical agents.

''(C) Psychiatric care.

''(D) Psychological care.

''(E) Speech therapy.

''(F) Occupational therapy.

''(G) Physical therapy.

''(H) Group therapy, if a health care professional determines it necessary to develop, maintain, or restore the skills of the beneficiary.

''(I) Any other care or treatment that a health care professional determines medically necessary.

''(2) Beneficiaries under the age of five who have developmental delays and are considered at-risk for autism may not be denied access to treatment described by paragraph (1) if a health care professional determines that the treatment is medically necessary.

''(3) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of section 1079(a)(9) of this title.

''(4) In carrying out this subsection, the Secretary shall ensure that—

''(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a state, the Behavior Analyst Certification Board, or other accredited national certification board; and

''(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services.

''(5)(A) This subsection shall not apply to a medicare-eligible beneficiary.

''(B) Except as provided in subparagraph (A), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

''(i) this chapter;

''(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

''(iii) any other law.

''(6) In this section:

''(A) The term 'autism spectrum disorders' includes autistic disorder, Asperger's syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

''(B) The term 'habilitative and rehabilitative care' includes—

''(i) professional counseling;

''(ii) guidance service;

''(iii) treatment programs, including not more than 40 hours per week of applied behavior analysis; and

''(iv) other structured behavior programs that a health care professional determines necessary to develop, improve, maintain, or restore the functions of the beneficiary.

''(C) The term 'health care professional' has the meaning given that term in section 1094(e)(2) of this title.

''(D) The term 'medicare-eligible' has the meaning given that term in section 1111(b) of this title.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(c) FUNDING.—

(1) FUNDING INCREASE.—The amount otherwise provided by section 1403 for TRICARE funding is hereby increased by $50,000,000 to provide funds to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(2) OFFSETTING REDUCTION.—

Reduce the amount of Operation and Maintenance, Army, by $25,000,000 to be derived from the Service-wide Communications.

Reduce the amount of Operations and Maintenance, Navy, by $15,000,000, to be derived from Service-wide Communications.

Reduce the amount of Research Development Test & Evaluation, by $10,000,000, to be derived from Advanced Aerospace Systems Integrated Sensor IS Structure, PE 68286E

AMENDMENT NO. 66 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. MAP OF MINERAL-RICH ZONES AND AREAS UNDER THE CONTROL OF ARMED GROUPS IN DEMOCRATIC REPUBLIC OF THE CONGO.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(1) to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo; and

(2) to make such map available to the public.

The map required under this subsection shall be known as the ''Congo Conflict Minerals Map''. Mines located in areas under the control of armed groups in the Democratic Republic of the Congo, as depicted on the Congo Conflict Minerals Map, shall be known as ''conflict zone mines''.

(b) UPDATES.—The Secretary of Defense, in consultation with the Secretary of State, shall update the map required by subsection (a) not less frequently than once every 180 days until the Secretary of Defense certifies that no armed party to any ongoing armed conflict in the Democratic Republic of the Congo or any other country is involved in the mining, sale, or export of columbite-tantalite, cassiterite, wolframite, or gold, or the control thereof, or derives benefits from such activities.

AMENDMENT NO. 67 OFFERED BY MR. SCHIFF

The text of the amendment is as follows:

Page 86, after line 16, insert the following new section:

SEC. 248. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat 2695) is amended by adding at the end the following new subparagraph:

''(C) A federally funded research and development center of the National Aeronautics

and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program, for activities including, but not limited to, those conducted by the center under contract with or on behalf of the Department of Defense or through transfer of funds from the Department of Defense to the National Aeronautics and Space Administration.''.

AMENDMENT NO. 68 OFFERED BY MS. BORDALLO

The text of the amendment is as follows:

At the end of division A of the bill, insert the following new title:

TITLE XVI—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Guam World War II Loyalty Recognition Act''.

SEC. 1602. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1603. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to the availability of appropriations authorized to be appropriated under section 1606(a), after receipt of certification pursuant to section 1604(b)(8) and in accordance with the provisions of this title, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1) and before payments are made under paragraph (3).

(3) SURVIVORS OF DECEASED INJURED RESIDENTS.—In the case of a compensable Guam victim who is deceased, the Secretary shall pay $7,000 for distribution to eligible survivors of the victim as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraphs (1) and (2).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) or (3) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent or a compensable Guam victim who is deceased shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term ''compensable Guam decedent'' means an individual determined under section 1604(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term ''compensable Guam victim'' means an individual determined under section 1604(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1604. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1603.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1603 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 1603 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79–224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 1603.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1603 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 1603(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 1603 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79–224), the implementing regulations issued by the

United States Navy pursuant thereto, or this title.

(11) PENALTY FOR FALSE CLAIMS.—The provisions of section 1001 of title 18 of the United States Code (relating to criminal penalties for false statements) apply to claims submitted under this subsection.

SEC. 1605. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 1606(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For purposes of carrying out sections 1603 and 1604, there are authorized to be appropriated $126,000,000, to remain available for obligation until September 30, 2013, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 1605, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2013.

AMENDMENT NO. 69 OFFERED BY MR. GRAYSON

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. REQUIREMENT TO JUSTIFY THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(2) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of clause (i); and

(2) by inserting after clause (ii) the following new clause:

''(iii) in the case of a solicitation in which factors other than cost or price when combined are more important than cost or price, the reasons why assigning at least equal importance to cost or price would not better serve the Government's interest; and''.

(b) REPORT.—Section 2305(a)(3) of such title is amended by adding at the end the following new subparagraph:

''(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report describing the solicitations for which a statement pursuant to paragraph (2)(A)(iii) was included.''.

AMENDMENT NO. 65 OFFERED BY MS. CASTOR OF FLORIDA

The text of the amendment is as follows:

At the end of title VI (page 230, after line 22), add the following new section:

SEC. 665. POSTAL BENEFITS PROGRAM FOR SENDING FREE MAIL TO MEMBERS OF THE ARMED FORCES SERVING IN CERTAIN OVERSEAS OPERATIONS AND HOSPITALIZED MEMBERS.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided during fiscal year 2010 to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces described in subsection (a)(1) of section 3401 of title 39, United States Code, who is entitled to free mailing privileges under such section.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit (in this section referred to as a ''voucher'') to permit a person possessing the voucher to make a qualified mailing to any qualified individual without charge using the Postal Service. The vouchers may be in printed, electronic, or such other format as the Secretary of Defense, in consultation with the Postal Service, shall determine to be appropriate.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 15 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to any qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every month (or part of a month) during fiscal year 2010 in which the member is a qualified individual. Subject to subsection (f)(2), a voucher earned during fiscal year 2010 may be used after the end of such fiscal year.

(e) TRANSFER OF VOUCHERS.—A qualified individual may transfer a voucher to a member of the family of the qualified individual, a nonprofit organization, or any other person selected by the qualified individual for use to send qualified mailings to the qualified individual or other qualified individuals.

(f) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than one qualified mailing, whether that mailing is a first-class letter or a parcel; or

(2) after the expiration date of the voucher, as designated by the Secretary of Defense.

(g) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(h) TRANSFERS OF FUNDS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this subsection for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the expiration date of the final vouchers issued under the program.

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(i) FUNDING.—

(1) FUNDING SOURCE AND LIMITATION.—In addition to the amounts authorized to be appropriated in section 301(1) for operation and maintenance for Army for fiscal year 2010, $50,000,000 is authorized to be appropriated for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in section 301 in fiscal year 2010 for operation and maintenance are reduced as follows:

(A) For operation and maintenance for the Army, Army Claims is reduced by $10,000,000.

(B) For operation and maintenance for the Navy, System-Wide Navy Communications is reduced by $10,000,000.

(C) For operation and maintenance for the Air Force, System-Wide Air Force Communications is reduced by $30,000,000.

AMENDMENT NO. 60 OFFERED BY MR. GARRETT OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. SENSE OF CONGRESS RELATING TO THE STATE OF ISRAEL.

It is the sense of Congress that—

(1) the State of Israel is one of the strongest allies of the United States;

(2) Israel and the United States face many common enemies; and

(3) the United States should continue to work with Israeli Prime Minister Netanyahu, the Israeli Government, and the people of Israel to ensure that Israel continues to receive critical military assistance, including missile defense capabilities, needed to address existential threats.

The Acting CHAIR. Pursuant to House Resolution 572 the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time, I yield 2 minutes to my friend, the gentleman from Alabama (Mr. GRIFFITH).

Mr. GRIFFITH. Thank you, Mr. Chairman.

I rise today in support of my amendment in the en bloc amendments to the National Defense Authorization Act.

This amendment will require the Quadrennial Defense Review to be completed every 4 years to examine the national defense strategy, the force structure, the force modernization plans, infrastructure, budget plan and other elements of the defense program to determine our strategy for the next 20 years.

Additionally, my amendment reinforces the importance of the Nuclear Posture Review, which addresses the role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

These reviews are an essential element of our national security perspective as are the Ground-based Midcourse Defense missile program, the Kinetic Energy Interceptor, the Multiple Kill Vehicle and the Airborne Laser program.

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The Department of Defense is aware that the Ground-based Midcourse Defense, the GMD, is the only fielded and operational capability that can defend the U.S. against long-range ballistic missiles. However, the current budget cuts of $524 million from the program, deploying only 30 of the 44 GMD interceptors that were scheduled, we believe this logic should be questioned given the events occurring in North Korea and Iran.

Furthermore, we should reconsider the stop work order for the kinetic energy interceptor. This project is an essential part of our boost-phase ballistic missile approach, and I urge my colleagues to continue to support its development.

Congress should also support the continued development of the multiple kill vehicle. As rogue nations continue to advance their missile defense capabilities, multiple kill vehicle technology will be required to destroy countermeasures, warheads and ultimately the missiles shot from our enemies.

I support all of these projects because they are a deterrent to our enemies and they are the programs our warfighters in the field require. As we look at the missile tests and balance of power occurring in the Middle East and East Asia, this is not the time to reduce our missile defense budget and cut back on these programs. North Korea plans to launch a long-range Taepodong-2 missile in July, and is only a few years away from deploying a missile capable of hitting the United States.

We must prepare for the development and the deployment of more advanced technologies by our adversaries. These missile systems should all be considered essential elements. I urge passage of this amendment.

Mr. MCKEON. Mr. Chairman, I yield now 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the ranking member and the Chair for the inclusion of our amendment with regard to Israel in the underlying bill.

I would like to speak for a minute with regard to one of our strongest allies in the Middle East, and that is the State of Israel. I am thankful for the strong relationship that we have, that our two countries share so much in common. We have both faced war and fought for peace and for freedom. We both continue to pursue liberty, despite ongoing opposition. We both face many common enemies.

Throughout my time in Congress, I have been a strong supporter of Israel's right to exist. When you think about it, it is even disturbing that we have to come here and talk about it in such terms. But the truth of the matter is, there are few countries, few peoples on Earth who are more in the cross hairs than Israel. Not even the U.N. can be called upon to defend Israel. In fact, the U.N. often stands with those who condemn Israel.

Israel has remained a shining beacon of democracy in a dark part of the world, standing with the United States against the threat of Islamic extremism, and we must be unwavering in our continuous support.

In conclusion, the United States should continue to work with Israel Prime Minister Netanyahu and the Israeli Government and with the people of Israel to ensure that Israel continues to receive critical military assistance, including the military defense needed to address this existential threat.

Mr. SKELTON. I yield one minute to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the distinguished Chair of the Armed Services Committee. I rise in support of this en bloc amendment which includes the Castor-Bilirakis amendment, an amendment I introduced jointly with my good friend and colleague, the gentleman from Florida (Mr. BILIRAKIS).

Under the Castor-Bilirakis amendment, each member of the armed services serving in combat operations would be provided with a monthly postal benefit that they can transfer to their families or to a charitable organization so they can afford to send care packages and other communications while they are serving bravely overseas. Just think of the benefit to our brave men and women serving in combat operations, a benefit to their morale, a boost in the morale when they receive that letter from home, when they receive that all-important care package.

This effort has been ongoing for many years. It has been included in past Defense authorization bills. It passed the House last year only to be taken out in conference. It is time to get this provision enacted as a standalone bill, H.R. 707, the Homefront to Heroes Act. We have more than half of the House of Representatives as cosponsors. It is time to get this done finally.

Mr. MCKEON. Mr. Chairman, I yield now to the gentleman from Florida (Mr. BILIRAKIS) 2 minutes.

Mr. BILIRAKIS. Mr. Chairman, I thank the ranking member for yielding. And thank you, Mr. SKELTON, for including this in the en bloc amendment.

I rise today in support of a provision included in this en bloc amendment which my colleague from Florida, Ms. CASTOR, and I have offered to provide postal benefits to our combat soldiers. This amendment recognizes the sacrifices made by servicemembers and their loved ones back home. Tough economic times have made it increasingly difficult for those who send care packages to troops to pay the resulting shipping costs. This amendment will help address that problem.

The legislation on which our amendment is based has strong bipartisan support garnering 237 cosponsors. In addition, it has gained a great deal of support from our constituents and people all across the country. It is with great humility that I rise today to honor our servicemembers and those who tirelessly support them.

I urge all of my colleagues to support this very important amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the distinguished chairman of the committee.

I have an amendment as part of this en bloc that would require the Secretary of Defense to ensure that members of the Individual Ready Reserve who have served at least one tour in either Iraq or Afghanistan receive a counseling call from properly trained personnel not less than once every 90 days to look at emotional, psychological, medical and career needs.

Mr. Chairman, the military personnel from the Secretary on down, and certainly the chairman of our committee, have devoted a great deal of attention to suicide prevention recognition and treatment. This is necessary because the IRR is one place where it is just too easy to fall through the cracks.

Coleman Bean of East Brunswick, New Jersey, enlisted in the Army in 2001, attended Fort Benning, served with the 173rd Airborne. He served in Iraq. Afterwards, he sought treatment for post-traumatic stress disorder. Maybe the VA diagnosis should have been accepted by the Army. In any case, after he was discharged, like other Army members, he still had 4 years of Ready Reserve commitment. He was called back to Iraq, served, returned to New Jersey in May of 2008 and committed suicide in September of 2008. He fell through the cracks. He had no advocate, no Army machinery to help him find his way through the system. He was literally on his own.

Mr. Chairman, this amendment is to address what I think is a gap in our suicide treatment efforts to deal with the Individual Ready Reserve. I urge passage of this amendment.

Mr. MCKEON. We have no further speakers, and I reserve the balance of my time.

Mr. SKELTON. I yield 1 minute to my friend and colleague, a member of the Armed Services Committee, the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Thank you, Mr. Chairman.

My amendment helps to build support for the military bill buildup on Guam by addressing a longstanding issue. We will authorize a substantial amount of military construction in this bill, but to keep up the morale and the obligation to the people of Guam, it is only right to also resolve the issue of war claims as part of this bill.

The war claims program for Guam administered by the U.S. Navy after World War II had shortcomings, and this amendment would address the resulting disparity of treatment for war claims for the Chamorros who endured the occupation of Guam.

The House passed this amendment as H.R. 44 in February, but the other body has not considered it. Adopting this amendment will provide an opportunity to resolve this issue.

And, again, many thanks to Chairman SKELTON and Ranking Member MCKEON for accepting this amendment en bloc and to all of their staff for their outstanding support in advancing this bill. I urge adoption of this amendment.

Mr. SKELTON. Let me take this opportunity, Mr. Chairman, to recognize several of our staff who, after wonderful service, are going on to new challenges in their careers:

Loren Dealy, who will handle communications for the Office of Legislative Affairs at the Department of Defense; Frank Rose who is off to work on strategic weapons and missile defense issues at the State Department; Bill Natter, who recently left to be the Deputy Under Secretary of the Navy; Sasha Rogers, who is off to get a master's of public policy; Christine Lamb, who is off to get an MBA; and Ben Glerum, who will be working on a law degree.

In addition, I wish to recognize those unsung heroes who allow our staff to put together a bill of this enormous size and complexity. Those staff members who are called staff assistants: Andrew Tabler, Zach Steacy, Liz Drummond, Megan Putnam, Rose Ellen Kim, Caterina Dutto, Kathleen Kelly, Mary Kate Cunningham, Scott Bousom, Trey Howard, Cindi Howard, Derek Scott and Katy Bloomberg all deserve a special thanks.

And I also want to thank Joe Hichen for a long effort with us, as well as Alicia Haley. Without their hard work, coordination, and patience, we would not be as successful as we are today.

A final thanks to the team in the Office of Legislative Counsel led by Sherry Chriss, and the Parliamentarians who provide such excellent support. We thank them, and we are very grateful for their hard work.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, this is probably the last time where I have enough time to thank the staff. I would like to thank all of the members of the staff.

I said when I was on the Education Committee, we used to have everybody's names written out; and so I turned to Tom, and he said, We don't do that, sir. We give all of the credit to the Members. So rather than list all of their names on both sides, I would like to thank you en bloc, all of the staff, for doing such a tremendous job to get me ready in very short time to do this work. They have done a yeoman's job, and it has been a real pleasure working with the chairman and working with the staff on this bill. I look forward to many more years to do it. Hopefully, we will change off chairman, but I won't get into that.

Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, let me say a special word of thanks to our ranking member, BUCK MCKEON. As we welcome you and you are off and running, you are doing an excellent job, and we thank you for your first-class efforts in making this come to pass. You've done wonderfully, and we should all be very grateful to you.

Mr. GARRETT of New Jersey. Madam Speaker, earlier today, the House unanimously passed my amendment to the National Defense Authorization Act for Fiscal Year 2010, H.R. 2647. This amendment expresses the sense of Congress that the United States and Israel have a shared national interest, that the latter is one of our strongest and most important allies, and that our government should pledge our continued support of Israel's defense and well-being.

In light of this, I would like to take a moment to draw attention to the ongoing captivity of Israeli Corporal Gilad Shalit. Cpl. Shalit is an Israeli soldier and a member of the Israel Defense Forces' (IDF) Armor Corps. Three years ago today, Cpl. Shalit and his fellow soldiers were attacked by Hamas terrorists on the Israel side of the Gaza Strip. Two soldiers were killed, and Cpl. Shalit was kidnapped.

Since that day in 2006, Hamas, with the continued protection and support of the Palestinian leadership, has held Cpl. Shalit in captivity, in clear defiance of the Geneva Convention and basic human decency. Hamas has not allowed the Red Cross or others to visit Cpl. Shalit. Instead, Hamas released videos highlighting the poor treatment of Cpl. Shalit and mocking Israel and the IDF. Military and diplomatic efforts to secure the release of Cpl. Shalit have been unsuccessful, and the Palestinian government continues to exploit his condition and his family's suffering.

In 2007 and 2008, I called for the release of Cpl. Salit, as well as Sergeant Major Ehud "Udi" Goldwasser and Sergeant First Class Eldad Regev. On July 16, 2008, Hezbollah returned the bodies of SGM Goldwasser and SFC Regev in exchange for over 200 convicted terrorists and other Palestinian prisoners. Hamas claims that Cpl. Shalit is still alive, and we know that his return is a matter of urgency. The captivity and poor treatment of Cpl. Shalit, in addition to the murder of the other soldiers, is unacceptable and only further demonstrates Hamas's unwillingness to be a responsible member of the global community.

As a nation that has experienced terrorist attacks, we know that this issue is not solely a regional issue, nor is it the problem of Israel alone. I am proud that this Congress today chose to stand with our friends in Israel, and call for the support of our key ally. Moreover, I call on President Obama, Secretary Clinton, and Ambassador Rice to use all available measures to secure the safe and timely return of Cpl. Gilad Shalit.

Ms. ROS-LEHTINEN. Mr. Chair, I rise in strong support of the amendment offered by my distinguished friend and colleague from New Jersey, Mr. GARRETT.

Since its creation in 1948, the State of Israel, surrounded by hostile neighbors, has been forced to develop technologically advanced defense capabilities to protect its existence as a democratic, Jewish state.

While this amendment addresses the totality of the U.S.-Israel military and security relationship, I would like to focus on the provision of critical missile defense assistance to Israel.

Israel is about to become the first country in the world to have a true national missile defense, and perhaps no other country has such a pressing need for one.

Almost twenty years ago, Iraq launched 93 Scuds at other Middle Eastern nations, including 39 at Israel.

Most recently, in 2006, Hezbollah launched scores of Katyusha rockets at civilian targets in northern Israel, imposing a state of siege on the population.

And we cannot forget the ongoing, relentless, decade-long rocket and mortar attacks from Palestinian militant groups in Gaza against innocents in southern Israel.

In addition to killing and injuring a number of Israelis, these militants have inflicted great psychological damage on the population, including Israeli children.

But the missile danger to Israel and the United States is even greater than what has challenged us before.

Today, Israel faces threats from both Iran and Syria—which have made clear their desires to develop nuclear weapons—and from the ballistic missile delivery systems that could reach Tel Aviv, other critical U.S. allies, and U.S. forces stationed throughout the region.

Iran remains committed to developing rockets capable of delivering warheads to Tel Aviv.

Syria, which has one of the largest missile stockpiles in the region, has, with Iran's help, reportedly developed a surface-to-surface missile that would enable Syria to launch attacks on key Israeli military and civil installations with precision.

Providing missile defense for Israel is obvious: It is a vital U.S. ally, a small democracy surrounded by foes armed with short, medium, and long-range projectiles and missiles.

I urge strong support for this amendment.

Mr. KING of New York. Mr. Chair, today I rise and am proud to join my colleagues in supporting the Castor/Bilirakis amendment to the National Defense Authorization Act for FY2010. This amendment would provide free mailing vouchers to members of the Armed Forces serving on active duty in Iraq and Afghanistan, that can then be transferred to loved ones who will be able to send letters and packages to soldiers at no cost. While our

soldiers do not have to pay for the letters they send home, their families often spend hundreds of dollars to send care packages and letters of their own.

I introduced similar legislation (H.R. 704) this Congress and a similar provision was also included in the FY2009 National Defense Authorization Act that passed the House, only to be stripped out during conference negotiations. As someone who has long been dedicated to providing for the needs of soldiers and their families, I welcome this long-awaited addition to the benefits of those who serve our country.

Mr. SKELTON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

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AMENDMENT NO. 20 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 111–182.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. CONNOLLY of Virginia:

At the end of subtitle D of title III, add the following new section:

SEC. 3___. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would clarify that section 526 of the Energy Independence and Security Act does not preclude Federal agencies from purchasing fuel that is not predominantly derived from tar sands or other high-carbon sources. At the same time, this amendment maintains the intent of section 526 by ensuring taxpayer money is not being used to subsidize highly polluting technologies.

Originally contained in the Carbon Neutral Government Act and incorporated in the Energy Independence and Security Act, section 526 precludes Federal agencies from entering into a contract that would result in construction of a refinery of fuel that produces more greenhouse gas pollution than conventional petroleum fuel. This exact amendment, introduced by Mr. BOREN of Oklahoma last year, passed the House on a voice vote; unfortunately, it was not adopted by the Senate. This language represents a compromise that preserves the intent of section 526 without tying the hands of Federal agencies that need to procure fuel.

Without using carbon capture and sequestration, turning coal into liquid fuel produces up to twice as much greenhouse gas pollution per unit of energy as conventional petroleum fuel, and fuel processed from tar sands generates 14 to 42 percent more greenhouse gas pollution per unit compared to production of conventional petroleum fuels. Section 526 has successfully protected taxpayers from costly and destructive subsidies of highly polluting fuel production.

The reality is that fuel derived from tar sands already comprises a small proportion—roughly 6 percent—of much of the gasoline and diesel fuel consumers purchase.

Mr. Chairman, this amendment simply clarifies that the hands of the Federal Government are not tied and that Federal agencies can, in fact, procure commercially available fuel that is available to them.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR (Mr. PASTOR of Arizona). The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I rise to claim this time, but I am not in opposition to Mr. CONNOLLY's amendment. Although I do support the gentleman's amendment to clarify the purported intent of section 526 of the Energy Independence and Security Act of 2007, I believe it does not do enough.

The Department is aggressively seeking alternative fuel sources for their aircraft, vehicles, and naval vessels, and section 526 poses a serious barrier to these efforts. We need to encourage the Department to continue these efforts, not shackle them with greenhouse gas emission limits that are set from arbitrary and ambiguous standards.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield 1 minute to my friend from Florida (Mr. GRAYSON).

Mr. GRAYSON. I am pleased to have proposed, and have the support of the chairman, an amendment for a specific purpose, to improve Defense procurement. That purpose is to identify for the contracting agencies the correct tradeoff between costs and price and technical factors. As it stands right now, our statutory scheme for Defense procurement does not identify what the tradeoff should be.

For the sake of saving money and eliciting from contractors more cost-effective proposals, we are saying that the agencies must allow cost or price to be at least 50 percent of the evaluation scheme or explain why not. That is the purpose of this amendment. I anticipate it will save a great deal of money for the taxpayers and for the troops.

Mr. MCKEON. Mr. Chairman, I am happy to yield to the gentleman from Georgia (Mr. GINGREY) such time as he may consume.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I do rise in support of Representative CONNOLLY's amendment, but this amendment, Mr. Chairman, doesn't go nearly far enough. Let me try to explain in the limited time that I have.

The Energy Independence and Security Act of 2007 has in it a section 526, which does not allow any agency of the Federal Government to use a fuel source that has one scintilla increased amount of carbon dioxide footprint other than just standard old bubble-up petroleum. The Department of Defense uses about 350,000 barrels of refined petroleum product every day, most of that by the Air Force in the use of jet fuel.

In this country, we have so much domestic source of nonconventional bubble-up petroleum, and I'm talking about things like shale, in particular, and the liquefication of coal, converting coal into petroleum. In this country, Mr. Chairman, we probably have a 150-year reserve of coal, and yet we cannot touch that even though the Department of Defense has done research on the clean liquefication of coal, the clean mining of shale. Shale is a rock that's just soaked, it's like a sponge, it's just soaked with petroleum, and there are literally hundreds of millions of barrels of petroleum within that shale. And yet, because of this section 526 in the Energy Independence and Security Act of 2007, we cannot use it. We cannot use that at all.

So what we have found, of course, is that most of the petroleum that we import from foreign countries is not coming from OPEC; it's coming from Canada. And what's the problem? That oil that we get from Canada comes from tar sand. It's got a little sand in it, and it causes a little increase of production of carbon dioxide, a footprint that's more than conventional petroleum. So that's all the amendment does from the gentleman from Virginia.

I support the amendment, but what we need to do is eliminate section 526.

And I have an amendment that I signed on with the gentleman from Texas (Mr. HENSARLING) and the other gentleman from Texas (Mr. CONAWAY), and that's what we should have done. That amendment should have been made in order. We need to eliminate section 526 and take the handcuffs off the Department of Defense. We're talking about big bucks here, Mr. Chairman.

I do support the gentleman's amendment.

Mr. CONNOLLY of Virginia. Just a comment, Mr. Chairman.

I thank the support of my friend, but I want to clarify for the record that, as a matter of fact, we already have tar sand oil. About 6 percent of the gasoline supply in the United States already has it. And we already have the liquefication of coal used in the United States, and the bill I hope we will pass tomorrow or Saturday, in fact, will allow a lot more of it.

Mr. Chairman, I yield 1 minute to the distinguished Chair of the committee, Mr. SKELTON.

Mr. SKELTON. I thank the gentleman. And I stand in support of the Connolly amendment to section 526 of the Energy Independence and Security Act, which provides an exception for certain generally available fuels while retaining the greenhouse gas emission standard that 526 sets for new alternative fuels.

Let me, Mr. Chairman, say a word of thanks. We have thanked the staff, under the leadership of Erin Conaton. They have just done so very, very well. And we thank the members, BUCK MCKEON, who is doing so well, and the subcommittee chairmen and the ranking members all made their excellent statements. But there is one group we need to give a special thanks to, and that's the young men and young women in uniform as well as the civilian employees of the Department of Defense. They are very special, and we are appreciative and very grateful for their efforts.

Mr. MCKEON. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. MCKEON. I would just like to second what the chairman was saying and thank all of those men and women in uniform and the civilian employees. He was very sincerely wanting to thank all of them.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield 30 seconds to my good friend from California (Mr. SCHIFF).

Mr. SCHIFF. I am very grateful to the gentleman and want to speak very briefly on an amendment I've introduced to authorize NASA's federally funded research and development centers to participate in DOD research and development programs.

JPL's scientific leadership represents an invaluable source of key expertise to DOD. JPL has performed research for DOD for decades. This amendment simply clarifies JPL's authority to continue to work with the Defense Department and closely parallels an amendment to perform the same function for the Department of Energy. We have worked with NASA to ensure this does not interfere with JPL's primary mission to build spacecraft and perform scientific research for NASA. This way we can ensure that important collaborations between JPL and DOD will continue.

Mr. Chair, today I am introducing an amendment that explicitly authorizes NASA's federally funded research and development centers to participate in Department of Defense research and development programs.

Many of us are familiar with NASA's world-renowned research and development center, the Jet Propulsion Laboratory, in Pasadena, California. JPL, which is managed for NASA by the California Institute of Technology, has designed, built and controlled many of America's most successful unmanned spacecraft. Unmanned space probes, from the *Ranger* and *Surveyor* missions that paved the way for *Apollo,* to the *Voyager* spacecraft that explored the outer planets and continue to send back data even as they leave the solar system, have increased our comprehension of our celestial neighborhood beyond anything contemplated half a century ago. Since we first sent robotic emissaries to our neighboring planets, every American space probe that has visited another planet was managed by JPL.

The journal Science named JPL's discovery of evidence of past water on Mars as 2004's ''Breakthrough of the Year''. JPL's spectacular missions have brought us incalculable scientific data and have sustained Americans' passion for spaceflight at a time of greatly diminished human presence in space. These spacecraft have reinforced America's scientific and technological preeminence.

JPL's scientific leadership represents an invaluable source of key expertise for the Department of Defense. The Jet Propulsion Lab has performed research for the Department of Defense for decades by responding to DoD Broad Agency Announcements. This amendment simply clarifies JPL's authority to continue to work with the defense department, and closely parallels an amendment which performed the same function for Department of Energy National Labs in 1998. I have worked with NASA to ensure that the amendment does not interfere with JPL's primary mission, to build spacecraft and perform scientific research for NASA. By including this amendment, we ensure that important collaborations between the Jet Propulsion Laboratory and the Department of Defense will continue into the future. I urge my colleagues to approve this amendment.

Mr. POLIS. Mr. Chair, I rise in support of the amendment offered by Mr. CONNOLLY of Virginia.

Mr. Chair, this amendment is an important clarification of section 526 of the Energy Independence and Security Act. This amendment clarifies that Federal agencies are not precluded from purchasing fuel that is not predominantly derived from higher carbon sources. While at the same time, this amendment maintains the original provision's intent by ensuring that our tax dollars are not spent on inefficient and highly polluting energy sources.

To my constituents in Colorado this particularly means that energy sources like oil shale won't be able to take our state's most precious resource . . . water.

Energy sources like oil shale take excessive amounts of energy to produce, making the net amount of energy we receive unjustifiable. Furthermore our western states understand that the most valuable resource we have isn't fossil fuels but water.

The process of developing oil shale is incredibly water intensive and our communities, rivers, and taxpayers simply can't afford it.

I thank Mr. CONNOLLY for his work on this amendment and to Mr. WAXMAN in creating the original provision.

This amendment is a responsible step for taxpayers, for western communities, and our energy policy alike.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. MCGOVERN of Massachusetts.

Amendment No. 4 by Mr. MCGOVERN of Massachusetts.

Amendment No. 9 by Mr. FRANKS of Arizona.

Amendment No. 15 by Mr. AKIN of Missouri.

Amendment No. 34 by Mr. HOLT of New Jersey.

Amendment No. 20 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 278, not voting 23, as follows:

[Roll No. 453]

AYES—138

Abercrombie
Baca
Baldwin
Berkley
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Carson (IN)
Castor (FL)
Christensen
Clarke
Clay
Coble
Cohen
Costello
Courtney
Dahlkemper
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Driehaus
Duncan
Edwards (MD)
Ellison
Eshoo
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Grijalva
Hall (NY)
Hare
Harman
Heinrich
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kilpatrick (MI)
Kilroy
Kucinich
Larson (CT)
Lee (CA)
Loebsack
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCollum
McDermott
McGovern
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Richardson
Rohrabacher
Rothman (NJ)
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schrader
Scott (VA)
Serrano
Sestak
Shea-Porter
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Tierney
Towns
Tsongas
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Yarmuth

NOES—278

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Cleaver
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Dreier
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hoekstra
Holden
Hoyer
Hunter
Inglis
Issa
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Paulsen
Pence
Peterson
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Sablan
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—23

Becerra
Berman
Cantor
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

□ 1447

Messrs. GARRETT of New Jersey, SPACE, BUTTERFIELD, Ms. GIFFORDS, Messrs. CLEAVER and POE of Texas changed their vote from ''aye'' to ''no.''

Messrs. QUIGLEY, LARSON of Connecticut, COHEN, BOSWELL, ABERCROMBIE, OBEY, and ISRAEL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 190, not voting 25, as follows:

[Roll No. 454]

AYES—224

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Costello
Courtney
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Speier
Spratt
Stark
Sutton
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—190

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers

Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Dreier
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Perlmutter
Peterson
Pitts
Platts
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Snyder
Souder
Space
Stearns
Stupak
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Becerra
Berman
Cantor
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Kingston
Larson (CT)
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1452

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FRANKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 244, not voting 24, as follows:

[Roll No. 455]

AYES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Dreier
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Souder
Space
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (WA)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Davis (TN)
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner
Welch

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1456

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. AKIN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. AKIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 226, not voting 27, as follows:

[Roll No. 456]

AYES—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Doggett
Dreier
Duncan
Emerson
Engel
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOES—226

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Yarmuth

NOT VOTING—27

Becerra
Berman
Boyd
Cao
Capuano
Clyburn
Conyers
Crowley
Davis (IL)
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Meek (FL)
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Stark
Sullivan
Velázquez
Weiner
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1459

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. WOOLSEY. Mr. Chair, on June 25, 2009, I was unavoidably detained and was not able to record by vote for rollcall No. 456. Had I been present I would have voted: "No"—Akin of Missouri Amendment No. 15.

AMENDMENT NO. 34 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 193, not voting 22, as follows:

[Roll No. 457]

AYES—224

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baldwin
Bartlett
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Rohrabacher
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carter
Chaffetz

Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, M.
Dingell
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Holden
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Souder
Space
Stearns
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1505

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 23, as follows:

[Roll No. 458]

AYES—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Maffei
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

□ 1509

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Chair, during House consideration of H.R. 2647, the National Defense Authorization Act I, along with several other Members of Congress, was unavoidably detained in a meeting on immigration policy at the White House with President Obama. Had I been present, I would have voted against the McGovern/Jones/Pingree Amendment, for the McGovern/Sestak/Bishop (GA)/Lewis (GA) Amendment, against the Franks/Cantor/Sessions/Broun/Roskam Amendment, against the Akin/Forbes Amendment, for the Holt Amendment, and for the Connolly Amendment.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr.

PASTOR of Arizona, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, pursuant to House Resolution 572, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. FORBES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. Yes, sir, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes of Virginia moves to recommit the bill H.R. 2647 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendment:

At the end of title X, insert the following new section:

SEC. 1055. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE AND CERTAIN VEHICLES AND AIRCRAFT.

(a) FUNDING.—

(1) PROCUREMENT OF AIRCRAFT, ARMY.—The amount otherwise provided by section 101(1) for procurement of aircraft, Army, is hereby increased by $92,000,000, of which—

(A) $32,000,000 is to be available for the procurement of UH–60 Blackhawk helicopters; and

(B) $60,000,000 is to be available for the procurement of CH–47 helicopters.

(2) PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount otherwise provided by section 101(3) for procurement of weapons and tracked combat vehicles, Army, is hereby increased by $797,800,000, of which—

(A) $138,400,000 is to be available for the procurement of Stryker vehicles;

(B) $162,400,000 is to be available for the procurement of High Mobility Multi-Purpose Wheeled Vehicles;

(C) $197,000,000 is to be available for the procurement of the family of Medium Tactical Vehicles; and

(D) $300,000,000 is to be available for the procurement of Mine Resistant Ambush Protected, All-Terrain Vehicles.

(3) PROCUREMENT OF AIRCRAFT, AIR FORCE.—The amount otherwise provided by section 103(1) for procurement of aircraft, Air Force, is hereby increased by $510,200,000, of which—

(A) $110,000,000 is to be available for the procurement of MQ–9 Unmanned Aerial Vehicles; and

(B) $400,200,000 is to be available for the procurement of C–130J aircraft.

(4) MISSILE DEFENSE.—The amount otherwise provided by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $1,200,000,000 to provide funds for the Missile Defense Agency, of which—

(A) $600,000,000 is to be available for the ground-based midcourse defense system;

(B) $237,000,000 is to be available for the Airborne Laser program;

(C) $177,100,000 is to be available for the Multiple Kill Vehicle;

(D) $165,900,000 is to be available for the Kinetic Energy Interceptor; and

(E) $20,000,000 is to be available for the Space Tracking and Surveillance System.

(b) OFFSETTING REDUCTION.—The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $2,600,000,000, to be derived from sites that are projected to meet regulatory milestones ahead of schedule or are at greatest risk of being unable to execute Public Law 111–5 and fiscal year 2010 funding as planned for fiscal year 2010.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

□ 1515

Mr. FORBES. Mr. Speaker, this motion to recommit improves this bill by fully providing for our troops on the battlefield, protecting the American people at home from ballistic missile threats, and doing so without borrowing from any significant program.

First, this motion provides $1.4 billion in equipment requested by our men and women in combat and which this House agreed they needed because we included it in the 2009 supplemental the first time. This funding is for MRAP vehicles, Blackhawk helicopters and UAVs, which have persistently been some of our troops' highest priorities for Iraq and Afghanistan.

Mr. Speaker, after the House included this funding in the supplemental, the Senate included a provision to provide a $100 billion global bailout to the IMF. In order to pay the bill, the equipment needed by our servicemen and women in action was stripped from the supplemental.

I do not think any Member of this distinguished body believes we should have provided any loan to the IMF, or any other international body, without first taking care of our men and women on the battlefield.

Mr. Speaker, this bill will have some critical components of this motion and would restore 1,600 additional Humvees and combat vehicles, 250 MRAP vehicles to protect our soldiers from roadside bombs, four additional helicopters and four additional aircraft so our soldiers don't have to drive those roads in the first place, and six unmanned aerial vehicles to address critical shortfalls in intelligence and reconnaissance.

In addition to fulfilling the wartime needs of our troops, this motion would add $1.2 billion to restore missile defense funding to the fiscal year 2009 levels.

Last year, this Congress provided $10.5 billion for missile defense. Since that time, North Korea and Iran's nuclear and missile capabilities have demonstrably grown as credible threats to the security of the United States.

North Korea has threatened to ''wipe out'' the United States and reportedly is preparing an intercontinental ballistic missile launch that could reach Hawaii or the continental United States.

In April, the President himself said ''Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies.''

Despite these increasing threats, the bill cuts missile defense by $1.2 billion from last year. And this includes a 35 percent reduction to a vital missile defense system in Alaska and California designed to protect the United States homeland.

These cuts lack supporting analysis and challenge common sense. If North Korea does what it says, or if the President is right about Iran, this may be one of the most crucial votes we take.

The $2.6 billion to pay for the equipment our troops need and to maintain last year's missile defense funding level will come from a Department of Energy account that has already received more than $5 billion in stimulus funding on top of a baseline request of $5.5 billion.

We may hear concerns from the other side of the aisle that we are skimming off the top of important environmental cleanup projects. However, Energy Department officials have stated publicly that the stimulus funds go to the lowest priority projects. I also would like to note that cleanup funds do not expire, and the billions of dollars of stimulus funds provided for this effort won't expire for 5 years. It is more than reasonable to expect that the Secretary of Energy can responsibly reallocate the resources he receives across the environmental management portfolio.

Therefore, the real question before the House is whether we should allocate $2.6 billion to the Department of Energy for their admittedly lowest priority cleanup projects, or, to allocate this $2.6 billion for much-needed equipment for our troops in combat and to defend our Nation against the rising threats of missile attacks.

Mr. Speaker, the choice is clear. The decision should be even clearer. And with that, Mr. Speaker, I urge all my colleagues to vote for this motion.

I yield back.

Mr. SKELTON. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, this is one of the most interesting motions to recommit I have ever seen. In truth, in fact, in looking it over, which is a multipage motion, it is an effort to rewrite the work of two subcommittees within the Armed Services Committee, the Strategic Forces Subcommittee and the Air and Land Subcommittee.

And we have already, a few moments ago, discussed at length on this floor a good part of this, which is the missile defense area, which we gave $9.3 billion toward. But what I really find interesting in this is that the budget will cut the cleanup for radioactive waste and special materials in half.

At this time, I yield 2 minutes to the gentlelady from California (Mrs. TAUSCHER), the subcommittee chairman.

The SPEAKER pro tempore. The gentleman may not yield blocks of time, but the gentleman may yield.

Mrs. TAUSCHER. Thank you, Mr. Speaker.

California, Texas, Colorado, New Mexico, Washington, South Carolina, Tennessee, Idaho, Georgia. Anybody live there? Those are the States that are expecting this cleanup money. Your Governors are expecting this cleanup money. Mayors of communities are expecting this cleanup money.

This isn't just a little slush in tanks that we are trying to clean up, ladies and gentlemen. This is the 50-year residue of the Cold War; dangerous, dangerous proliferation risks, dangerous health and safety risks.

These States have agreements, usually because they have sued the Federal Government, to have this money be spent for this cleanup. So if you think this is a triviality, if your phone is ringing right now, it is probably your Governor saying do not take this money away from us because our communities are at risk.

That is why you need to oppose this motion to recommit.

We have had hearing after hearing. We have had subcommittee markups and full committee markups. None of this was brought up. This is a convenient way to change the subject. The subject is support this mark. Defeat this motion to recommit.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii, the chairman of the Air and Land Subcommittee, Mr. ABERCROMBIE.

The SPEAKER pro tempore. The gentleman may not yield blocks of time.

The gentleman from Hawaii is recognized.

Mr. ABERCROMBIE. Mr. Speaker and Members, I'm the chairman of the Air and Land Subcommittee. And I really feel very, very deeply that this recommit motion made right now really is not in order in the way we work. The phrase was used ''on the other side of the aisle.'' There are no ''sides of the aisle'' in the Air and Land Subcommittee. Every single member of that committee is recognized by this chairman as not only equal in terms of their input, but equal in terms of their commitment to the defense of this country.

You folks know me here. This kind of thing does not take place in our subcommittee. There is no ''side of the aisle'' when it comes to the defense of this Nation.

Let me just give a couple of quick examples. On the Stryker vehicle, we have $338 million in there on top of the $200 million plus that we put in the supplemental. We were never given any other number despite any opportunity anybody could have had to bring that number forward.

On the Mine Resistant Ambush Protected all-terrain vehicles, $5.45 billion for 1,000 vehicles, upgrades, retrofits and operation and maintenance. If there is one thing that this chairman, IKE SKELTON, has done in the committee, for both Republicans and Democrats who have the responsibility and obligation as members of the Armed Services Committee, is to see to it that readiness is first, foremost and fundamental in our deliberations.

I ask you, I ask you as a fellow member of the Armed Services Committee, not as a Democrat or as a Republican, to reject this on the basis that our committee did its work the way it should do its work. We set a standard for bipartisanship, in fact nonpartisanship, when it comes to determining what is the interests of the fighting men and women of the United States of America.

Mr. SKELTON. How much time is remaining, please?

The SPEAKER pro tempore. Five seconds remain.

Mr. SKELTON. I thank the gentlelady. I thank the gentleman. This is a bad motion to recommit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FORBES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 244, not voting 19, as follows:

[Roll No. 459]

AYES—170

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Dent
Diaz-Balart, M.
Donnelly (IN)
Dreier
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wittman
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lummis
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell

Pastor (AZ)
Paul
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Becerra
Cao
Capuano
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Olver
Putnam
Reyes
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains on this vote.

□ 1543

Mrs. BIGGERT changed her vote from ''aye'' to ''no.''

Mrs. KIRKPATRICK of Arizona changed her vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 389, noes 22, answered ''present'' 1, not voting 21, as follows:

[Roll No. 460]

AYES—389

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—22

Baldwin
Duncan
Ellison
Filner
Frank (MA)
Griffith
Jackson (IL)
Kucinich
Lee (CA)
Michaud
Miller, George
Moore (WI)
Olver
Paul
Polis (CO)
Serrano
Stark
Tierney
Waters
Waxman
Welch
Woolsey

ANSWERED ''PRESENT''—1

Brown, Corrine

NOT VOTING—21

Aderholt
Becerra
Buyer
Cao
Capuano
Carnahan
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Herger
Kennedy
Larson (CT)
Lewis (GA)
Markey (MA)
Putnam
Reyes
Sarbanes
Sullivan
Velázquez

□ 1550

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. SARBANES. Mr. Speaker, on rollcall No. 460, had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, this afternoon, I was present at a two-hour meeting at the White House with the President of the United States. As such, I was unfortunately not able to be present for the following votes:

On the inclusion of the McGovern/Jones/Pingree Amendment. Had I been present, I would have voted ''Aye.''

On the inclusion of the McGovern/Sestak Amendment. Had I been present, I would have voted ''aye.''

On the inclusion of the Franks Amendment. Had I been present, I would have voted ''no.''

On the inclusion of the Akin/Forbes Amendment. Had I been present, I would have voted ''no.''

On the inclusion of the Holt Amendment. Had I been present, I would have voted ''aye.''

On the inclusion of the Connolly Amendment. Had I been present, I would have voted ''aye.''

On the motion to recommit H.R. 2647. Had I been present, I would have voted ''no.''

On final passage of H.R. 2647. Had I been present, I would have voted ''no.''

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on June 25, 2009, I was absent for eight rollcall votes. If I had been here, I would have voted:

"Aye" on rollcall vote 453; "Aye" on rollcall vote 454; "No" on rollcall vote 455; "No" on rollcall vote 456; "Aye" on rollcall vote 457; "Aye" on rollcall vote 458; "No" on rollcall vote 459; "Aye" on rollcall vote 460.

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, earlier today, June 25, 2009, due to a medical situation involving a member of my family, I was not present for rollcall votes 453 through 460. Had I been present, I would have voted in the following manner:

"Aye" on rollcall 453: The McGovern/Jones/Pingree Amendment; "Aye" on rollcall 454: The McGovern/Sestak/Bishop/Lewis Amendment; "No" on rollcall 455: The Franks/Cantor Amendment; "No" on rollcall 456: The Akin/Forbes Amendment; "Aye" on rollcall 457: The Holt Amendment; "Aye" on rollcall 458: The Connolly Amendment; "No" on rollcall 459: The Motion to Recommit on H.R. 2647; "No" on rollcall 460: Final Passage of H.R. 2647.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was meeting with President Obama at the White House on immigration reform earlier today and missed rollcall votes 453–460. If present, I would have voted "aye" on rollcall votes 453, 454, 457, 458 and 460 and "nay" on rollcall votes 455, 456, and 459.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on June 25, 2009 I missed rollcall votes 454 and 460. Had I been present, I would have voted "yes" on both.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2647, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, and that the Clerk be authorized to make the additional technical corrections, which are at the desk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and in which to insert extraneous materials in the RECORD on the bill that was just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

Mr. WEINER. Mr. Speaker, because I was attending a conference at the White House on immigration reform, I was unavoidably detained and would like to state for the RECORD that, had I been present, I would have voted ''yes'' on the McGovern-Jones amendment, would have voted ''yes'' on the McGovern-Sestak amendment, would have voted ''no'' on the Franks amendment, would have voted ''no'' on the Akin amendment, would have voted ''yes'' on the Holt amendment, would have voted ''yes'' on the Connolly amendment, and would have voted ''no'' on the Republican motion to recommit.

PERSONAL EXPLANATION

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent to be recognized to note that I also was at a meeting for the last 2 hours, with the President at the White House, on immigration and unavoidably missed the votes. Had I been present, I would have voted ''yes'' on the McGovern-Jones amendment, ''yes'' on the McGovern-Sestak amendment, ''no'' on the Franks amendment, ''no'' on the Akin amendment, ''yes'' on the Holt amendment, ''yes'' on the Connolly amendment, and ''no'' on the motion to recommit.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. I ask unanimous consent to place in the RECORD how I would have voted because I was unavoidably detained at a 2-hour meeting with the President on the issue of immigration.

I would have voted ''yes'' on the adoption of the McGovern-Jones. I would have voted ''yes'' on the adoption of the McGovern-Sestak. I would have voted ''no'' on the Franks-Cantor. I would have voted ''no'' on the Akin-Forbes amendment. I would have voted ''yes'' on the Holt amendment. I would have voted ''yes'' on the Connolly amendment and ''no'' on the Republican motion to recommit.

PROVIDING FOR CONSIDERATION OF H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments printed in part B of the report of the Committee on Rules; (3) not to exceed three of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; (4) not to exceed one of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; and (5) not to exceed one of the amendments printed in part E of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B, C, D, or E of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 2996, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlelady

from North Carolina, Dr. FOXX. All time yielded during consideration of the rules is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, House Resolution 578 provides for consideration of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations bill for fiscal year 2010.

I rise in support of the rule and the underlying bill, the Interior, Environment, and Related Agencies Appropriations bill for fiscal year 2010. I thank Chairman OBEY and Chairman DICKS and the Appropriations staff for their hard work and dedication in bringing this bill to us.

Madam Speaker, I am a lucky man. I am truly blessed to represent communities in Colorado like Vail, Breckenridge, and Boulder, some of the most awe-inspiring forests, mountains, and wilderness that our country has to offer and I had the opportunity to witness as a kid growing up to this day.

□ 1600

Visitors from across the globe come to my district in Colorado and others like it across the Nation year-round to get a taste of what we experience every day. Amidst this beauty, Coloradans grow up understanding the great responsibility we all share to protect our precious natural resources for generations of Americans to enjoy.

This bill, I'm proud to say, reflects that great responsibility and priority by providing a total of $32.3 billion for the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Indian Health Service, and related agencies—an increase of $4.7 billion over the 2009 enacted levels.

These funds are absolutely critical in addressing the problems that have come with historic underfunding and have a tangible impact not only on communities in my district, but across the country. This bill also keeps its foundation in fiscal responsibility and contains over $320 million in program terminations for programs that simply don't work, reductions in other savings for the fiscal year 2009 level, and over $300 million from the budget request. Included in this amount is a $142 million recission from EPA prior year STAG account funds based on an inspector general report of unliquidated obligations and $18 million in reductions from a number of requested increases for EPA administrative functions.

This bill also terminates $28 million for a new initiative in Federal aid in wildlife restoration programs due to concerns about implementation of this program.

Our natural environment plays such a critical role in the quality of our lives not only in my district, but across the country, and this bill will help continue the proud tradition of Federal stewardship of our public lands.

I reserve the balance of my time.

Ms. FOXX. I yield myself 3½ minutes. I appreciate my colleague yielding time and, like my colleague from Colorado, I feel extremely fortunate to live where I live in my district—I think the most beautiful area of this country.

But, Madam Speaker, the underlying bill we have here today, the Interior Appropriations Act, that most of my colleagues on both sides of the aisle are being denied the ability to offer amendments to, is filled with wasteful spending. The bill itself is a 17 percent overall increase in funding from last year's bill, and most programs are increased not only above the 2009 levels, but also above the levels the President requested.

This does not reflect the hard economic times our country and our constituents are experiencing right now and is instead spending borrowed money that we do not have.

This bill contains an astounding 38 percent increase in funding for the Environmental Protection Agency. When combined with stimulus funding approved earlier this Congress, which I did not support, the EPA will receive more than $25 billion in a single calendar year, which is the equivalent of three-quarters of the entire Interior Appropriations Act we have before us.

This kind of excessive spending does not reflect but it mocks the economic challenges our constituents are experiencing.

The money that Speaker PELOSI and the Obama administration want to spend today is all borrowed money. We do not have this money. Our constituents do not have this money. And the Federal Government does not have this money.

The Democrat leaders have made the irresponsible decision to borrow in order to spend it at their whim. This bill will increase the deficit even more by borrowing and spending money we don't have.

We can no longer blame the deficit and economic difficulties today on the previous administration because the Democrat leaders are continuing to dig America into a bigger and bigger hole with more reckless spending.

This borrowed money is all being spent by Speaker PELOSI and the Obama administration and, as a result, the unemployment rate continues to rise and the deficit continues to rise also.

This bill contains also several hundred earmarks. The earmark system is flawed. And we know that even some of the earmarks in this bill have had questions raised about them.

This legislation contains several giveaways for and preferential treatment to green companies in order to promote the green climate. This bill applies Davis-Bacon, which will create wasteful spending that we do not need to have.

Madam Speaker, I urge my colleagues to vote against this rule in order to allow this body to appropriately and adequately offer their ideas and engage in the debate that our constituents deserve.

I reserve the balance of my time.

Mr. POLIS. This bill has several cuts that I went into in a number of different areas showing strong fiscal discipline in this difficult fiscal environment. And I would agree with the gentlelady that we need to ensure that we return to fiscal responsibility and indeed balance our budget and certainly preserve our national heritage as an important part of long-term fiscal responsibility.

I'd like to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to thank the gentleman from Colorado, my colleague on the Rules Committee, for yielding me the time.

Madam Speaker, I am proud to stand here in support of this rule and of the underlying legislation. This Interior Appropriations bill is a bill that respects our environment. I'd especially like to thank Chairman Dicks for his leadership, and I want to thank him also for accepting my amendment to increase funding for the Land and Water Conservation Fund Stateside Assistance program by $10 million and for including it in the manager's amendment.

The LWCF Stateside Assistance program is one of the most successful Federal-State-local partnerships in the history of the Department of the Interior. The LWCF Stateside Assistance program matches funds to assist communities in creating new public parks, creating open space, and developing public resources and creating jobs.

The States, cities, counties, and towns that apply for and accept Federal funding from the LWCF Stateside Assistance program agree to match the Federal investment on a dollar-for-dollar basis, and often match significantly more than the Federal share.

Since its inception, it has provided funding for over 41,000 State and local projects in 98 percent of all U.S. counties. There is not a congressional district that has not been impacted in a positive way by an LWCF stateside project.

Having said that, Madam Speaker, I also want to rise in strong opposition to an amendment that will be offered by my colleague from Utah, Mr. CHAFFETZ, later on today, which would eliminate, which would eliminate the LWCF Stateside Assistance program.

Madam Speaker, as I have already stated, the LWCF Stateside Assistance program has supported projects in 98

percent of all United States counties, including the counties that are included in the State of Utah that are in the district of my friend who's offering this amendment.

This program serves a vital, national need, which helps fulfill conservation efforts while promoting healthy living for all Americans. LWCF funding provides critical funding to protect and enhance our parks, protect our wildlife, and retain the quality of our conservation spaces.

Again, I want to thank Chairman DICKS for working with me on this issue, and I look forward to continuing efforts on behalf of the LWCF Stateside Assistance program.

I urge my colleagues to support the rule and to support the underlying bill.

Ms. FOXX. I will now yield 5 minutes to my colleague from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentlelady for yielding. I come to this side of the well because I fear the distance between us has grown so great that we can no longer hear each other from the chasm that divides us. It's time to stop talking at each other and start listening to one another.

When I first read this rule, I wasn't so much angry as I was deeply saddened. I was saddened by what we have allowed this institution to devolve into—little more than a Third World dictatorship. And we are all to blame because we have all allowed this to happen.

We can point fingers at one another ad nauseam, claiming, We did this to you; you did that to us; et cetera, et cetera. Unfortunately, pointing fingers has never solved a problem.

I was also saddened because the Rules Committee had it within their grasp, within their power to pull us back from this precipice that we find ourselves on. But they chose not to. They took a pass.

As I said at the Rules Committee hearing last night, History is replete with people who found an excuse to do the wrong thing. It takes a little courage to do the right thing.

It's time for us to stand up and show the courage to do the right thing—not as Democrats, not as Republicans, but as Members of Congress. It's time to restore this House to the time-honored traditions of open debate, which we inherited from those who came before us, when Members had the right and the ability to represent their constituents.

I find it ironic that around the world people hope for, pray for, even die for the simple right to have their voices heard. They look to us not because they want to be Americans, but because they want for themselves what we have, or at least what we had—the right to be heard. Yet here, in this penthouse of democracy, we are going exactly the opposite direction by trying to silence all opposition.

We all know this rule is wrong. We all know it damages this institution. I know in my heart that Mr. HOYER, the majority leader, knows this rule is wrong. I know in my heart Mr. OBEY, the chairman of the Appropriations Committee, knows this rule is wrong. I know that Ms. SLAUGHTER, the chairwoman of the Rules Committee, knows this rule is wrong.

Yet here we are, all in the name of expediency, silencing the voices of the Americans who elected us to Congress to speak on their behalf. We are sacrificing what is right to just get the job done.

There will come a time when Republicans will once again become the majority party. We don't know when that will be. It might be 2 years, it might be 10 years, it might be 20 years. But it will happen—and we all know that. I will tell you that members of my party will want to use the actions today, your rules, as a precedent—a precedent to shut you out of the process, a precedent to silence your voices, a precedent to deny your ability to represent your constituents, a precedent to take the easy road instead of doing the hard work of democracy.

I want you to know here today that I won't be a part of using this precedent against you. I will stand up for your rights as a minority when you find yourselves in the minority. It's the very heart of democracy. And I'll do it because I care more about the integrity of this institution than I do about sticking to an arbitrary schedule scratched out on some piece of paper.

I fear, I truly fear that you know not the damage that you do to this institution with these rules.

Mr. POLIS. This proposed rule makes in order 12 Republican amendments and indeed only one Democratic amendment, a manager's amendment, which includes two Democratic amendments. I think it is fair to both parties. Included in the allowed amendments are five earmark amendments.

I would like to yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished member of the Rules Committee, Mr. POLIS, for yielding me the time. Madam Speaker, as chairman of the Committee on Natural Resources, I do rise today to express my strong support for the fiscal year 2010 appropriation bill for the Interior, Environment, and Related Agencies.

For many years, many programs in the Department of the Interior were severely underfunded, leaving us with a legacy of tired visitor facilities and a backlog of needs for many natural resources programs. The legislation before us today funds the most important programs harmed by years of starvation budgets. I'm very supportive of the funding increases for our public lands.

Madam Speaker, I do wish to commend the Subcommittee on Interior Appropriations chairman, my classmate, Mr. NORM DICKS, and Ranking Member SIMPSON for the work that they have put in on this legislation. They have provided a needed increase to U.S. Forest Service for both wildlife prevention and wildlife suppression. The legislation also provides the necessary funding for the National Park Service to ensure that park visitors can experience our national parks in their full glory. I'm also pleased to see an increase in funding for the Land and Water Conservation Fund.

Further, I applaud the spending items contained in the pending measure for Indian Country. Through treaties entered into many years ago, the United States has a trust responsibility and moral obligation to provide for our Native Americans.

The unmet needs of Indian Country can never be addressed by a 1-year spending bill. However, we are making good progress with the increased funding for law enforcement, health care, and education in this legislation. These funding levels show our commitment to meet both our legal and moral obligations to Native Americans.

From the standpoint of our natural resources, the preservation of our heritage and keeping faith with Indian Country, this is a very good bill, and I urge my colleagues to support it.

Ms. FOXX. I now yield 3 minutes to our distinguished colleague, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I need to stand and congratulate our Rules Committee for all the hard work they are doing in creating precedent around here. Until last year, in the history of this House the ability to limit speaking rights and amendments was always done by a unanimous consent agreement. So the Rules Committee must indeed be working overtime to establish which issues will never be discussed on this floor.

When the ranking member of the Resources Committee, the ranking member of two of the subcommittees can go 0–9 in proposed amendments, it must be truly an effort on the part of the Rules Committee to guard free speech on this floor—as long as the topic is something on which they agree should be discussed.

□ 1615

For, indeed, we are not simply debating about dollars here. We are debating about dollars to create national security, for dollars have consequences to them.

There was one proposed amendment, which I proposed in there obviously, that dealt with the border security and border guards. Our border guards right now are concentrating their efforts on urban areas. Their efforts are working. But what that is doing is funneling the traffic of illegal immigrants into this country through side lands that are all owned by the Department of Interior and the Forest Service, which constitutes 41 percent of our borders. Madam Speaker, 80 percent of all drugs smuggled are going through those lands. The foot traffic is destroying those wilderness areas. In 2002 alone, eight major wildfires were established

by the foot traffic in that area. The Goldwater training range was shut down because of illegal immigrants trespassing upon that land. Some of those areas are controlled by drug cartels. Some are subject to violence. And one of the problems that we face is, the Border Patrol actually has to pay money to the Interior Department to have access to some of those lands.

One of the Border Patrol agents was threatened with lawsuits and even arrests by a Federal land manager for attempting simply to enter a wilderness area and land a helicopter to pick up a wounded victim. The Border Patrol has to notify land managers if they ever change procedure, even if they are in hot pursuit of an individual. All those issues should be addressed in this particular area.

This device, which I have right here, is one of the listening devices that the Border Patrol needs to communicate with each other. It is placed in jeopardy simply because the Department of Interior now wants it to have limitations. A threat of a lawsuit by an environment group indicated that a memorandum of understanding has to be used to put restrictions on this even though this technology is important and even though environmental assessments said this has no impact. It is temporary. It is mobile. It does not leave a footprint. And if any of these areas were to be created as wilderness, this would have to be, by the memo of understanding, moved.

This picture is of a cactus illegally cut down. It's a crime scene. The illegals who cut this cactus down used this to stop a passenger, then to rob and beat him and then leave him on the scene. The irony is, by the laws we have, if the Border Patrol were to try to move this, that violates the Endangered Species Act if this was one of the endangered species. If it is protected, to take it at all becomes a Federal crime.

Now those are the issues that are at hand. Those are the issues that should be discussed. Those are the issues that are important to America, and those are the issues the Rules Committee decided are not worthy of being discussed on this floor. Good job.

Mr. POLIS. Madam Speaker, I would like to yield 3 minutes to the Chair of the subcommittee whose hard work brings us this bill here today, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I appreciate the gentleman yielding time.

I just want to say to my colleagues that I believe this is an extraordinarily good bill. Mr. SIMPSON and I worked together on a bipartisan basis to craft this legislation. Our staffs worked together very effectively; and we had an open process, an open subcommittee markup where any member could have offered any amendment that they wanted. We had a full committee markup where any member of the Appropriations Committee could have offered an amendment, either side of the aisle; and many were offered.

I just want you to know that I understand Mr. SIMPSON's statement here. He feels badly that we don't have an open rule. I would have preferred an open rule. But when we took control of the House, all of a sudden we had an extension of time on these bills. I can remember the last year I was the ranking member, Mr. TAYLOR was the chairman. I think we went about 8 hours. The next year when I became chairman, it was over 20 hours, and it was an exhaustive process.

I just think we have to remember that we've got to get these 12 bills passed. The greatest sin, in my judgment, is to not do our work; and there are some people in this House who don't want to see the work get done because then they can point the finger of failure at the majority. I have to support my leadership because they have offered their hand—they went over and they talked to Mr. BOEHNER. They talked to Mr. LEWIS, who is here on the floor. And they said, We would like to work out an agreement on these bills on how we can proceed. And they were rebuffed.

So we started out, and we found that there was going to be, on the first bill, a huge number of amendments. There was going to be a long-term delay in getting the work done. So we had no choice but to go to the Rules Committee and get a structured rule. I would have preferred an open rule, but I support what our leadership has done. I think until the leadership gets together and works out a different way, we're going to be doing it this way. It takes both sides here to cooperate and to realize that we have to limit the number of amendments, either by an agreement or by a structured rule.

Now this is a very good bill. I hope that this dispute about the procedure doesn't get in the way of the fact that this is one of the best—maybe the greatest—Interior appropriations bill that has ever been enacted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Madam Speaker, I would like to yield an additional minute to the gentleman from Washington.

Mr. DICKS. I want to say something. Over the last 8 years, between 2001 and 2008, during the previous administration, the budget for the Interior Department was cut by 16 percent. The budget for the EPA was cut by 29 percent; and the budget for the Forest Service, if you take fire out, was cut by 35 percent. These were huge cuts in these programs. The Park Service was in trouble. The Fish and Wildlife Service was in trouble. We had to step in, and we did this on a bipartisan basis. In fact, when I was in the minority, Mr. TAYLOR and I, Mr. Regula and I worked to try to increase the funding for the Park Service so we wouldn't see it deteriorate. Now we have a better budget, and it helps us correct some of the problems. Still we have huge backlogs of work that have to be done in the Park Service, in the Fish and Wildlife Service, at the BLM. So even with a better budget, we still do not have enough money to take care of all the issues that we need to address.

But this is a good bill that deserves our support, and this rule deserves support.

Ms. FOXX. Madam Speaker, I think it's important to point out to the American people that there are only 60 members on the Appropriations Committee, which means that only 60 out of 435 Members in this body had the opportunity to amend the bill that's under consideration here. If we had an open rule, every Member would have had that opportunity.

I'd also like to mention that my colleague from Colorado said, Only one Democrat amendment was accepted and 12 Republican amendments. But that reinforces the point that even Members of his own party were turned away from offering amendments, and that isn't right.

Madam Speaker, I would like to yield now 2 minutes to our distinguished colleague from California (Mr. NUNES).

Mr. NUNES. Madam Speaker, 636 days and counting. This is the number of days that have passed since I asked the Democrats in this body to take direct action and avoid destruction of the San Joaquin Valley. Instead, we've had 636 days of inaction, 636 days of a man-made drought, a California dust bowl.

Last week there was a close vote, apparently too close for the Democrat leadership. The bipartisan amendment I offered would have stopped the Obama administration from taking additional measures to starve the people of the San Joaquin Valley of water. The Democrat leadership will not risk the possibility of defeat again. No mistakes this time. No vote will be allowed on the House floor this week on my new amendment to the Interior bill.

The hypocrisy of this situation is that the Democrat majority champions working families but in reality is just backing the radical environmental element in this country. For the San Joaquin Valley, the Democrats in this House have chosen the 3-inch minnows over working families. What we are witnessing is the greatest elected assembly in the history of the world starving its citizens of water, acting like a despot who tortures the innocent just to stay in power. Make no mistake—raw power is what we're witnessing, power that injures and wounds, exercised at the highest levels of this government, straight from the Obama White House and the Democrat leadership in this Congress. They will say anything and do anything to keep power. Their victims are my constituents, the people of the San Joaquin Valley, who have done nothing to deserve this cruelty at the hands of this government. The clock is ticking. There's very little time left. This Congress must act and act now.

At this moment, Madam Speaker, Members of this body are at the White

House having a luau; and in the meantime, there's 40,000 people without jobs in the San Joaquin Valley because of the inaction by the Democrats and this Congress. Come back. Stop the luau. Stop the partying, and come back, and vote ''no'' on this rule and allow an amendment on this bill to bring people of the San Joaquin Valley.

Come back. Stop the party. Come back now.

Mr. POLIS. Madam Speaker, to address the gentleman from California—in a previous discussion at the Rules Committee, we talked about the fact that the Secretary of the Interior, Secretary Salazar, has agreed to visit San Joaquin Valley and learn more about the situation firsthand to address the very legitimate concern that the gentleman from California has raised.

As a fellow Coloradan, I can attest to the savvy ability of our former Senator, former Attorney General, former water lawyer, one of the most knowledgeable minds and best minds that we have in the area of water law, water rights and water. I know that the gentleman from California shares our desire to address the legitimate issue raised by his constituents. I have every degree of confidence that the Secretary will play a constructive role in doing that.

The health of our communities is our most precious resource. This bill provides a historic and much needed investment in the Environmental Protection Agency, $10.5 billion, a large portion of which will improve our water and wastewater infrastructure. As a westerner, I understand the vast challenges we face with water. Establishing the water infrastructure that encourages and promotes conservation is of incredible importance for regions that will only see their water sources become fewer and farther between as demands grow.

In Colorado, we rely on clean water not just for municipal and agricultural use—many of our communities are supported by visiting kayakers, fly fishermen and outdoorsmen from across the country who flock to our pristine rivers and in doing so, are a key driver of the success of our economy. Our environment, communities, industries and businesses all stand to gain under the water provisions of this bill. Without significant infrastructure investment and improvement, our water quality could be further compromised, endangering the future health and economic viability of our communities nationwide and our environment. Building upon the job creation and stimulus of the American Recovery and Reinvestment Act, this bill will provide loans and assistance to more than 1,500 communities across this country and will also create as many as 40,000 new construction jobs to help get our economy going again. Moreover, Madam Speaker, wildfire season has grown exponentially over the last decade, and it is just beginning in Colorado and across the West. The cost of fighting fires has continued to increase. The House recently passed the FLAME Act, and I hope the Senate will move quickly to do the same. The communities in my district are growing increasingly worried about another fire season that has the potential to be very dangerous to both property and to people. We've been hit hard, as have many communities across our country, by the mountain pine beetle epidemic, an epidemic that has killed millions of acres of trees. Hard-hit counties in my district, like Grand County and Summit County, have had their mighty lodgepole pines felled across the district, turning the area into a potential powder keg for forest fires, bringing the threat of wildfire literally to our backyards. Over the past 10 years, this outbreak has spread, and it is devastating the Mountain West. There is a strong correlation between previous outbreaks of mountain beetles and forest fires 10 years after the event. We are now coming upon the 10-year time frame when the risk of forest fires is at its maximum.

This bill is of particular note to my home State of Colorado as it reinstates a vital program, the good neighbor authority, which is currently helping to protect communities from wildfire threats with collaboration at both the State and Federal levels. Collaboration is key to forest fire prevention. Climate modeling predicts a large change in the frequency of precipitation and intensity of drought in the area, which will only add to our increasing wildfire risk.

This bill provides a significant increase for programs that address wildland fire mitigation and suppression at both the Forest Service as well as within the Department of the Interior, and that will directly aid our communities that are most at risk. In past years, Federal wildfire accounts have fallen dangerously low. This bill provides $3.6 billion to address wildfires, including $1.49 billion for suppression and $611 million for hazardous fuels reduction. It also provides $357 million for wildland fire suppression contingency reserve funds, which are critical to protect the health of our communities and health of our public lands. This bill is an important part of our overall strategy to prevent forest fires across the West and on public lands across our country.

Madam Speaker, I would like to reserve the balance of my time.

□ 1630

Ms. FOXX. Madam Speaker, our colleague from California made an impassioned plea in the Rules Committee and again here on the floor today, and I have to ask the question: The Secretary of the Interior has been there to see the situation in the San Joaquin Valley. What more does he need to see? What is it going to take to take action to turn this water back on? How much more damage needs to occur before the Obama administration needs to take action or will take action on the needs there? As a person who grew up without water, I am very, very sensitive to this issue, and I know what a devastating thing it can be not to have water.

Madam Speaker, I would now like to yield 3 minutes to my colleague from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentlewoman for yielding.

Madam Speaker, I strongly urge opposition to this undemocratic rule. The majority is apparently unwilling at best or afraid at worst of debating whether the Environmental Protection Agency should have the authority to change the Clean Air Act without congressional opinion.

I went to the Rules Committee last night and asked them to make in order my amendment that would prohibit the EPA from using funding to implement or enforce its Notice of Proposed Rulemaking finding six greenhouse gases constitute a threat to the public's health and welfare. On April 24, 2009, the EPA issued a proposed rulemaking that it had found six greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—pose a significant threat to the public's health and welfare. This endangerment finding is a precursor for the EPA to regulate these gases' emission, with or without explicit authority from Congress to do so.

My amendment would have simply returned this explicit authority to Congress to regulate greenhouse gases. Without this amendment, the EPA could threaten sweeping changes without giving any consideration whatsoever to its effects on the economy since the EPA's mandate is environmental and public health. Passing this amendment could have removed a threat so that we can consider climate change legislation in an open, deliberative process.

If the majority's national energy tax scheduled for debate later this week gets signed into law, eventually the EPA can move forward on enforcing this explicit action by Congress. But there has been no action taken yet. Rather, the courts have decided the EPA has the authority to make such a determination, which is hardly what Congress intended when it passed the Clean Air Act.

Unfortunately, the Rules Committee blocked this amendment. Furthermore, Congressman LEWIS and Congressman BLACKBURN had similar amendments, and the Rules Committee denied all three. If we had an open rule, we could not be debating all three of our amendments. We would be debating one. Unfortunately, because of the Democrats' unprecedented lockdown rule, we don't get a chance to debate at all. This is a travesty for democracy.

I urge all Members to reject the Democratic leadership's attempt to stifle debate and impose its will on the House by defeating this embarrassing rule.

Mr. POLIS. Madam Speaker, the economy of Colorado and many other States rely on the health of our public lands. Our public lands draw visitors every year to explore Rocky Mountain National Park, hike the Collegiate Peaks Wilderness, or enjoy skiing on our hundreds of world-class slopes.

To protect the historic and natural beauty of our State and our country, this bill includes much-needed increases for both the national parks as well as the wildlife refuges. The $2.7 billion provided for the National Park Service includes a $100 million increase to operate the parks and $25 million for the Park Partnership Program.

I was lucky enough to have grown up in Boulder, Colorado, hiking in Mount Sanitas, the Flat Irons, and Flagstaff Mountain, areas under public management. This bill will protect and defend some of America's truly great public lands so that children all across the country can grow up enjoying our environment and interacting with it every day just as I and many of my colleagues did.

We provide over $500 million to operate the National Wildlife Refuge System, $20 million above the request. These funds will provide critically needed staff for many areas, implement climate change strategies and improve conservation efforts. Currently more than 200 of the 550 National Wildlife Refuges have no on-site staff. This bill also provides $386 million for the Land and Water Conservation Fund, including an $11 million increase for the stateside land acquisition account in the National Park Service.

Colorado's landscape goes hand in hand with its character. All of us define where we come from by the character of our natural heritage. We're lucky to have as many beautiful places across our country set aside as public lands. Over half of the State of Colorado is held in public trust as a national forest. My district is home to the Indian Peaks Wilderness and the White River. The White River is the single most visited national forest in the Nation, and we have many other marvelous attractions as well in the public trust.

This bill invests in public land management, State assistance, and science programs at the U.S. Forest Service. The nonfire Forest Service budget is $2.77 billion, including $100 million for the Legacy Road and Trail Remediation Program at the Forest Service to protect streams and water systems from damaged forest roads. This effort is a key part of our effort to protect the national forests and grasslands.

American arts and artists, not to mention their invaluable impact on education and recreation, are another important American resource which we must protect. Under this bill, the National Endowment for the Arts and the National Endowment for the Humanities will each receive $170 million, a $15 million increase above 2009 for each endowment. This bill also supports the Smithsonian Institution here in Washington, D.C. and across the country, the world's largest museum complex, with an increase of $15 million above the President's request and $43 million above 2009 levels.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I love our national parks. My husband and I visit them whenever possible because we believe that they are crown jewels in our environment in this country. But by putting this and future generations further into debt, we are making it less likely that the population of this country is going to be able to visit these wonderful national parks.

I offered an amendment yesterday in the Rules Committee that was intended to save taxpayer money that was also not made in order; so we will not be debating it on the floor of the House today, much to my disappointment and all of our constituents' detriment. My amendment was a commonsense amendment to H.R. 2996, the fiscal year 2010 Interior Appropriations Act. It would save taxpayers $10 million by eliminating proposed funding for local climate change grants.

During a time when families across America are making sacrifices in order to keep food on their tables, Congress should be finding ways to reduce unnecessary spending. My amendment would have taken a small step in the right direction by removing $10 million in taxpayer funds for local groups to come up with ambiguous projects to counter climate change.

The Federal Government has increasingly entrenched the American people in trillions of dollars of debt. It is irresponsible and negligent to continue spending Federal taxpayer funds on frivolous projects that should be funded locally such as the one that I tried to take the money from. Unfortunately, in blocking debate on my amendment, the majority did not side with the taxpayers to eliminate this wasteful grant project. Instead, the majority has worked to frivolously and unnecessarily spend the public's money without listening to any of their input or ideas.

Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, with regard to fiscal responsibility, this is an issue that we all care about for this generation and future generations. Americans across the country are tightening their belts in response to our financial meltdown, and the government is doing the same.

Opponents of this bill may claim that the $4.7 billion increase over 2009 is extravagant or unwise. But the programs in this bill are expected to return more than $14.5 billion to the Treasury next year. The Department of the Interior alone has estimated to return more than $13 billion to the Treasury through oil, gas, and coal revenues, grazing and timber fees, recreation fees and the revenues from the sale of the duck stamps, not to mention the secondary impact of tourism on economies like the one in my district in Colorado. And the EPA's Leaking Underground Storage Tank program, which is financed by a 0.1 percent tax per gallon of gas, has a balance of more than $3 billion that offsets the deficit.

The provisions in this bill have been built with strong bipartisan support and were designed to pay for themselves. And by protecting the health of our Nation's drinking water, boosting support for our beautiful parks and wild lands, and, in turn, our national tourism industry, and reducing the threat of global climate change, I can't think of a wiser investment to make or a better time to make it than now.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, as my colleagues have spoken so eloquently before me about the process by which this rule has been brought to the floor by the majority, I want to talk again about what's wrong with this closed process.

Never before in the history of this Congress have we seen this kind of action by the majority party. As my colleagues have expressed during today's debate on this rule, as well as the past two appropriations debates, bringing appropriations bills to the floor under a closed rule is unprecedented. It's very important that the American people understand that. It does an injustice to both Democrats and Republicans who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time.

By choosing to operate in this way, the majority has cut off the minority and their own Democrat colleagues from having any input in the legislative process. By choosing to stifle debate, the Democrats in charge have denied their colleagues on both sides of the aisle the ability to do the job that they have been elected to do. That job is to offer ideas that represent and serve their constituents. The Democrats are denying Members the ability to offer improvements to legislation, and this is an injustice to our colleagues on both sides of the aisle.

Article I, section 9 of the Constitution places the responsibility to spend the people's money in our hands as Members of Congress. This is a great responsibility given only to this congressional body with the expectation that we will engage in rigorous debate over how to best appropriate taxpayer funds. However, the majority has chosen to refuse Members any participation in this decisionmaking and instead has anointed itself as the sole appropriators in this legislative body. The Democrats in charge are limiting what ideas can be debated on the floor and what constituents can be adequately represented in this House.

Our constituents in both Republican districts and Democrat districts are

struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of participating in a debate of how their hard-earned taxpayer dollars are being spent by the Federal Government.

Why is the majority blocking debate on such an important legislation? Are they afraid of debate? Are they protecting their Members from tough votes? Are they afraid of the democratic process?

After promising to make this Congress the most open and honest in history, Speaker PELOSI has time and time again worked to shut out both Republicans and Democrats from participating in debate and taking part in the legislative process. And I would like to give one quote from the Speaker when she was trying desperately to take control of this House. This is her quote:

''Bills should generally come to the floor under a procedure that allows open, full, and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

This is exactly the opposite of what the Speaker is doing. Why is she going back on her word? Is she afraid that the American people will disagree with her? Is she keeping other Democrats from having to make tough decisions on difficult votes? Is she afraid of democracy, the very principle upon which our country was founded?

□ 1645

Madam Speaker, it's very concerning to me that the Democrats in charge have chosen to silence the minority yet again. In doing so, they have chosen to keep the millions of constituents the minority represents from having a voice on the floor of the people's House.

Several of my colleagues, both Republicans and Democrats, offered amendments to the Rules Committee, amendments which were arbitrarily not made in order by the majority.

These amendments included asserting Second Amendment rights on Federal lands, protecting private property rights, preventing excessive regulation of greenhouse gases, eliminating excessive earmark spending across the Nation, increasing our ability to produce energy domestically, and cutting unnecessary funds in order to save our constituents money.

The list goes on and on, but these amendments will not be heard on this floor because, for some reason, the majority is afraid of allowing debate on these topics.

And we fear it's going to get even worse because they are working very hard to bring to the floor a bill on climate change. They stopped calling it global warming and now are calling it climate change.

This bill, H.R. 2454, is a $646 billion tax that will hit every American family, small business and family farm. Speaker PELOSI's answer to the country's worst recession in decades is a national energy tax that will lead to higher taxes and more job losses for rural America and small businesses.

It will shift jobs to China and India. The bill will result in an enormous loss of jobs that would ensue when U.S. industries are unable to absorb the cost of the national energy tax and other provisions, like sending jobs overseas. There is little debate that the tax would outsource millions of manufacturing jobs to countries such as China and India. According to the independent Charles River Associates International, H.R. 2454 would result in a net reduction in U.S. employment of 2.3 million to 2.7 million jobs each year of the policy through 2030.

Higher gas prices. The American Petroleum Institute reports that the cost impacts of H.R. 2454 could be as much as 77 cents per gallon for gasoline, 83 cents per gallon of jet fuel, and 88 cents for diesel fuel.

The Heritage Foundation has estimated that as a result of these increased prices, the average household will cut consumption of gasoline by 15 percent, but forcing a family of four to pay at least $600 more in 2012. It's going to be a huge impact.

It's also going to unfairly target rural America. Rural residents spend 58 percent more on fuel and travel 25 percent farther to get to work than Americans living in urban areas.

Farm income would drop as a result of H.R. 2454, according to a Heritage Foundation study, $8 billion in 2012, $25 billion in 2024, and over $50 billion in 2035; decreases of 28 percent, 60 percent, and 94 percent, respectively.

More importantly, 25 percent of U.S. farm cash receipts come from agricultural imports. U.S. farmers would be at a severe disadvantage compared to farmers and nations which do not have a cap-and-tax system and correspondingly high input costs. Over 100 State and agricultural groups oppose the cap-and-tax bill.

Madam Speaker, what it appears is happening here in this House is nothing less than a tremendous power grab and an attempt to control every aspect of our lives.

With that, Madam Speaker, I would like to yield 3 minutes to our colleague from the State of Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Thank you, Madam Speaker, and I rise to enter into a brief colloquy with my friend from Washington (Mr. DICKS).

In this bill, in the underlying bill, there are monies for land acquisition, national forest land acquisition. I know that the gentleman and I have a little different view on that. I am not necessarily in favor of land acquisition for the Federal Government, and I know you have a different view on that.

But there is a provision in this bill that allows for land acquisition within my district, and I have specifically said in the past that I don't want to have any more land acquisition in my district.

My understanding, and the way the language is is that there would be some allowance for that land acquisition to happen in other Members' districts, principally in western Washington, until—at least we have an opportunity in my district. Counties are concerned about that because it takes land off the tax rolls.

So I would wonder if the ranking member would work with me on this land acquisition so that we can at least satisfy the counties' concerns should this land acquisition move forward.

With that, I would yield to my friend from Washington.

Mr. DICKS. Thank you for yielding. Is this the Cascade ecosystems in Mount Baker, Wenatchee?

Mr. HASTINGS of Washington. That is the land I am talking about, yes.

Mr. DICKS. And this is in the Forest Service?

Mr. HASTINGS of Washington. Yes, that's correct.

Mr. DICKS. This is the first I have known of this. My colleague from Washington State, I understand your very long and very principled position on this issue. I would be delighted to take a look at this and report back to the gentleman on what I have found out and see what the situation is with the Forest Service.

Mr. HASTINGS of Washington. Good.

Reclaiming my time, I appreciate that. Again, the basis of that is I have heard from my local county commissioners, smaller rural counties than what is on the other side of the mountains, and they are concerned about the loss of revenue, rightfully so. And so I want to make sure that on anything like that they are at least made whole.

And I appreciate the gentleman taking a look at that, and I look forward to working with him. And I would yield if he has more to say on that.

Mr. DICKS. Yes. I appreciate the gentleman bringing this to our attention, and we look forward to working together, as we have on many projects throughout the years.

Mr. HASTINGS of Washington. Good.

I thank the gentleman for taking that and for his work, and I look forward to working with him.

Mr. POLIS. Madam Speaker, I would like to yield 2 minutes to the gentleman from Washington, the Chair of the subcommittee, Mr. DICKS.

Mr. DICKS. I want to point out that in this bill, at the request of the local cities and counties of our country, we have appropriated some money that will be used for climate change and to deal with the impacts of climate change.

And I would just point out, since this issue was raised on the other side of the aisle, that if we were going to do meaningful work on climate change, it's going to take our local communities to be involved, to work with their transportation systems and their energy systems and do all the other work that's necessary to deal with the

consequences of climate change. So I think this was a very wise investment. The local communities, the League of Cities, the counties, are all very enthusiastic about this.

Administrator Lisa Jackson put out an announcement the other day about this program. I am sure there will be hundreds of applications from all over this country. Climate change is one of the most serious issues facing our country.

We held hearings and brought in representatives from all the Federal agencies, and they all tell us unequivocally that they can already see the impacts of climate change on the Federal lands across the country. I mean, people are talking about bug infestation and they are talking about the effect of this bug infestation, which has a devastating effect on our forestry and our trees.

And then we have the fire issues that relate to this. The fire season now is 1 month longer on each end. So we have drought, bug infestation. We have longer fire seasons. So we have all these things that are happening because of global warming and climate change, and we have to deal with that. And we have to have our communities involved. We have to have our rural communities involved.

So I think the investments that we are making here and the research that we are doing is very necessary. There are still some people, it's amazing to me, who still have some doubts about this from a scientific perspective. So that's why we are doing all these things in the Interior bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentlewoman from North Carolina has 1½ minutes remaining.

Ms. FOXX. Madam Speaker, my colleague from Colorado a moment ago said this bill is going to create jobs. I love that old saying, ''Fool me once, shame on you. Fool me twice, shame on me.''

I wonder if this bill is going to create jobs like the stimulus package has created jobs since our unemployment has gone up significantly since the stimulus package was passed. I would also like to point out that Spain, which counted on having so many jobs from green issues, has the highest unemployment rate in Europe right now.

Madam Speaker, I am going to urge my colleagues to vote ''no'' on the previous question so that I can amend the rule to allow all Members of Congress the opportunity to offer his or her amendment to the Interior Appropriations bill under an open rule.

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX: Madam Speaker, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule.

I yield back the balance of my time.

Mr. POLIS. Madam Speaker, the jobs that this bill creates are very real: repairing our roads, doing trail work. Over 40,000 jobs are created, just as real as the jobs that are created under the American Recovery Program.

As I was driving through the mountain area of my district just last week, I saw signs alongside the road that these jobs are created by the American Recovery and Reinvestment Act. There were men and women at work making necessary improvements in our infrastructure and preparing it for the next generation. This bill provides crucial investment in America's resources, natural and human.

As representatives of the people and land of this great Nation, it's our responsibility to protect our resources and be good stewards of our forests, our parks, our wild lands, and our waters. This bill reinforces that imperative and makes sure that we keep our resources safe and take great steps to ensure that future generations will be able to enjoy them for years to come.

I urge a ''yes'' vote on the previous question and the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 578

OFFERED BY MS. FOXX OF NORTH CAROLINA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling on January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, I rise to a question of privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas on January 20, 2009, Barack Obama was inaugurated as President of the United States, and the outstanding public debt of the United States stood at $10.627 trillion;

Whereas on January 20, 2009, in the President's Inaugural Address, he stated, ''[T]hose of us who manage the public's dollars will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.'';

Whereas on February 17, 2009, the President signed into public law H.R. 1, the American Recovery and Reinvestment Act of 2009;

Whereas the American Recovery and Reinvestment Act of 2009 included $575 billion of new spending and $212 billion of revenue reductions for a total deficit impact of $787 billion;

Whereas the borrowing necessary to finance the American Recovery and Reinvestment Act of 2009 will cost an additional $300 billion;

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to $23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends $19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends $19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to $17.1 trillion over five years, $5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends $4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee proposed an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than $6 trillion compared to the President's budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective $100 million in the next 90 days;

Whereas the challenge to cut a collective $100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at $197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at $69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at $80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was $11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to $37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit;

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled ''Democratic Declaration: Honest Leadership and Open Government,'' page 2 states, ''Our goal is to restore accountability, honesty and openness at all levels of government.'';

Whereas according to a document by Congressional Democrats entitled ''A New Direction for America,'' page 29 states, ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.'';

Whereas on November 21, 2006, The San Francisco Chronicle reported, ''Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principles of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.'" (The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, ''[We] promised the American people that we would have the most honest and open government and we will.'';

Whereas on December 17, 2006, The Washington Post reported, ''After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.'" (The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, ''We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.'' (CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.'';

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains $64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be preprinted in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each $1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each $3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a preprinting requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

□ 1700

The SPEAKER pro tempore. Does the gentleman from Georgia wish to present argument on why the resolution is privileged for immediate consideration?

Mr. PRICE of Georgia. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. Madam Speaker, questions of privileges of the House come to floor by virtue of rule IX of the House of Representatives which states, in part, questions of privileges shall be first those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. Integrity of its proceedings, Madam Speaker.

The Commerce, Science, Justice, Appropriations bill that was outlined in the resolution that has just been read—clearly, the actions taken by the Democrats in charge, clearly have disenfranchised every single Member of this House, limiting their ability to effectively represent their constituents.

Madam Speaker, these actions, these actions by the Democrats in charge have violated, I believe, and I believe that the Members of the House would concur, have violated the integrity of our proceedings, and therefore I believe that this resolution constitutes a privileged resolution.

I yield back.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from Georgia under the standards of rule IX, the Chair is mindful of the principle that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House. Prior rulings of the Chair in that regard are annotated in section 706 of the House Rules and Manual.

The resolution offered by the gentleman from Georgia proposes a special order of business by directing the Committee on Rules to report a certain kind of resolution, and for that reason does not present a question of the privileges of the House.

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. DICKS. I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table the appeal will be followed by 5-minute votes on ordering the previous question on House Resolution 578; and adopting House Resolution 578, if ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 174, not voting 14, as follows:

[Roll No. 461]

YEAS—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Blunt
Conyers
Deal (GA)
Ehlers
Engel
Flake
Hastings (FL)
Kennedy
Kirk
Lewis (GA)
Polis (CO)
Slaughter
Sullivan
Terry

□ 1736

Messrs. JOHNSON of Illinois and FRANKS of Arizona changed their vote from ''yea'' to ''nay.''

Ms. EDWARDS of Maryland, Mr. HOYER and Ms. LORETTA SANCHEZ of California changed their vote from ''nay to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore (Mr. LYNCH). The unfinished business is the vote on ordering the previous question on House Resolution 578, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 132, not voting 10, as follows:

[Roll No. 462]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bachmann
Butterfield
Conyers
Flake
Gerlach
Hastings (FL)
Kennedy
Lewis (GA)
Polis (CO)
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1743

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 184, not voting 11, as follows:

[Roll No. 463]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1750

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. KOSMAS) at 9 p.m.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 23, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the House Permanent Select Committee on Intelligence, effective today.

Sincerely,

JOHN KLINE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. KING, New York

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group:

Mr. OBERSTAR, Minnesota, Chairman
Mr. MEEKS, New York, Vice Chairman
Ms. SLAUGHTER, New York
Mr. STUPAK, Michigan
Ms. KILPATRICK, Michigan
Mr. HODES, New Hampshire
Mr. WELCH, Vermont
Mr. MANZULLO, Illinois
Mr. STEARNS, Florida
Mr. BROWN, South Carolina
Mrs. MILLER, Michigan

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. CHANDLER, Kentucky, Chairman
Mr. SIRES, New Jersey, Vice Chairman
Mr. CLYBURN, South Carolina
Mr. ETHERIDGE, North Carolina
Mrs. DAVIS, California
Mr. BISHOP, New York
Mr. MILLER, North Carolina
Mr. PETRI, Wisconsin
Mr. BOOZMAN, Arkansas
Mr. CRENSHAW, Florida
Mr. ADERHOLT, Alabama
Mr. LATTA, Ohio

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2996, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

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

The SPEAKER pro tempore. Pursuant to House Resolution 578 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2996.

□ 2105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. CONNOLLY of Virginia in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. DICKS) and the gentleman from Idaho (Mr. SIMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

It is my privilege and pleasure to present the fiscal year 2010 Interior, Environment and Related Agencies Appropriations bill to you today. This very fine bill is the product of many hours of hearings and briefings, always with bipartisan input and excellent participation. I am particularly pleased to present the bill with my friend, MIKE SIMPSON.

The bill before us provides historic increases for the environment, natural resources, and Native American programs, especially Indian health. It also includes significant allocations to protect our public lands, invest in science, and support important cultural agencies.

At a total of $32.3 billion, this bill is an increase of 17 percent above last year. Chairman OBEY recognizes that the programs funded through this bill have been chronically underfunded and provided the allocation necessary to reverse that trend.

From 2001 through 2009, when adjusted for inflation, the budget request for the Interior Department went down by 16 percent, the EPA went down by 29 percent, and the nonfire Forest Service accounts went down by 35 percent. This bill invests taxpayers' dollars in our natural resources, and for this investment all Americans will see great returns.

Some will argue that we are spending too much in this bill, but let's look at the facts. The largest increase by far is for drinking water and wastewater infrastructure. The demand for assistance to repair, rehabilitate, or build new infrastructure is immense. This subcommittee received 1,200 requests for such assistance from both sides of the aisle.

Every one of us wants clean and safe drinking water for our constituents. This increase is long overdue. In fact, the first administrator, Christine Todd Whitman, under President Bush in 2002 did a study that showed that there was a $668 billion backlog for these kinds of programs. This kind of infrastructure is desperately needed. That's why we added money here and added money in the stimulus package.

Yes, this bill includes a $4.7 billion increase above the 2009 level, but let me remind my colleagues that the programs in this bill will return more than $14.5 billion to the Treasury next year. That's revenue. The Department of the Interior alone is estimated to return more than $13 billion to the Treasury through oil, gas and coal revenues, grazing, timber, recreation fees, and the revenues from the sale of the duck stamps.

I should also note that the EPA's Leaking Underground Storage Tank program, financed by a 0.1 percent tax per gallon of gas sold, has a balance of more than $3 billion that offsets the deficit. Clearly, the programs in this bill go a long way towards paying for themselves.

But let me be clear. This bill is not all increases. We had to make difficult choices. Through hearings and briefings, we carefully reviewed the proposed budget and have recommended a number of reductions and terminations. Some of these were the result of recommendations made by the GAO and the Inspector General. In total, we recommend program reductions or terminations of over $320 million from the 2009 levels and $300 million from the budget request.

The bill before us today provides historic increases and focused funding to protect the environment. Clean water and drinking water infrastructure received $3.9 billion, enough to provide assistance to more than 1,500 communities.

We included authority for subsidized assistance to those cities and towns which cannot afford conventional loans. These funds would provide drinking water that meets public health standards and clean water to restore important ecosystems. The bill invests $667 million to restore major American lakes, estuaries, and bays. It fully funds the President's request of $475 million for the Great Lakes Restoration Initiative and makes significant investments to protect other great American water bodies such as Puget Sound, Long Island Sound, the Gulf of Mexico, and the Chesapeake Bay.

To address global climate change, this bill provides $420 million for climate change adaptation and scientific study. This includes $178 million for research, planning and conservation efforts within the Department of the Interior and $195 million for EPA science, technology development and regulatory programs, including grants to local communities to cut greenhouse gas emissions. I am especially proud that the bill includes $15 million for the National Global Warming and Wildlife Science Center at the U.S. Geological Survey.

The bill also addresses our Nation's commitment to Native Americans with increases for health care, law enforcement, and education in Indian country. This bill provides a total of $6.8 billion for Indian programs, an increase of $654 million above the 2009 level.

We recommend an historic increase of $471 million above 2009 for the Indian Health Service to improve the quality and availability of critical health care services. It also includes $182 million above 2009 for the Bureau of Indian Affairs to support justice, law enforcement, education, and social services in Native American communities.

We recommend a major investment in Forest Service and Department of the Interior programs that fight and reduce wildfires. The bill has an unprecedented total of $3.66 billion for all of the fire accounts. We have increased overall wildfire suppression funding by 39 percent over 2009, including $357 million for the new wildfire suppression contingency reserve accounts.

In response to testimony received at a number of hearings, we also recommend a $611 million investment in hazardous fuels reduction. It is clear that focused fuels reduction is important if we hope to reduce the number and severity of wildfires in the future and protect communities and watersheds.

The bill provides a $198 million increase above 2009 for the National Park Service to invest in the iconic lands and infrastructure that comprise our national heritage. I am also particularly proud of our efforts to improve the National Wildlife Refuge System. We have provided $503 million, a $40 million increase over 2009, for the refuge system to reduce critical staffing shortages, implement climate change strategies, and improve conservation efforts.

The bill also supports land management, State assistance, and science programs at the Forest Service by increasing nonfire programs by $160 million above 2009. The bill provides $100 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads. This is a key part of our effort to protect the national forests and grasslands.

And finally, we have provided an increase of $86 million above the 2009 level for the cultural agencies supported by this bill. We recommend $170 million for both the National Endowment for the Arts and the National Endowment for the Humanities. The endowments are vital for preserving and encouraging America's creative and cultural heritage.

□ 2115

The bill also supports the Smithsonian Institution, the world's largest museum complex, with an increase of $43 million above 2009.

I'm especially proud of the way we produced this bill. Mr. SIMPSON has been an outstanding ranking member whose thoughtful contributions over the course of 20 hearings has helped us to make this a better bill. During those hearings, we heard from 37 government witnesses and 99 members of the public. We received written testimony from an additional 94 witnesses. I was most impressed with the minority's attendance at those hearings. This bill is the product of a bipartisan effort, and I truly believe it is a better bill because of that.

I want to take a moment to thank our staff who have worked long hours without weekend breaks to help prepare this bill. Delia Scott, our clerk; Chris Topik, Greg Knadle, Beth Houser, Juliette Falkner, Melissa Squire, and Greg Scott on the majority staff have worked in a bipartisan manner with David LesStrang and Darren Benjamin on the minority staff.

In addition, Pete Modaff and Ryan Shauers on my staff, and Malissah Small and Megan Milam from Mr. SIMPSON's staff have worked hard and

have been a great help to the subcommittee staff.

In closing, I want to remind members that although the increases I have outlined are substantial, their impacts will be even greater. Our subcommittee funds programs that span a broad spectrum of issues, from our cultural and historic heritage to the water we drink and the land we walk on. Our agencies fight fires, protect great water bodies, and tend to the needs of the first Americans.

These programs are vital to every American. They will improve the environment for everyone. And they work to fulfill our Nation's trust responsibilities.

I'm proud of this bill and ask that you support it.

I reserve the balance of my time.

Mr. SIMPSON. I yield myself such time as I may consume.

Madam Chairwoman, let me begin my remarks by expressing thanks to Chairman DICKS for the reasonable and evenhanded manner in which he's conducted the business of the Interior Subcommittee this year. While we may disagree about the needed 17 percent increase in our subcommittee allocation, our work together has been a bipartisan, collaborative effort. We are certainly not going to agree on every issue, but even when we disagree, Chairman DICKS and I continue to work well together, and I thank him for that.

I'd also like to commend the chairman for the extraordinary oversight activity of our subcommittee this year. As he mentioned, oversight is one of the committee's most important functions, and we have upheld that responsibility by holding 20 subcommittee hearings since the beginning of the year involving over 100 witnesses. I don't know many other subcommittees that can match that record.

I also want to applaud the chairman's decision to provide full pay and fixed costs for each of the agencies under this subcommittee's jurisdiction.

We're both concerned by the fact the President's budget submission for the U.S. Forest Service covered only 60 percent of the pay and fixed costs, while the budget request for the Department of Interior included 100 percent of pay and fixed costs. To date, the committee has received no explanation or justification from the administration for this discrepancy.

I'm also pleased by the needed attention this legislation provides our Native American brothers and sisters. There are many unmet needs within Indian country—in education, health care, law enforcement, drug abuse prevention, and other areas—and this bill does a great deal to address these issues.

Chairman DICKS and I agree on many things, including our obligation to be good stewards of our environment and public lands for future generations. However, we part when it comes to the need for an allocation as generous as the one Chairman OBEY has provided in this bill.

The 302(b) allocation for this bill is $32.3 billion, a $4.7 billion, or 17 percent, increase over last year's enacted level. This increase comes on the heels of historic increases in this subcommittee's spending in recent years.

Interior and the Environment spending between 2007 and 2009—including base bills, emergency supplementals, and the American Recovery and Reinvestment Act—has increased by 41 percent—and that's before this year's 17 percent increase.

Chairman OBEY is fond of saying, Show me a smaller problem and I'll show you a smaller solution. While I may not be able to show him a smaller problem, I can show him a historically bigger problem where the ''solution'' of more and more deficit spending has not worked—including the Great Depression of the 1930s and Japan in the 1990s.

But it isn't just the spending that concerns me. This legislation is funding large increases in programs without having clearly defined goals or sufficient processes in place to measure the return on our investment. We are making rapid investments in water, climate change, renewable energy, and other areas—all of them worthy endeavors—but with relatively little planning and coordination across multiple agencies and the rest of government.

Our country has some serious environmental challenges that need to be addressed. And this bill has an overly generous allocation to meet many of those needs. But, with all due respect to Chairman OBEY, too often we believe that our commitment to an issue is measured by the amount of money we spend rather than how we're spending that money. History has shown us that bigger budgets do not necessarily produce better results.

The climate change issue is an illustration of this point. ''Climate change'' is today what the term ''homeland security'' was in the days and months following the terrorist attacks of September 11th. Anyone who came into our offices, any of our offices, to discuss an issue, spoke of it in the context of ''homeland security.'' The argument was, We have to do X, Y, or Z, for our homeland security depends upon it.

Well, today many of our priorities are related to climate change. I agree with Chairman DICKS this is an issue we need to study carefully and know more about. It's affecting the intensity of our fires and even the duration of our fire season.

But what have we learned from the money this subcommittee and other committees have already provided? Are we spending $420 million on climate change next year to learn something new or relearn what we already know?

I'm also concerned that many climate change functions within this bill won't be coordinated with similar efforts undertaken by other Federal agencies, resulting in a duplicating of effort. We ought to require coordination across the entire Federal Government on an issue as important as this, and one on which we are spending as much money government-wide as we are.

It's for this reason that the minority offered an amendment—adopted during the full committee consideration—requiring the President to report to Congress 120 days after submission of the 2011 budget request on all obligations and expenditures across government on climate change programs and activities for FY 2008, 2009, and 2010. It's not because we're opposed to climate change programs, but because they need to be coordinated government-wide.

Given the uncertain economic times our country is facing, I'm also troubled by the unsustainable pattern of spending in this legislation. This subcommittee and Congress ought to be as concerned about the impact of too much spending as we are about the potential impact of climate change and other issues.

Chairman DICKS has spoken on many occasions about what he describes as ''the dark days'' and ''the misguided policies and priorities of the previous administration.'' Still, for any perceived or real inadequacies of past policies or budgets, it would be a mistake for any of us to believe we can spend our way to a solution to every challenge we face.

The Federal Reserve Chairman, Ben Bernanke, recently told Congress that it's time for the Obama administration to develop a strategy to address record deficits or risk long-term damage to our economy. He said, ''Unless we demonstrate a strong commitment to fiscal sustainability in the longer term, we will have neither financial stability nor healthy economic growth.''

A good bill is a balanced bill. But providing a disproportionate level of funding to one agency creates an imbalance that undermines the legitimate needs of other deserving agencies. That is why I question a $10.6 billion budget for the EPA—a 38 percent increase from last year. This is on top of the $7.2 billion the agency received in the stimulus package and the $7.6 billion it received in the enacted 2009 Interior bill.

Taken together, the EPA will receive over $25 billion this calendar year alone. That's about the size of this subcommittee's entire budget just 2 years ago.

While the EPA will receive an extraordinary, historic funding increase, it's worth noting the U.S. Forest Service was recently rated as one of the worst places to work in the Federal Government by a study conducted by the Office of Personnel Management. It isn't clear why Forest Service employees feel as they do, but it may be linked to the incredible funding challenges the Service has faced in recent years due to the growing cost of fire suppressions.

From our hearings, we know that almost 50 percent of the Forest Service

budget is now consumed by the cost fighting wildfires. In past years, the Forest Service has had to borrow hundreds of millions of dollars from other accounts just to pay for fire suppression. Without any question, this creates uncertainty among Forest Service employees.

President Obama is to be commended for tackling the issue of budgeting for fire suppression by proposing a fully funded fire suppression budget as well as a contingency reserve fund. And I commend Chairman DICKS for providing the Forest Service with resources to address many fire-related needs.

Still, based upon recent fire patterns and the monumental increase in demand for fire suppression dollars, I feel strongly that the wildfire contingency reserve fund should be funded at the President's request level of $357 million. This reserve fund is similar to the emergency fund source contained in the FLAME Act, which passed the House in March on an overwhelming 412–3 vote.

That is why the minority offered an amendment—adopted during full committee consideration—which increased the fire contingency reserve fund from $250 million in the chairman's mark to the President's requested level of $357 million. If virtually every other item in this legislation is funded at or above the President's request level, there should be no justifiable reason to exclude fire suppression. And I want to thank the chairman for accepting that amendment in the full committee.

We paid for this increase by rescinding $107 million from the EPA's prior year balances. According to the May, 2009 report issued by the EPA's Inspector General's office, the EPA presently has $163 million on the books that have been sitting there unspent since 1999. The EPA does some good work, but if those dollars haven't been spent in 10 years, we ought to put them to good use fighting fires.

While Chairman DICKS has done a good job addressing many critical issues in this bill, I don't believe that a $4.7 billion, or 17 percent, increase over the FY 2009 enacted level is justified or warranted. This unprecedented increase follows a $3.2 billion, or 13 percent, increase between FY 2008 and FY 2009 spending bills, as well as an $11 billion infusion from the American Recovery and Reinvestment Act. Frankly, we just can't afford this.

In closing, I would again like to thank Chairman DICKS for the evenhandedness that he has shown in working with us. We work well together, and I think this bill shows that.

In closing, I'd like to thank both majority and minority staff for their long hours and fine work in producing this legislation. On the majority side, this includes Delia Scott, Chris Topik, Julie Falkner, Greg Knadle, Beth Houser, Melissa Squire, Ryan Shauers, and Pete Modaff.

On the minority side, let me thank my staff—Missy Small, Megan Milam, Kaylyn Bessey, and Lindsay Slater, as well as the committee staffers, Darren Benjamin and David LesStrang. If the Members of this House worked as well together as the majority and minority staffers do, we'd get a lot more done in this place.

I reserve the balance of my time.

Mr. DICKS. I'd like to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT) for the purpose of a colloquy.

Mr. TIAHRT. I thank the chairman of the committee, Chairman DICKS, for the opportunity to discuss this important issue. After serving with Chairman DICKS as ranking member of this subcommittee during the 110th Congress, I know how hard he has worked to make sure that communities have access to EPA grants to help with their State and tribal assistance grants and clean water needs.

It has come to my attention that the fiscal year 2009 Appropriations Act contained money for the city of Manhattan and Riley County for the Konza sewer line. However, with the delay in getting the money, the city had to go ahead with construction of the sewer line and now needs to use the money for a water line. EPA is supportive of the correction.

I will include in the RECORD a letter from the EPA Region 7 office expressing their support for the correction.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Kansas City, June 25, 2009.

Re Technical Correction to STAG Earmark Grant Authorization for Riley Co, Kansas.

Hon. TODD TIAHRT,
Rayburn House Office Building,
Washington DC.

DEAR REPRESENTATIVE TIAHRT: Representative Boyda requested funding for Riley Co. for the Konza sewer main extension in a letter to the Chairmen Obey dated March 14, 2008. By the time that grant was authorized, the sewer project was nearly completed.

EPA does not normally approve construction completed before a grant is awarded because the procurement action would not comply with EPA grant regulations. If the grantee has additional water or wastewater construction pending, we prefer to direct the grant funds to a pending project. We discussed this with the County and suggested that they contact Representative Jenkins office to request a technical correction so that the grant could be used to fund the construction of the Konza waterline extension project. Since the County and the City of Manhattan are sharing costs on the project, and since Manhattan has agreed to do the contracting for the water line, I also suggested that the grant name be changed from Riley Co. to the City of Manhattan so that EPA could award the grant funds directly to Manhattan.

Although these changes are a Congressional decision, EPA does support using the funds for the waterline project, so that an area adjacent to Manhattan which currently has an inadequate source of drinking water, can receive high quality drinking water from Manhattan to help protect the public health of those living in the Konza area.

Please do not hesitate to contact me at (913) 551–7417 or gibbins.don@epa.gov if you have any questions or need additional information.

Sincerely,

DONALD E. GIBBINS,
EPA Grant Project Officer, Wastewater & Infrastructure Management Branch, Water, Wetlands & Pesticides Division.

Mr. DICKS. Will the gentleman yield?

Mr. TIAHRT. I would be glad to yield.

Mr. DICKS. It is my understanding the community went forward with the necessary work in light of the Federal delay and now would like to use the money for a waterline. Is that correct?

Mr. TIAHRT. It is correct. My fellow Kansan, the distinguished Member of the 2nd District of Congress, Ms. Lynn Jenkins, has worked hard on this issue. It is a critical need of her constituents. The region is experiencing high growth due to the ongoing troop buildup at Fort Riley with the return of the Big Red One.

The City of Manhattan, Kansas, and Riley County are cooperating to provide municipal-level services along the K–177 corridor near Fort Riley. Strong interest has been expressed in the area by the development community, and there have been limitations on future growth on Manhattan's west side.

The 2003 update of the Manhattan Urban Area Comprehensive Plan, which was a joint planning initiative with the city and the county, specifically identifies the K–177 gateway area as a potential urban growth corridor if municipal level services are provided. That's why the city could not wait on the sewer line project. It is already underway and being managed by the county.

The city will be responsible for the design, bidding, and overseeing of the water project. The cost of both the water and sewer projects will be shared by the Federal Government, the city of Manhattan, and Riley County.

Clearly, it was congressional intent that Manhattan's needs be funded. I understand the committee is not making technical corrections on EPA projects in this bill and is working out a new policy to do so in the future.

□ 2130

I hope that the chairman will take into consideration Manhattan's need and as the process moves forward work with Ms. JENKINS and myself to correct the issue. The delegation has been working with the EPA regional office in Kansas City, but in order to proceed the project description in Public Law 111–8 should read, ''The city of Manhattan for water line extension project.''

I thank the chairman for his consideration on this important issue.

Mr. DICKS. I understand my colleague's problem. We're going to work with him and try to work this out with the other body. But I realize how serious this is, and we'll work with him until we get a satisfactory solution.

Mr. TIAHRT. I thank the chairman.

Mr. DICKS. Madam Chair, if I could be recognized again, I want to yield 2 minutes to Congressman GERALD E. CONNOLLY of Virginia for the purposes of a colloquy.

Mr. CONNOLLY of Virginia. I thank my distinguished friend, the chairman of the subcommittee.

Heritage programs have proven to be effective vehicles for increasing tourism and conservation. Many citizens have worked with their Members of Congress to designate new heritage areas. Thanks largely to the work of my colleague Frank Wolf, one of these new areas is the Journey Through Hallowed Ground National Heritage Area. I appreciate the chairman including funding for this and other new heritage areas in this markup as well as that of the ranking member, Mr. SIMPSON, and I ask if he foresees an opportunity to revisit that financial support in appropriations cycles.

I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman from Virginia for acknowledging this important program. Would the gentleman agree that a critical component to freeing up additional dollars for the partnership program would be to have our existing heritage areas move towards self-sufficiency?

Mr. CONNOLLY of Virginia. Yes, I agree with the distinguished chairman. In order to maintain and expand upon the existing program, we must ensure that existing heritage areas establish independent funding resources as originally envisioned. My district is the prime example of the importance of Federal funding. The historic village of Buckland is home to a Native American step mound, the home of a Jefferson-era northern Virginia Congressman, homes of an antebellum freeman community, and a Civil War battleground. It is one of the best preserved examples of a village planned on the traditional British axial layout. Many of the local residents have worked together to acquire and protect the historic structures and landscapes in Buckland. However, they cannot do it alone with development pressure in the National Capital Region threatening to degrade this fully intact historic site. This is a prime example of where additional funding could be used to augment substantial private funds to preserve an entire village in this case and surrounding landscape representing American history from the Native Americans to the Civil War and beyond. Madam Chairman, I thank the chairman for his interest and commitment to the heritage partner programs and look forward to working with him in the future.

Mr. DICKS. Madam Chairman, I look forward to working with the gentleman from Virginia on this very important issue.

Mr. SIMPSON. Madam Chairwoman, I would yield 2 minutes to my good friend from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

I must begin by expressing two reservations about the legislation in front of us. The first is the manner in which it arrived at the floor. Like my colleagues on my side, we're used to and treasure the idea that appropriations bills should come to this floor under an open rule so every Member can come forward and offer good suggestions, and the product can be improved. We didn't do that in this case, and I think that's regrettable. The bill would have been better; and frankly, I think the process a little less rancorous.

Second, I want to express my sentiments in agreement with Mr. SIMPSON about the spending levels here. There's a lot of good projects in this bill. But whether or not we can sustain them over the long term I think is a very legitimate question that we're going to have to wrestle with again and again in bill after bill.

Having said that, Madam Chairwoman, I'd like to balance my comments with three very positive observations about this product. The first is the process under which we arrived at a bill. I have to echo Mr. SIMPSON's appreciation for Chairman DICKS' wonderful cooperation and open process. Certainly the chairman and the ranking member worked together well. They included all of this, and I'm very grateful for that.

Second, I agree with the chairman and the ranking member's emphasis on the importance of water projects. I too represent many small communities that struggle to have sufficient revenue to actually build the water systems they need. That's an appropriate focus, and I am grateful for that. And finally, Madam Chairwoman, all too often in this body the First Americans have been the last Americans. That's certainly not the case in this bill. The chairman, in particular, deserves extraordinary credit for the effort and resources he's put behind Native American concerns in health care, law enforcement and education. I am personally very grateful for it. It's one of the best efforts we've seen certainly in over a decade.

In conclusion, Madam Chairwoman, I hope we can do a little bit better going forward in working on the spending and the prioritization. But I appreciate the process, and I'm confident we can improve this bill as we work it through.

Mr. DICKS. I would like to yield myself 2 minutes for the purpose of having a colloquy with the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Thank you, Mr. Chairman.

I am here today to seek the chairman's assistance with an important matter involving the Choctaw Nation of Oklahoma, a matter with which he has been most helpful and understanding. I am also proud my friend Mr. COLE from Oklahoma, who is a Chickasaw, a great friend of the Choctaw people, is here and helping me as well.

The issue is the effect of the moratorium on school participation in the BIA academic funding system and its effect of preventing the Choctaw Nation of Oklahoma from carrying out its plan to operate a first through sixth grade school program. The original moratorium was to be temporary to afford the BIA a chance to control its construction policy; yet it, in fact, precluded the Choctaws from reconstituting their program, which was unilaterally cut by the termination policy of the 1950s, in spite of the fact that the tribe built a new school and, thus, saved the government considerable expense.

I appreciate your pledge to work with me and the Choctaw Nation of Oklahoma to address this problem. And I deeply appreciate the committee including language in your report accompanying H.R. 2996, now under consideration, directing the Bureau of Indian Affairs ''to study and report to the committee within 180 days after the enactment of this Act on the impacts of allowing reinstatement of termination-era academic programs or schools that were removed from the Bureau School System between 1951 and 1972.'' This includes the reestablishment of Jones Academy of Oklahoma as part of the Bureau School System.

Mr. Chairman, the Choctaw Nation has paid all construction and maintenance costs, and Jones Academy has received extensive positive recognition from multiple sources, yet the tribe is prohibited from operating Jones as a Federal grant school or for reestablishing their preexisting program. I would like to submit for the RECORD a prescription of the current Jones Academy program.

It is to meet this concern that I ask for a clarification, Mr. Chairman. Is it the chairman's understanding that the study and report should be done in consultation with the tribes involved, as required by Public Law 95–561, and that the costs to be provided are to be those associated with the current tribal programs and practices and the current state of the school programs involved as opposed to the rural farm-based boarding programs of the 1950s?

Mr. DICKS. Reclaiming my time, it is our understanding that the Member's statement of our intent is correct.

Mr. BOREN. If I may ask one more question, is it the committee's intention at this time, absent a timely report by BIA directly responsive to the committee report language, to work to include Jones Academy as part of the Bureau School System?

The Acting CHAIR (Ms. EDWARDS of Maryland). The time of the gentleman has expired.

Mr. DICKS. I yield myself 1 additional minute.

The gentleman from Oklahoma has contacted me, and I have assured him, Chief Pyle and the Choctaw Nation of Oklahoma that the ranking member and I share with the entire subcommittee his desire to support these efforts to provide quality educational opportunities for the students from many tribes nationwide who attend

Jones Academy. I will work towards inclusion of the Jones Academy, should the BIA be untimely or unresponsive to the committee's directive. But I doubt that they will be.

Mr. BOREN. Thank you, Mr. Chairman.

JONES ACADEMY

INTRODUCTION

Jones Academy is a Native American residential learning center for elementary and secondary school age children. The boarding school is located in southeast Oklahoma and houses co-ed students grades 1 through 12. Established in 1891, the facility is under the auspices of the Choctaw Nation of Oklahoma. The campus sits on 540 acres five miles east of Hartshorne, OK on Highway 270.

STUDENT POPULATION

150 to 190 students attend Jones Academy—50 to 60 elementary students (1st–6th)—100 to 130 junior high & high school students (7th–12th)

25 to 30 tribes are represented at Jones Academy

10 to 15 states are represented at Jones Academy

ACADEMICS

August 2005, grades lst–6th began being taught at Jones Academy—School years 2005–06 & 2006–07: Jones Academy achieved a perfect API (Academic Performance Index) on state achievement tests

August 2008, Choctaw Nation opened $10.2 million elementary school at Jones Academy

Jones Academy has an alternative school for students (7th–12th), that are behind in their credits (self-paced curriculum)

Approximately 120 students (7th–12th) attend the Hartshorne Public school System

Tutoring is offered five nights a week for all students

Several academic software programs are utilized to enhance student academic achievement

Rewards for academic achievement provided by Jones Academy and the Choctaw Nation STAR program plus the Jones Academy Scholarship for former students enrolled in postsecondary institutions of higher learning and/or training

Vocational Training through the Kiamichi Technology Center

Choctaw Language is offered

MEDICAL

Health Screenings—including physicals and dental services for all students—provided by the Choctaw Nation Health Services and follow-up appointments as needed

All students receive eye checks with follow-up and glasses purchased as needed

Nutritional Classes/Activities including a school health fair sponsored by the Choctaw Nation

Students are provided with a school nurse in the evenings—offered through CNHS, as well as access to the health clinic in McAlester and Talihina Hospital

COUNSELING

Counseling Services—two licensed professional counselors, four part-time mental health professionals with masters degrees, one certified drug and alcohol, an academic/guidance counselor and a school-based social worker

ACT prep courses for college bound students as well as visits to post-secondary institutions of higher learning and/or training

Oaks peer/group intervention provided at the alternative school

Prevention and dorm meetings are held weekly

RECREATION/ACTIVITIES

Students participate in athletics at Jones Academy and at the Hartshorne Public School (baseball, softball, football, volleyball, basketball, cheerleading, weightlifting, etc.)

Horseback riding, archery, ROPES course, paint ball, over-night camping, social and cultural dances, movies, swimming and fishing

Outings to museums, area lakes, parks and zoo, sporting and cultural events

Six Flags Over Texas and Frontier City trips

Raising & showing swine projects

Summer youth work program

ENRICHMENT PROGRAM

Journalism class which produces a newsletter for parent/guardians/supporters

Guitar & piano lessons

Horseback riding

Archery activities

Ceramics, arts & crafts, pottery and art lessons

Social skills training

Community service projects

OTHER SERVICES

Student senior high school graduation expenses paid for by Jones Academy (sr. pictures, announcements, sr. jacket, class ring)

Family day at Jones Academy

Purchase hygiene products as well as clothing for students as needed

Provide three meals and snacks each day

Provide safe secure environment for students and staff

Provide transportation home to and from Jones Academy

Provide adult supervision for students 24/7

Assist student in getting driver's license

Motivational speakers (including Miss OK/Miss America)

LOCATION AND HISTORY

Jones Academy is a Native American residential learning center for elementary and secondary school age children. The facility is located in southeast Oklahoma and houses about 190 co-ed students grades 1 through 12. Established in 1891 by the Choctaw Nation of Oklahoma, the campus sits on 540 acres of rolling pasture 5 miles east of Hartshorne, OK on Highway 270. Named after Wilson N. Jones, Principal Chief of the Choctaws from 1890 to 1894, the school has served generations of Native American children while under the oversight of the Choctaw Nation or the Bureau of Indian Affairs.

STUDENT BODY

Initially, the facility was an all boys school. In 1955, Wheelock, a non-reservation school for Indian girls, was closed; approximately 55 female students then were transferred to Jones Academy. In April of 1985, the Choctaw Nation contracted the boarding school operation from the Bureau of Indian Affairs. In 1988, Jones Academy became a tribally controlled school.

Our students represent a cross-section much like most other areas of the country. Jones Academy's maximum enrollment is 190. In the past, the school has enrolled students from 29 different tribes. Students come from parts of Oklahoma, Texas, Mississippi, New Mexico, Nevada, South Dakota, and several other states. Each student is a member of a federally recognized Indian tribe.

FACILITIES/PHYSICAL RESOURCES

The physical layout of the campus includes two dormitory buildings, each divided into elementary and secondary wings. There is a cafeteria, an after-school tutorial building, and a counseling center. A gym houses two classrooms for 20 alternative school students, a basketball court, and a weight room. The campus grounds also include a museum, an administration building, and a library/learning center with an underground storm shelter. The boys' dorm and the cafeteria were completely renovated in 2000. The girls' dorm was built in 1994 and is a modern, bright, home away from home. All four dorms have communal living rooms with areas for entertainment.

ACADEMIC PROGRAM

The long-range goals of our academic program are to develop capable students who can read and write proficiently and perform math functions necessary in life. We believe that building a strong foundation for our children will lead to success.

Our students attend the Hartshorne Public Schools. They are fully supported in their academic endeavors as well as extra-curricular activities. Grades are monitored weekly to insure that the student is performing to the best of his/her ability and receiving proper instruction. Tutorial services are offered to students in all grades. Students receive incentives for academic achievements. High school students are provided career counseling for postsecondary education such as college or vocational training.

Jones Academy houses an alternative school for students whose needs have not been met in the traditional classroom or who are behind in grade level. The limited class size and self-paced curriculum allow the teachers to give the students individualized academic attention.

The Choctaw Nation has begun the process of operating its own school at Jones Academy. Grades first through sixth are presently held on our campus. Construction of the new elementary school began in 2006.

CULTURAL/RECREATIONAL ACTIVITIES

A goal of Jones Academy is to involve all students in cultural, educational and recreational activities. Our facility offers a wide variety of services to the student. Students are encouraged to participate in our cultural and traditional programs. These activities include the Indian Club, traditional dance, drum and singing groups, pow-wows, visits to ancient burial mounds and tribal festivals/museums.

Recreational activities include intramural sports, camping, swimming, fishing, social dances, bowling, skating, movies, picnics, horseback riding, and many other services. Jones Academy offers a strong well-rounded program of activities to meet the individual needs of our youth.

MEDICAL SERVICES

With the support of Choctaw Nation Health Services, Jones Academy is able to provide health care for our students. Our youth receive complete physical exams soon after school begins. Throughout the year, a registered nurse and physician's assistant are on site four days of the week. Other medical services are referred to the Choctaw Nation Indian Health Clinic at McAlester and the Choctaw Nation Indian Hospital at Talihina.

STUDENT ACTIVITIES

Indian Club
Drum, Dance, Singing Groups
Jones Academy Rangers
Girl Scouts
Choctaw Language Classes
Student Council
Ropes Course
Weight-Lifting
Livestock Shows
Dances and Prom
Overnight Camping
Paint Ball, Go-Cart Racing
Horseback Riding, Skating
Movies, Swimming, Fishing,
Arts & Crafts, Flute Making
Outings to Area Lakes/Parks, Zoos, Museums, Sporting and Cultural Events, Shopping Trips

Six Flags, Frontier City Trips

RESIDENTIAL PROGRAM

Jones Academy provides the following services to our students:
Tutorial Assistance for All Grades
Rewards for Academic Achievement
Work Program for Clothing
Summer JTPA Work Program
Drug and Alcohol Education
Library Learning Center with Computers and Internet/E-mail Access
Career Counseling
College and ACT Tests Preparation
Senior Graduation Expenses Paid
Jones Academy Scholarship Program
Vocational Training through the Kiamichi Technological Center
Alternative School Program
Agriculture Program
Driver's License
Jones Academy Yearbook
Family Day
Nutritional Education
Complete Physical Exams
Medical Services Provided
Mental Health Services
Health Fair
Walking Program & Aerobics Class
Project Fit America
Life Skills Curriculum
Social Services Staff
Campus Security

Mr. SIMPSON. Madam Chairwoman, I now yield 3 minutes to my good friend from Indiana, the former chairman and now ranking member of the Veterans' Affairs Committee, Mr. BUYER.

Mr. BUYER. I thank both gentlemen for their leadership.

In the spring of 2007, it came to my attention that the condition in the 14 national cemeteries under the jurisdiction of the National Park Service are not maintained at the same high level as the national cemeteries administered by the Department of Veterans Affairs. Of these 14 cemeteries, only two of them, Andersonville in Georgia and Andrew Johnson in Tennessee, are still open and regularly inter veterans.

While on active duty as a colonel in the Army Reserves, I visited Andersonville with a cadre of JAG officers. I then discovered the conditions of the cemetery to be unacceptable and not up to the standards that these heroes have earned. The grave markers had not been washed in some time, as you can see on this photo. The markers are completely out of line. The weeds have grown up all around the markers. Shrubbery had not been cared for in the manner that it should, and it appears that the attention had not been given to these graves that I believe should have been.

I had an amendment that should have been ruled in order, but it was not under the rule. It would have required the Secretary of the Interior to contract with an independent organization to conduct a study of all National Park Service cemeteries and identify the improvements that are necessary for these cemeteries to meet the same high standard of the VA's National Shrine Program that's in the cemetery system. I modeled this amendment after the successful VA shrine commitment legislation in Public Law 106–117. It's because of this study the VA has raised the standards of all VA cemeteries to make them national cemeteries of which we can all be proud.

While I'm encouraged by the National Park Service's response in addressing this problem since I brought it to the Nation's attention in 2007, we still have a little ways to go. You can see what Andersonville looked like then. Here is Normandy. Normandy comes under the Battle Monuments Commission. This is like a putting green. It is extraordinary what the Battle Monuments Commission does. Then we have Arlington, under the jurisdiction of the United States Army, then oversight by the VA—a beautiful cemetery worthy of these heroes. Then we have a VA cemetery, a picture here in San Diego under the National Shrine Program—excellent. But what happened when I complained about, Let's get rid of the weeds around the stones? They took a weed whacker, and they removed all the weeds, and now we've got dirt around all the stones. That is not the shrine program that we're talking about.

Mr. DICKS. Will the gentleman yield?

Mr. BUYER. Please.

Mr. DICKS. Mr. BUYER, I would like to thank you for bringing this issue to light and I would like to work with you to improve the standards of these cemeteries. I do agree that we must improve these cemeteries to ensure that our appreciation for our veterans' sacrifices is appropriately expressed by maintaining their final resting place to the highest standards. I want to assure the gentleman that the National Park Service is taking steps towards better maintenance of the cemeteries. The national office of the Park Service is assembling a team with expertise and cultural resource preservation and maintenance. This team will conduct a review of these two active cemeteries and make recommendations to the national office regarding appropriate corrective actions where deficiencies are found. I would follow up this effort to ensure that the services provide a level of care befitting a national shrine. I look forward to working with you to address this issue.

Mr. SIMPSON. Will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Idaho.

Mr. SIMPSON. I would like to echo the words of Chairman DICKS and thank the gentleman from Indiana for bringing this to our attention, the importance of improving the standards of these cemeteries. Mr. BUYER's amendment—though not made in order, and it should have been made in order—has made us aware of this situation that must be addressed. I will continue to work with Chairman DICKS and Mr. BUYER to ensure that these veterans' cemeteries are brought up to the standard consistent with other veterans' cemeteries.

Mr. BUYER. I would ask the chairman—this team shouldn't just go to two cemeteries, NORM. It should go to all 14 cemeteries, not just the two that are presently interring. The Department of the Interior, they have made progress; but Chairman DICKS, we can take care of this right now. You and I sat there, along with the ranking member, in discussions in the Rules Committee as to why this should be an open rule; and the three of us should be able to work in the interest of the country right now. And I would appeal to you, Mr. Chairman. We can take care of this right now. You can move that the committee do rise, and I could offer this amendment. We can voice vote it. You can accept it. We can go back to the Committee of the Whole.

I would yield to the gentleman for consideration.

Mr. DICKS. I cannot do that.

The Acting CHAIR. All Members are reminded to address the Chair.

Mr. DICKS. I appreciate the gentleman yielding. Unfortunately I can't do that. But I will do everything I can, not only to address the two that you've mentioned, but all 14; and we'll work together on this. If it isn't to the gentleman's satisfaction, we will address it with legislation next year.

The Acting CHAIR. The time of the gentleman from Indiana has expired.

Mr. SIMPSON. I yield the gentleman 1 additional minute.

□ 2145

Mr. BUYER. What I had hoped to do, instead of saying let's fence off money and do this type of requirement, what I had hoped to do is make it clean and clear. Maybe there's an arrangement whereby the three of us can work with Secretary Salazar and we can ask him that he do the initiative, do the study, move to the National Shrine Program, bring it into next year's budget.

Mr. DICKS. Will the gentleman yield?

Mr. BUYER. I yield.

Mr. DICKS. I'm prepared to have a meeting with officials from the Interior Department, with Mr. SIMPSON, and yourself to address this issue. That's the best I can do today. But we will follow through and make sure it happens.

Mr. BUYER. Your word is solid with me.

Mr. SIMPSON. I thank the gentleman for bringing this to our attention, and I can guarantee that the National Park Service is now aware of it also.

Mr. BUYER. Thank you, gentlemen.

Mr. SIMPSON. Madam Chairwoman, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I welcome a colloquy with my distinguished colleague, Mr. LATOURETTE, and yield him 2 minutes.

Mr. LATOURETTE. I thank the distinguished chairman.

First I would like to begin by expressing my appreciation to the chairman for his work on this bill, especially his commitment to investing in

the new Great Lakes Restoration Initiative, which I believe will significantly accelerate the pace of Great Lakes cleanup and protection efforts.

I would like to clarify one important aspect of this effort, however, regarding the committee's intent for a portion of the funding included in this vital initiative.

Mr. DICKS. Will the gentleman yield?

Mr. LATOURETTE. Happily.

Mr. DICKS. I appreciate the gentleman's remarks. We were pleased to include funding for this important program in the bill, based on the administration's budget request and the broad bipartisan support of my colleagues including my colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Reclaiming my time, thank you, Mr. Chairman.

To accomplish the ambitious goals of the Great Lakes Restoration Initiative, a variety of approaches and strategies will be required. Among these is the targeted conservation of key coastal natural resource lands. Along the shores of the Great Lakes and elsewhere across the Nation, a number of these coastal landscapes are being protected through the National Oceanic and Atmospheric Administration's Coastal and Estuarine Land Conservation Program, or CELCP. With the program's 50 percent matching requirement and the engagement of coastal communities and States, the program leverages Federal investment in remarkable ways. In my own State of Ohio, CELCP has been instrumental in securing key properties and conserving ecological resources at the Mentor Marsh and along East Sandusky Bay. I understand that the chairman's own involvement in the program has helped to conserve vital coastal resources along the Puget Sound.

Under the Great Lakes Restoration Initiative, $15 million would be available to NOAA for habitat restoration and protection. I understand that an underlying expectation for these funds is that at least half of them would be expended through CELCP on land conservation priorities that contribute to the goals of the initiative and these funds would supplement rather than replace CELCP funds provided in other legislation for priorities in the Great Lakes region. Is this correct?

I yield to the gentleman.

Mr. DICKS. The gentleman from Ohio is indeed correct. In my district I have seen the importance of the partnerships in the CELCP to our fragile coastal resources. The committee expects NOAA to invest in Great Lakes conservation through CELCP, as the gentleman has outlined; and I would be happy to work with him to ensure that the funds will be used for this purpose.

Mr. LATOURETTE. Reclaiming my time, I thank the Chair.

Mr. DICKS. Madam Chair, I reserve the balance of my time.

Mr. SIMPSON. Madam Chairwoman, I now yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Madam Chairman, the House is now considering the Department of Interior, Environment, and Related Agencies Appropriations Act of 2010.

Appropriations bills have traditionally been brought to the floor under an open rule where all relevant amendments are allowed to be offered to the bill. Sadly, the majority has decided to reject precedent. We're once again operating under a structured rule on an appropriations bill.

And what is the reason given for silencing the representatives of millions of Americans? Time. In their push to get through massive spending bills, the leadership in this House have decided that doing so quickly is more important than having a quality debate on how the taxpayers' money is being spent. Not allowing votes on relevant amendments is a historic blow against the rights of all Members of this great institution. More importantly, this Democratic stunt muzzles the voices of the American people. Only 13 amendments out of 105 that were offered in the Rules Committee were made in order. I personally offered 12 without a single one made in order. And to think that we Republicans are the ones being called ''childish.'' Come on.

At a time when our Nation faces an economic crisis, record debt, rising unemployment, this year's Interior Appropriations bill spends a whopping 17 percent more than last year.

One of my amendments that was not allowed would have simply reduced the amount appropriated under this act by a mere half of a percent, 0.5 percent. That's half a penny for every dollar that the Federal Government spends. Another amendment of mine would have reduced the amount of appropriations in this bill by the amount of unobligated stimulus funds that was given earlier this year.

The Founding Fathers gave Congress the sole power of the purse. In article I, section 9, clause 7 of the Constitution it specifies that ''no money shall be drawn from the Treasury, but in consequence of appropriations made by law.'' Many of the Founding Fathers believed that the power of the purse is the most important power of Congress.

In Federalist No. 58, James Madison wrote: ''This power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure.''

Whether you believe that the Federal Government is spending too much money, as I do, or not enough, the American people deserve an open process that allows votes on how we spend their money, regardless of how much time it takes.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SIMPSON. Madam Chairwoman, I yield the gentleman an additional 30 seconds.

Mr. BROUN of Georgia. The appropriations process is one of the primary ways that Congress exercises that power given to us by the Constitution.

I ask that the majority leadership reconsider this dangerous path we are headed down. All Members of Congress must be allowed to offer all relevant amendments on all appropriations bills and let the people's voices be heard. Please let their voices be heard on the floor of this House.

Mr. DICKS. Madam Chair, I yield 5 minutes to the distinguished gentleman from Kentucky, who is a distinguished member of our subcommittee (Mr. CHANDLER).

Mr. CHANDLER. I would first like to express my gratitude to our chairman, Mr. DICKS, who has provided tremendous leadership on this bill, tremendous leadership throughout the year on the Interior Appropriations bill, a bill that I believe is extremely important to the future of our country. I'd also like to thank our ranking member, Mr. SIMPSON, for the way that he has in a very bipartisan way conducted himself and the business of the committee. It's been a committee that has worked tremendously well together throughout the year.

Madam Chairman, I want to rise to express my strong support for this bill. This bill is an extremely important one, as I mentioned a moment ago; and I believe that we have had the opportunity this year, as a result of our chairman's efforts, to hear hundreds of witnesses in extensive hearings. I believe this is one of the most hard-working subcommittees of the Appropriations Committee. We have discovered some very real needs across this country. We discovered, of course, the fact that many of the needs in our country have languished over quite a number of years, and this subcommittee has made a great effort, I believe, in this bill to address some of those needs.

We're all struggling in this country today with a troubled economy. Therefore, the investments made in this bill are all the more important to the people and to the communities that we all serve. And I would like to mention a few of the things in this bill that I believe are particularly important.

Deteriorating water infrastructure across the country endangers the health of our citizens and of our environment. At the same time, our State and local governments are faced, as we all know, with enormous budget shortfalls, preventing them from adequately addressing the problem. Federal support for drinking water and wastewater infrastructure is necessary. This bill provides nearly $4 billion in grants and loans for this purpose, a small down payment on the need, estimated at some $300 billion over the next 20 years.

In the area of conservation, this bill does great things for public lands and wildlife conservation. Funding for the National Park Service, our wildlife refuges, and our national forests will help

maintain these national treasures for the enjoyment of all Americans. Our public lands are key to preserving habitats and biodiversity, which have positive impacts on our quality of life and the health of our ecosystems.

And in the area of environmental protection, Madam Chairman, in this legislation we make strong investments in programs that protect our environment. The Superfund program cleans up our Nation's most contaminated sites and readies them for new economic development. The Energy Star program conserves energy and saves the consumer money. This bill provides increases to both the Superfund and Energy Star.

This bill also helps preserve our cultural heritage and educates our citizens about our history. State Historic Preservation Offices are funded at $46.5 million. The projects these organizations undertake in all 50 States not only protect our cultural identity, but they create jobs in so many of our small towns and communities.

This legislation is responsible, Madam Chairman, for investment in our future. It protects our environment, it protects our health, and it celebrates our heritage, among many other things. Chairman DICKS ought to be commended for the job that he has done in putting together a bill that is very difficult to put together in many ways. He's worked diligently on it.

And I also want to take this opportunity to thank our chairman for making a special effort this year to fly to my home State of Kentucky to look at some very significant issues in our mountains of Kentucky, the practice of mountain-top removal, a controversial practice which is of great concern to many of our citizens.

Mr. Chairman, I thank you for your efforts in that regard, and I thank you for the work you've done.

Mr. SIMPSON. Madam Chairwoman, I yield myself such time as I may consume for the purposes of entering into a colloquy with Chairman DICKS on behalf of Mr. CALVERT of California.

Mr. DICKS, I rise today in support of the Diesel Emissions Reduction Act grants programs, which provide needed funding to State and local pollution control agencies to retrofit and replace older, higher emission diesel with newer, lower emission, and more efficient technologies.

EPA studies indicate that black carbon, like that emitted from diesel engines, is the second most significant contributor to global warming. Retrofits and replacements of old diesel engines, like those supported by DERA, reduce these emissions by up to 90 percent.

Recently, a broad and diverse coalition of over 250 environmental, science, public health, industry, and State and local governments wrote members of the Interior and Environment Appropriations Subcommittee encouraging the committee to fully fund the DERA program at its $200 million authorized level for fiscal year 2010. Over 40 bipartisan Members of the House sent a similar letter of support to the subcommittee. Funds invested by the Federal Government in this program leverage two State and local dollars for every one Federal dollar appropriated and provide $13 of economic benefit for every dollar spent on the program.

□ 2200

The Diesel Emissions Reduction Act was authorized at 200 million per year from FY07 to FY11. However, even given this program's success in combating global warming, DERA has received less than $146 million in regular fiscal year appropriations so far, 25 percent of its authorized level. In this year's bill, the DERA program is slated to receive $60 million.

To date, this successful program has received over 650 applications for DERA grants totaling over $2 billion. Given this fact and the broad support this program has received, our colleague, Mr. CALVERT, introduced an amendment in the Appropriations Committee to increase funding for DERA by $15 million. Though this amendment was not adopted, Mr. Chairman, I ask you today, are you willing to work with Congressman CALVERT in the future to increase funding for DERA closer to its authorized level?

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I will yield.

Mr. DICKS. First, Mr. SIMPSON, I want to commend you for your leadership on the Interior and Environment Subcommittee and your support of the DERA program. There is no doubt that the DERA program is a worthwhile and beneficial program that plays a significant role in combating global warming and improving air quality. This is why this subcommittee has continued to fund and support this program. We provided $60 million in both fiscal years 2009 and 2010, and an additional $300 million through the Recovery Act.

To date, only 32 percent of funds appropriated for this program through the Recovery Act have been spent. I understand that EPA plans to obligate all the Recovery Act funds before they begin a solicitation for the 2009 funds. It could be well into 2010 before the 2009 funds are spent.

President Obama's budget requested $60 million for the DERA program in FY10 and this bill provides that. Over the next fiscal year, I will work with you, Mr. CALVERT—Congresswoman DORIS MATSUI has also talked to me about this—the EPA, and program stakeholders to review DERA in hopes of improving and streamlining its grant-making process and ensuring that we provide the proper level of funding in 2011.

Mr. SIMPSON. Reclaiming my time, Mr. Chairman, I am eager to work with you over the coming year to improve the DERA granting process to ensure that applications are processed and grants are awarded in a timely and efficient manner and work with you in the coming fiscal years to secure more robust funding for this program. It truly is a win-win-win situation, stimulating the American economy, improving air quality nationwide, and reducing emissions that are among the greatest contributors to global warming.

I want to thank Mr. CALVERT for his interest and bringing this to our attention.

I reserve the balance of my time.

Mr. DICKS. Can you tell us what the remaining time is on both sides?

The Acting CHAIR. The gentleman from Washington has 3¾ minutes, and the gentleman from Idaho has 4 minutes.

Mr. DICKS. I reserve the balance of my time.

Mr. SIMPSON. I would inform the chairman that we have no further speakers.

Let me just say in closing, Madam Chairwoman, that I have truly appreciated working with you, Chairman DICKS. You and the staff have been an honor to work with, and I think we have created a very good bipartisan bill. To tell you the truth, I can't complain about anything where you have spent the funds, although there might have been some differences that I would have made if I were king for a day and that type of thing, but I think we have come out with a good bill.

As I have said, since we started the markup, you know that my major concern is the overall spending level in this bill. But in terms of what we have spent it on, I have no problems with the way that you are approaching this, and I thank you for your bipartisanship and working with us.

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I would be happy to yield to the gentleman.

Mr. DICKS. I want to commend the gentleman for his work and his staff's work. It's been a real pleasure. Everyone has worked together. I also want to commend again, the attendance on your side of the aisle. We have four Cardinals on our subcommittee, so they have subcommittees they are running. It's very difficult for everybody to be there, but your side has been there, and it's been terrific and the questions have been great, and it's just been a real pleasure.

And I also want to thank Mr. OBEY, the chairman of the full committee, for this allocation. We can only go as far as our allocation, and I think Mr. OBEY recognized that we had been hurt over the last 8 years, and that this was a catch-up budget.

But these are such important programs, our national parks, our national forests, our Fish and Wildlife Service, and the programs for the tribes. And I have really appreciated Mr. COLE and Mr. OLVER, who have both been so concerned and sensitive about these tribal issues.

And we have made substantial increases. But even with that, the work

remains to be done. There still is more that needs to be done in order to really take care of the issues in Indian country. And I thought some of our hearings this year where we really got into law enforcement and the need for more law enforcement, the need for a recognition that the laws are covering tribal areas today are not sufficient, and the Justice Department needs to take action on this.

So I commend the gentleman for his solid work and participation, and let's get on with the amendments.

Mr. SIMPSON. Reclaiming my time, I thank you, and as I said in my opening statement, I truly do want to thank you for the oversight hearings that you have. It's been the best committee that I have served on in my time in Congress in terms of the oversight hearings that we have done, and I think that's one of the most vital functions that we have performed here and you have done a masterful job on them.

Mr. EHLERS. Madam Chair, I rise to take a few moments to talk about a portion of this bill that I am very supportive of—the Great Lakes Restoration Initiative.

The Great Lakes are a national treasure. The lakes hold 95 percent of the U.S. surface fresh water and are the largest system of surface fresh water on the planet. In addition to offering recreation and transportation options, the Great Lakes also provide more than 30 million people with drinking water.

Unfortunately, the health of the Great Lakes is threatened by aquatic invasive species, contaminated sediment, nonpoint source pollution, and habitat loss. Failure to protect and restore the lakes now will result in more serious consequences in the future, in addition to increasing cleanup costs.

Since being elected to Congress, I have championed Great Lakes restoration efforts, and I am very pleased that the President's budget, the Congressional budget resolution, and this appropriations bill, all include $475 million for the Great Lakes Restoration Initiative. Although this amount is still far short of what is needed to promptly restore the Great Lakes, it is a significant down payment. I thank the Chairman and Ranking Member for recognizing the importance of restoring the Great Lakes and for including this historic funding level.

Mr. SIMPSON. I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111–184, not to exceed three of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; not to exceed one of the amendments printed in part D of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; and not to exceed one of the amendments printed in part E of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. An amendment printed in part B, C, D, or E of the report may be offered only at the appropriate point in the reading.

After consideration of the bill for amendment, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 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)), $950,496,000, to remain available until expended; 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.

PART A AMENDMENT NO. 1 OFFERED BY MR. DICKS

Mr. DICKS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. DICKS:

In the item relating to ''Office of Surface Mining Reclamation and Enforcement—Abandoned Mine Reclamation Fund'' (page 26, line 2), before the period at the end insert '': *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''.

Page 18, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 18, line 13, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 46, line 2, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 16, line 25, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 3, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 18, after the dollar amount, insert ''(reduced by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Washington (Mr. DICKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. This is a good amendment. It's the so-called manager's amendment. It does three important things, but they are modest.

First, as Chairman RAHALL of the Natural Resources Committee pointed out, this amendment restores the Interior Department's authority to assist cooperative watershed projects that restore streams damaged by acid mine drainage. This authority was in law for several years but was inadvertently discontinued after the surface mining reclamation law amendments of 2006. This amendment aids citizens groups and States that are restoring streams damaged by previous coal mining.

Second, this amendment adds $10 million to the National Park Service State grant program. This program provides grants for acquisition of park and recreation lands by State and local communities and was proposed by Mr. MCGOVERN.

There is tremendous demand for more parkland and for recreational facility development. It is more and more vital to get people, and especially kids, out in nature and outdoors doing active recreation.

Lastly, this amendment increases the Save America's Treasures program by $1 million. This will provide funding for cost share historic preservation projects, and I urge adoption of the amendment.

I reserve the balance of my time.

Mr. SIMPSON. Madam Chairman, I would claim time in opposition.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Madam Chairwoman, it saddens me that we are here with this manager's amendment. Traditionally, manager's amendments have been noncontroversial—when they have ever been offered on an appropriation bill, have been noncontroversial and have been offered by both sides. That's not the case on this amendment.

Surprisingly, my opposition to the amendment isn't because of the substance of the amendment and the provisions of the amendment, it's how it got here. There were a number of amendments that were proposed last night in the Rules Committee; almost all of them were turned down. There were amendments that had substantive purposes offered by Members on my side of the aisle that were turned down.

The ranking member of the full committee offered an important amendment that was not made in order. The

ranking member of the subcommittee, myself, offered an amendment that was important and was not made in order. And yet we have taken three proposed amendments that were offered in the subcommittee and rolled them together in one manager's amendment and brought it to the floor, three Democratic proposed amendments and rolled it into a manager's amendment. This is not in the tradition of what a manager's amendment should be.

And so while I can't complain about the amendments, the amendments that were offered, per se, if they were offered individually and had been allowed by the Rules Committee to be allowed independently along with some of the other amendments that should have been allowed, I would have voted for all of these amendments, most likely. But it's the process that brought us to this state.

And, unfortunately, what's been happening with the rules that have been adopted for consideration of appropriation bills, it leads us to these types of incidents that should not happen, that are unnecessary, that we try to get around our own rules and our own traditions of having manager's amendments approved by both sides that are generally noncontroversial.

So, again, while I don't oppose the individual provisions of this, how this amendment got here and what it contains is not fair to the rest of the Members who put in thoughtful efforts to go to the Rules Committee and propose amendments.

I reserve the balance of my time.

Mr. DICKS. I yield myself the balance of my time.

I would just say to the gentleman from Idaho, we should have had more dialogue on this manager's amendment. And we are just getting a new team in place, and I am not blaming it on anybody, so I take responsibility myself. But in the future, on any manager's amendment, you and I will have a thorough discussion about it. And if the gentleman has some suggestions for the manager's amendment, they will be considered. So I take the gentleman's point as well made, and this is something we will follow through on.

Again, this is, I think, very noncontroversial, so I urge adoption of the amendment.

I reserve the balance of my time.

Mr. SIMPSON. Yielding myself the remainder of my time, and I take the gentleman from Washington at his word, I know that he is a gentleman of honor and he wants to work these out in a bipartisan fashion. In fact, I am not sure that the gentleman agrees fully with what has been going on with some of the rules and would like to get back, like many of us would, to regular order, and we would like to do that.

But if we had time to confer, and I understand what the gentleman is saying, a very noncontroversial amendment that could have been adopted was Mr. BUYER's amendment that we talked about on the veterans' cemeteries within the National Park Service would have been simple to put in a manager's amendment.

But I take the gentleman at his word and I look forward to working with him in the future on this.

I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SIMPSON. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

□ 2215

Mr. DICKS. I ask unanimous consent that the remainder of the bill through page 9, line 20 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

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 $950,496,000, 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, $6,590,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $26,529,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

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 through fiscal year 2015 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 through fiscal year 2015 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, notwithstanding 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

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.

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 by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,248,756,000, 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 $20,603,000 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 $10,632,000 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.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

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; $21,139,000, 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, $67,250,000, 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 $2,000,000 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 may be used to pay for any administrative overhead, planning or other management costs.

PART B AMENDMENT NO. 2 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. GARRETT of New Jersey:

Page 10, line 10, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 10, line 13, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 57, line 14, after the dollar amount, insert ''(reduced by $2,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. More than 19 years ago, when I first ran for public office in the very densely populated State of New Jersey, I believed that we were not doing enough to preserve our precious farmlands and our vital open space. Upon being sworn in as a Member of the House of Representatives 6 years ago, I continued to advocate preserving open space, expanding our recreational lands, and protecting our natural resources. One of the highlights of my time here in Congress was the unanimous bipartisan support for the Highlands Conservation Act which became law back in 2004.

I especially want to commend my colleague from Morris County, New Jersey, ROD FRELINGHUYSEN, for introducing that legislation back then and working diligently over the years to accomplish its passage.

Our commitment to preserving open space runs deep for us. However, more of our prized open space is being used up in our State and across the country every single day. So I'm pleased that this year, for the very first time, the Highlands Conservation Act was included in the fiscal year 2010 budget request. I applaud the President's request for recognizing the importance of the region as well.

However, while the Highlands Conservation Act has been authorized from the beginning at $10 million year, the region has so far received only $5.23 million in total over all those years. So I believe that my amendment, which provides simply an additional $2 million for land acquisition, would go a long way towards providing grants for willing sellers. It would help to preserve the remaining open space in the Northeast region and help protect cherished natural resources that are extraordinary environmental and recreational uses.

You see, this region is in the middle of one of the most congested areas of the country. Over one-twelfth of the U.S. population lives within just 1 hour of this area. Fourteen million people visit this area every year. Eleven million people rely on it for clean drinking water. And 150 species of special concern are in this area. As a matter of fact, the Forest Service stated recently that it is a ''landscape of national significance.''

So with that said, I also realize that there is an ever-increasing demand for all regions of the country, and that is why we have to make sure that the areas with the highest conservation values and greatest risk are being protected from being developed.

Preservation of the Highlands is neither a Republican or Democratic issue. It is a national issue. And that is why I'm proud to say that we joined with 22 of my colleagues from both sides of the aisle in a letter to the Appropriations Committee back in April when we requested the full $10 million for this area.

I will just add this one caveat note. I do say this: That while working to protect open space, we must also ensure that we have an adequate opportunity for further economic development, especially now in the recession. It is important that we find a balance between protecting our cherished natural resources and promoting a strong economy.

So in closing, I would like to thank the chairman and the ranking member for understanding the significance of the Highlands region. I also would like to thank the numerous conservation groups that have supported this, including the Appalachian Mountain Club, the Highlands Coalition, the Wilderness Society, the Land and Water Conservation Fund Coalition, the Trust for Public Lands, the Friends of the Wallkill River National Wildlife Refuge, and the Sierra Club of Northwest New Jersey.

Finally, throughout my entire life, I have had the opportunity to take advantage of all the natural resources the Highlands has to offer. I simply want to come here to Congress to ensure that other families as well will have that same opportunity in the future.

The critical lands of the Highlands must be protected. And it is our job to do that today.

I reserve my time.

Mr. DICKS. Madam Chairwoman, though I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. DICKS. I have to say that I have really appreciated the gentleman's leadership and the fact that he has come before our committee and taken the time to present witnesses. Also, I think this is a very good amendment. This is a good amendment that increases funding for a program that funds conservation easements that protect critical forest and watersheds in the Northeast. This amendment increases the funding for this program by $2 million, bringing the total to $4 million.

The Highlands conservation program is an example of how a cooperative approach to land protection can provide wood resources, wildlife habitat, watershed protection, recreational opportunities and other benefits to the environment and to the community. The goal of this program is to promote forest stewardship as a working, sustainable landscape, both ecologically and economically for future generations.

I urge adoption of the amendment.

I would be glad to yield to the gentleman from Idaho if he would like to say a word.

Mr. SIMPSON. I thank the gentleman for yielding.

This is an important program. I thank the gentleman for bringing this amendment. We support it. I hope that it passes and that we can preserve the Highlands region.

Mr. DICKS. I ask for a ''yes'' vote on this amendment, and I yield back the balance of my time.

Mr. GARRETT of New Jersey. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

Mr. DICKS. Madam Chairman, I ask unanimous consent that the remainder of the bill through page 68, line 12 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

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, $100,000,000, to remain available until expended, of which $34,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,145,706 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 $65,693,000 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), $14,100,000.

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), $52,647,000, 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.), $5,250,000, 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 federally recognized 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, $115,000,000, to remain available until expended: *Provided*, That of the amount provided herein, $7,000,000 is for a competitive grant program for federally recognized 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 up to $20,000,000 is for incorporating wildlife adaptation strategies and actions to address the impacts of climate change into State Wildlife Action plans and implementing these adaptation actions: *Provided further*, That the Secretary shall, after deducting $32,000,000 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 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 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 exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 75 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 no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *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

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 pursuant 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, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *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, $2,260,684,000, of which $9,982,000 for planning and interagency coordination in support of Everglades restoration and $98,622,000 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.

PARK PARTNERSHIP PROJECT GRANTS

For expenses necessary to carry out provisions of section 814(g) of Public Law 104-333 relating to challenge cost-share agreements, $25,000,000, to remain available until expended for Park Partnership signature projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

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, $59,386,000.

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), $90,675,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts; and of which $6,175,000 shall be for Preserve America grants to States, federally recognized Indian Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided*, That of the funds provided for Save America's Treasures, $5,310,000 shall be allocated in the amounts specified for those projects and purposes in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $214,691,000, to remain available until expended: *Provided*, That the National Park Service shall complete a special resource study along the route of the Mississippi River in the counties contiguous to the river from its headwaters in the State of Minnesota to the Gulf of Mexico.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 460l–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. 460l–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, $103,222,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $30,000,000 is for the State assistance program.

ADMINISTRATIVE PROVISIONS

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; $1,105,744,000, 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 and of which $2,000,000 shall be available for the United States Geological Survey to fund the operating expenses for the Civil Applications Committee: *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, $174,317,000, 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 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), in fiscal year 2010, MMS 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, $32,088,000, 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 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, $2,300,099,000, 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; and 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 $159,084,000 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 federally recognized tribes, and tribal organizations of federally recognized tribes, 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 $568,702,000 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; and of which not to exceed $59,895,000 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 federally recognized 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, $200,000,000, 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 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.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), as amended, by direct expenditure or cooperative agreement, $3,000,000, to remain available until expended.

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 federally recognized 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 $12,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $15,000 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.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $83,995,000, of which: (1) $74,715,000 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 of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *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).

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.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three 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*, 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: *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, $932,780,000, 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 $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transfer to ''Wildland Fire Management'' for fire suppression operations of the Department of the Interior, $75,000,000, to remain available until expended: *Provided*, That amounts in this paragraph may be transferred and expended only if all funds appropriated for fire suppression operations under the heading ''Wildland Fire Management'' shall be fully obligated within 30 days: *Provided further*, That amounts are available only to the extent the President has issued a finding that the amounts are necessary for emergency fire suppression operations.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 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 the heading ''Central Hazardous Materials Fund'' 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. 19jj 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 PROVISIONS

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

(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: *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.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, 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 and 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'' and ''Wildland Fire Suppression Contingency Reserve Fund'' 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: *Provided*

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

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.

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.

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.

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. 460zz.

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.

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 109. 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.

SEC. 110. Title 43 U.S.C. 1473, as amended by Public Law 111–8, is further amended by striking ''in fiscal years 2008 and 2009 only'' and inserting ''in fiscal years 2010 through 2013''.

SEC. 111. 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.

SEC. 112. Funds provided in this Act for Federal land acquisition by the National Park Service for Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 113. Notwithstanding any other provision of law, for fiscal year 2010 and each fiscal year thereafter, sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall 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.

SEC. 114. (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 bill, with payment required within 30 days of billing.

SEC. 115. Section 4 of Public Law 89-565, as amended, (16 U.S.C. 282c), relating to San Juan Island National Historic Park, is amended by striking ''$5,575,000'' and inserting ''$13,575,000''.

SEC. 116. Section 1(c)(2) of Public Law 109–441 is amended by adding after subparagraph (D) the following new subparagraphs:

''(E) Minidoka, depicted in a map entitled 'Minidoka National Historic Site and Environs - Draft Document', dated May 27, 2009. The Secretary is authorized to accept a donation of land or interest in land acquired with funds provided under this section, as an addition to the Minidoka National Historic Site and administered in accordance with section 313(c)(5) of Public Law 110–229.

''(F) Heart Mountain, depicted in Figure 6.3 of the Site Document.''.

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, $849,649,000, 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, $3,022,054,000, to remain available until September 30, 2011: *Provided*, That of the funds included under this heading, not less than $628,941,000 shall be for the Geographic Programs specified in the explanatory statement 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.

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) $1,306,541,000, 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 $1,306,541,000 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, $113,101,000, 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; $34,430,000 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, $5,215,446,000, to remain available until expended, of which $2,307,000,000 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 $1,443,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: *Provided*, That $20,000,000 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; $10,000,000 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; and (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; $160,000,000 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 explanatory statement 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; $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency 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; and $1,115,446,000 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, $10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, 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 State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2010, in addition to the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.2486 percent of the funds appropriated for the Clean Water State Revolving Fund program under the Act may be reserved by the Administrator for grants made under Title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2010, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *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.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND 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.

Title II of Public Law 109–54, as amended by title II of division E of Public Law 111-8 (123 Stat.729), is amended in the fourth paragraph under the heading ''Administrative Provisions'' by striking ''2011'' and inserting ''2015''.

From unobligated balances to carry out projects and activities funded through the ''State and Tribal Assistance Grants'' account, $142,000,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the 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.

The Administrator is authorized to transfer up to $475,000,000 from the ''Environmental Programs and Management'' account to the head of any other Federal department or agency (including but not limited to the Departments of Agriculture, Army, Commerce, Health and Human Services, Homeland Security, the Interior, State, and Transportation), 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.

Not less than 30 percent of the funds made available under this title to each State for

Clean Water State Revolving Fund capitalization grants and not less than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000.

To the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water efficiency, or energy efficiency improvements.

For fiscal year 2010 and each fiscal year thereafter, the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2010 and each fiscal year thereafter, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j-12).

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, $308,612,000, to remain available until expended: *Provided*, That of the funds provided, $61,939,000 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, $307,486,000, to remain available until expended, as authorized by law; and of which $76,215,000 is to be derived from the Land and Water Conservation Fund.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

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, $1,564,801,000, 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)): *Provided*, That, the Secretary may authorize the expenditure or transfer of up to $10,000,000 to the Department of the Interior, Bureau of Land Management, 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 up to $10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

PART B AMENDMENT NO. 5 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. I have an amendment at the desk that was made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. SMITH of Texas:

Under the heading ''NATIONAL FOREST SYSTEM'' insert after the first dollar amount the following: ''(reduced by $25,000,000) (increased by $25,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Chairwoman, before I yield to our colleague from California, I would first like to thank the gentleman from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee; the gentleman from Washington, the subcommittee chairman, Mr. DICKS; and the ranking member of the subcommittee, the gentleman from Idaho (Mr. SIMPSON), for their courtesies tonight.

I will yield 1 minute to the gentleman from California (Mr. HERGER) both a colleague, a classmate, and a member of the Ways and Means Committee.

Mr. HERGER. Madam Chair, I thank the gentleman, my good friend from Texas, for yielding time.

I rise in strong support of this amendment. The district I represent in northern California contains nine National forests currently being overrun by illegal marijuana cultivation. This week two men opened fire on law enforcement officials during a raid on a marijuana garden near a popular fishing and recreation area. Additionally, in another instance, two Lassen County sheriff's officers were shot when they came across another marijuana garden. Thankfully, these officers survived their injuries. But it is simply a matter of time before innocent lives are claimed.

I urge my colleagues to support this amendment to ensure the Federal Government is doing its part to provide the resources we need to address this serious and growing problem.

Mr. DICKS. Madam Chair, although I support the gentleman's amendment, I ask unanimous consent to claim time in opposition.

The Acting CHAIR. Without objection the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. DICKS. I want to say that I strongly support this amendment. It is very clear to me that in California, in Washington, in Oregon, and in many States, this has become a tremendous problem. Drugs are being grown, marijuana particularly, on Federal lands. I think we have to do more on enforcement. I commend the gentleman for his leadership in presenting the amendment. Our side supports it.

If the gentleman has nothing further to say, I think we ought to have a vote on his amendment.

Mr. SMITH of Texas. I would like to make a statement about the amendment if the gentleman doesn't object.

MR. DICKS. I will reserve my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3½ minutes.

Mr. SMITH of Texas. Madam Chairman, first of all, I would like to consider this the Smith-Herger amendment because I appreciate so much the gentleman from California and his comments a few minutes ago.

Madam Chairwoman, Mexican drug cartels are converting America's national parks and forests into farms for their illegal crops, damaging these protected ecosystems and threatening the safety of visitors and employees.

The Drug Enforcement Administration calls marijuana the ''cash crop'' that finances the cartels' drug trafficking operations. And now our federal lands are being used to grow this crop.

The Justice Department's National Drug Intelligence Center reports that Mexican drug cartels grow their marijuana in remote areas of public lands where there is a limited law enforcement presence.

The two primary regions for these marijuana sites are the Western region, comprised of California, Hawaii, Oregon, and Washington, and the Appalachian Region, including Kentucky, Tennessee, and West Virginia.

The pristine lands of our National Forest System are particularly enticing to these drug-trafficking operations. The dense, expansive forests provide optimum marijuana growing conditions with little risk of detection.

America's national forest system, managed by the U.S. Forest Service, is comprised of 193 million acres of land with 153,000 miles of trails and nearly 18,000 recreation sites. Only 175 law enforcement officials and detectives patrol this vast expanse of land, including 36 million acres of wilderness area.

The men and women of the Forest Service law enforcement and investigations, together with their Federal, State and local partners, seized 2 million marijuana plants from more than 300 sites during the 2008 growing season. This is a dramatic increase from 2004, when fewer than 750,000 plants

were seized. The Forest Service reports that for each of the estimated 660 marijuana sites in the National Forest System, it costs $30,000 to remove the marijuana and restore the ecosystem of each site. That is under $20 million to rid our forests of marijuana.

Forest Service law enforcement officers are also battling against clandestine methamphetamine labs on Forest Service lands and increased drug trafficking across forests that share a common boundary with Canada and Mexico.

Yet, in fiscal year 2009, only $15 million was allocated for all of the Forest Service's drug enforcement activities. My amendment increases this amount to $25 million. We can and must do more to put an end to the dangerous trend of using federal lands for illegal drug cultivation and distribution.

Now, Madam Chairwoman, finally I want to say just in summary that this amendment would weaken the cartels' drug-trafficking operations. It will help the only 175 law enforcement officials to patrol the 36 million acres of wilderness area, and it will send a strong message that we want to increase funds for these efforts.

So I appreciate my amendment being supported tonight.

I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The amendment was agreed to.

Mr. DICKS. I ask unanimous consent that the remainder of the bill through page 119, line 15 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $560,637,000, 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 $100,000,000 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 funds provided herein 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 public comment should be provided before system roads are decommissioned: *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: *Provided further*, That up to $10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

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. 460l–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, $36,782,000, 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 BEQUESTS 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 presuppression 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, $2,370,288,000, 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, $378,086,000 is for hazardous fuels reduction activities, $11,600,000 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.), $80,000,000 is for State fire assistance, $10,000,000 is for volunteer fire assistance, $24,252,000 is for forest health activities on Federal lands and $12,928,000 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 $25,000,000 of the funds provided under this heading may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities: *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 of the funds provided herein, the Secretary of Agriculture may enter into procurement contracts or cooperative agreements, or issue grants, 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 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 $50,000,000, 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 $5,000,000, 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.

WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transfer to ''Wildland Fire Management'' for emergency fire suppression on National Forest System lands or adjacent lands or other lands under fire protection agreement, $282,000,000, to remain available until expended: *Provided*, That amounts in this paragraph may be transferred and expended only if all funds appropriated for fire suppression under the heading ''Wildland Fire Management'' shall be fully obligated within 30 days: *Provided further*, That amounts are available only to the extent the President has issued a finding that the amounts are necessary for emergency fire suppression.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

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 forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions five days after the Secretary notifies the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings ''Wildland Fire Management'' and ''Wildland Fire Suppression Contingency Reserve Fund'' shall be fully obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

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)).

Not more than $78,350,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,825,000 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, $3,000,000 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 projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, 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, $3,000,000 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.

The 19th unnumbered paragraph under heading ''Administrative Provisions, Forest Service'' in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109-54, is amended by striking ''2009'' and inserting ''2014''.

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, $3,657,618,000, 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 $16,251,000 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 $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 no less than $43,139,000 is provided for maintaining operations of the urban Indian health program: *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 $10,000,000 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 one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which 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 (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts 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 $398,490,000 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 or renovation of health facilities for the benefit of a federally recognized Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *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, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but 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; and for 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 for which the appropriation is made or otherwise contribute to the improved conduct, supervision, or management of those functions or activities.

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 payment 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 that provided the funding, 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 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: *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, $10,547,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: *Provided further*, That of the funds appropriated under this heading, $150,000 shall be paid to the ''Office of Inspector General'' appropriation of the Environmental Protection Agency.

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 (for terms not to exceed 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, to remain available until September 30, 2011 except as otherwise provided herein; 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; and of which $1,553,000 is for fellowships and scholarly awards; 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, $140,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

ADMINISTRATIVE PROVISION, SMITHSONIAN INSTITUTION

Notwithstanding any provision of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110—161; 121 Stat. 2140), the funds provided for ''Smithsonian Institution, Legacy Fund'' under such Act may be transferred to and made a part of the appropriation for ''Smithsonian Institution, Facilities Capital'' in this Act and utilized by the Smithsonian Institution under the same terms and conditions that apply to other funds contained in such appropriation.

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, $56,259,000, to remain available until expended: *Provided*, That of this amount, $40,000,000 shall be available to repair the National Gallery's East Building facade: *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, $25,000,000: *Provided*, That of the funds included under this heading, $2,500,000 is available until expended to implement a program to train arts managers throughout the United States.

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, $12,225,000, to remain available until September 30, 2011.

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, $170,000,000 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, $170,000,000,

to remain available until expended, of which $155,700,000 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 PROVISION

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: *Provided*, That 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 further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That 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 further*, 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 national capital or the history and activities of the Commission of Fine Arts, and may be used only for 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, $10,000,000.

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), $48,551,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program, and $1,243,000 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, $23,200,000 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, $2,000,000 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, $10,000,000, to remain available until expended.

TITLE IV—GENERAL PROVISIONS

(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.

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.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. 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.

SEC. 405. 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.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. (a) LIMITATION OF FUNDS.—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.

SEC. 408. 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), 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 the Bureau of Indian Affairs, federally recognized tribes, and tribal organizations of federally recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 409. 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.

SEC. 410. 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.

SEC. 411. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m-1856o), 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 fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities 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, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide such protection under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

SEC. 412. 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 Secretaries 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.

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.

SEC. 414. The terms and conditions of section 325 of Public Law 108–108, regarding grazing permits at the Department of the Interior and the Forest Service shall remain in effect for fiscal year 2010.

SEC. 415. 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:

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

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

SEC. 416. The item relating to ''National Capital Arts and Cultural Affairs'' in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

(1) in the second sentence of the first paragraph, by striking ''$7,500,000'' and inserting ''$10,000,000''; and

(2) in the second sentence of the fourth paragraph, by striking ''$500,000'' and inserting ''$650,000''.

SEC. 417. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000, as amended, concerning a pilot program for the sale of forest botanical products by the Forest Service, is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2014''.

SEC. 418. The second sentence of section 2 (a)(1) of the Mineral Leasing Act (30 U.S.C. 201(a)(1); relating to coal bonus bids) does not apply for fiscal year 2010.

SEC. 419. All monies received by the United States in fiscal year 2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 shall be disposed of as provided by section 20 of that Act (30 U.S.C. 1019), as in effect immediately before enactment of the Energy Policy Act of 2005 (Public Law 109-58), and without regard to the amendments contained in sections 224(b) and section 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

SEC. 420. Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001, (Public Law 106-291), as added by section 336 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447), concerning cooperative forestry agreements known as the Colorado Good Neighbor Act Authority is amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 421. None of the funds in this or any other Act shall be used to deposit funds from any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

SEC. 422. Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (2)(B), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (3), the following: ''(4) to reimburse all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.''.

SEC. 423. 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 ''Congressionally Directed Spending'' included in the explanatory statement accompanying this Act. The preceding sentence shall apply in addition to the allocation requirements specified in this Act under the heading ''National Park Service–Historic Preservation Fund'' for Save America's Treasures and under the heading ''Environmental Protection Agency–State and Tribal Assistance Grants'' for special project grants for the construction of drinking water, wastewater and storm infrastructure and for water quality protection.

SEC. 424. Not later than 120 days after the date on which the President's Fiscal Year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2008, fiscal year 2009, and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems.

SEC. 426. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of detaining or prosecuting such individual, until 2 months after the plan described in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba,

who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to a freely associated State, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(e) In this section, the term ''freely associated States'' means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 427. Notwithstanding any other provision of law, none of the funds made available in this 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 for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

□ 2230

PART B AMENDMENT NO. 3 OFFERED BY MR. HELLER

Mr. HELLER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. HELLER:

Page 119, after line 22, insert the following:

SEC. _____. None of the funds made available by this Act may be used to build a Carson Interagency Fire Facility on the approximately 15 acres of Federal land managed by the Bureau of Land Management and located east of the corner of South Edmonds Drive and Koontz Lane in Carson City, Nevada.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER. Madam Chairwoman, I thank the chairman and ranking member for the opportunity to present this amendment on the floor today.

My amendment prohibits the site-specific construction of a Bureau of Land Management facility in a residential neighborhood in Carson City, Nevada. It is also of note that this amendment solely impacts my district. In Nevada, approximately 85 percent of the land is controlled by the Federal Government; 67 percent of this land base is controlled by the Bureau of Land Management. In other words, they own about 48 million acres of property within the State of Nevada.

The Bureau of Land Management is currently in the comment phase for a proposed interagency fire center on approximately 15 acres of Federal land in Carson City, Nevada, near a large neighborhood.

While I, along with my constituents, support the construction of the interagency fire center and believe the facility will help with combating catastrophic wildfires, BLM's proposed location for this particular facility is problematic. The proposed location is in a community of nearly 300 homes. Local residents are opposed to the location, and the Carson City Board of Supervisors, our county commission, recently passed a resolution voicing its opposition to the proposed location of the fire center. The BLM has under consideration multiple sites for this particular facility, all of which are better suited than the chosen location.

Madam Chairwoman, my amendment prohibits the funds for the construction of this facility at this specific 15-acre location in Carson City and allows for the facility to be built at any of the alternative sites in the area.

I want to express my support again for an additional interagency fire center in Nevada; it just doesn't make sense to build this facility in a residential neighborhood.

I urge my colleagues to support the will of the people, the will of the local governments, and please support this amendment.

Again, the Bureau of Land Management, the Federal Government owns 84 million acres, and they choose to put this facility next to a neighborhood. There are a lot of other alternative sites that I support and would support moving forward, just not this particular area.

I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I understand that citizens and the Carson City Board of Supervisors are concerned about the Interior Department plan to build an urgently needed new wildfire facility, but it is clearly premature to cut off funding for this proposal. The environmental analysis is still out for public review. We should not halt this important project before the analysis and the public input can be analyzed and considered.

Carson City is a fire-prone area. It is really important for the Federal agencies to move ahead with an interagency center so they can be more efficient and effective firefighters. This new joint facility will support the Silver Hotshot Group, a key part of the firefighting force.

The Interior Department has already spent funds for the planning and design of this particular project, so we should not stop or unduly delay its implementation. Both the Interior Department and the Forest Service have budgeted some of their limited infrastructure funding for this badly needed project.

I understand the gentleman from Nevada has concerns. I pledge to work with him as this bill moves forward to be sure that his constituents' concerns are heard and fully considered. We all want to improve the firefighting capacity and protect neighborhoods and wildlands.

This amendment was not brought to our attention, the committee's attention, until very late in the process. Had we known, we could have taken an opportunity to talk to the Department, to hear the gentleman's views. He did not come to the committee and testify. There was an opportunity for Members to testify. He chose not to do that.

So I think that this is an amendment that comes late, is not favored by the administration, is actually going to weaken our firefighting capability and this is something that is serious because people's lives are at stake. So I urge a ''no'' vote on this misguided amendment.

I reserve the balance of my time.

Mr. HELLER. Madam Chairwoman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

First of all, this doesn't cut off funding for the fire center. What it does is cut off funding for the fire center in that location. It doesn't matter whether the environmental review is done or not if that location is not acceptable to the local residents.

One of the things in dealing with Federal agencies that own a majority of the land surrounding you is that sometimes they are good neighbors, and sometimes they aren't. But local people ought to have some say in these Federal agencies' decisions of where they are going to locate facilities and so forth.

So just saying this area, this location that you are looking at is inappropriate, as the Board of County Commissioners apparently has said, seems to me to be entirely appropriate, and Congress ought to look at their wishes.

And I guarantee you in Nevada there are a lot of places that they could build this fire center that apparently wouldn't cause the controversy that is being caused in this local community. And when the Representative from that area comes to me and says this is a problem, then I have to believe the people who sent him here. I support the amendment.

Mr. DICKS. I urge a ''no'' vote on this amendment, and I yield back the balance of my time.

Mr. HELLER. Madam Chairwoman, just to reiterate what was said, and I want to thank the gentleman from Idaho who has a real good understanding of what it means to have public lands and have the Federal Government own a tremendous amount of property within your State, within the boundaries. Again, I think it was very clear. I think at times we think here in Washington we know what is better for the local communities. Again, I think it is important to understand that you can have a small community somewhere in the State of Nevada and have all Federal land surrounding it.

I think there should be a voice in this process and the voice should come from the people; it should come from the local government and not be pushed down to them through Washington.

I think this is a great amendment. I would continue to urge my colleagues to please support this particular amendment. It is very ripe. It just happened recently. I don't believe this could have been brought before the committee because it just happened within the last couple of days with the vote by the board of supervisors.

I thank the chairman and the ranking member for the time and effort to be able to bring this particular amendment to the floor. I urge my colleagues' positive support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HELLER. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

PART B AMENDMENT NO. 4 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of $5,750,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Madam Chair, let me first thank the ranking member from Idaho for his work on this legislation and the chairman. In fact, the chairman and I spoke earlier this evening about this amendment. We joked around. I told him he might be for it, but I doubt he would be, actually.

Earlier this week, in fact, Tuesday, Wednesday and Thursday of this week, the Treasury auctioned off $104 billion of Treasury bills; $104 billion of debt we sold this week, the largest amount ever sold by this country. The reason we had to sell that much debt is because we are spending too much money. In fact, we are spending so much that over the next decade, think about this, over the next decade, we are going to take the national debt, which is now $11 trillion, we are going to take it to $23 trillion.

Think about what it takes to pay that off. Think about what our kids and grandkids are going to have to do to pay that off. First, you have to balance a budget; then you have to run a trillion-dollar surplus for 23 years in a row, and that doesn't even count the interest which is now approaching a billion dollars a day. Spending is certainly out of control.

So this amendment is real simple. This amendment says, you know what, let's do what all kinds of families are doing, what all kinds of taxpayers across this country are doing, what all kinds of small business owners across this country are doing: let's live on exactly what we were functioning on, what the Federal Government was functioning on just 1 year ago. In fact, it wasn't even 1 year ago. It was 9 months ago we were still going on a continuing resolution for 2008, living on the 2008 appropriated levels. Let's do that.

Instead of increasing spending in this bill by 21 percent over what we were functioning on just 9 months ago, let's do what all kinds of families and taxpayers, all kinds of small business owners across this country are doing. In fact, unemployment in my district runs anywhere from 10 to 16 percent in the 11 counties I have the privilege of representing. There are families, there are small business owners, there are taxpayers in the Fourth Congressional District of Ohio who are living on something less than what they were living on just 9 months ago. But somehow the Federal Government can never get by on less. It is only the families and taxpayers who have to do that.

Again, my amendment is pretty straightforward. It says, let's go back to where we were just 9 months ago. The government should be able to function on that amount of money, and it reduces the appropriation amount in this bill by $5.750 billion. Again, that amount is a 21 percent increase over what we were functioning on just 9 months ago.

I reserve the balance of my time.

Mr. DICKS. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. This amendment would harm this bill dramatically and would shortchange America's vitally needed environmental conservation and Native American programs.

As our former colleague, Silvio Conte, would say: This is a mindless, meat ax approach. It makes no choices based on need or the merits of the programs. This reduction is the equivalent of a 17.8 percent cut. This is completely irresponsible. This is not just an accounting change on a spreadsheet. Cutting $5.75 billion from the bill would have serious consequences on health, jobs, energy programs, young people and wild places.

The Environmental Protection Agency would be reduced by $1.8 billion. This would seriously impair environmental protection, science programs, and hazardous area remediation. Funding for efforts to help local communities with repairs to their aging water and wastewater infrastructure would be reduced by $700 million. This would mean that approximately 400 communities would not receive the financial assistance they need to repair and improve water and sewer infrastructure.

Despite the fact that 76 million Americans live within 4 miles of a toxic waste site, the amendment cuts $233 million from programs to clean up the Nation's most toxic and hazardous waste sites. It reduces the landmark effort to clean up the Great Lakes by $85 million, thus jeopardizing the cleanup of toxic sediments in the lakes and harming the aquatic plants and animals which humans depend upon.

Our national parks would be cut by $485 million. It includes a $403 million reduction below the President's request for the basic operational costs of the 395 units of the national park system. As an example, Yosemite would lose $3.6 million; Yellowstone, $4.6 million; the Independence Mall in Philadelphia, $2.8 million. This reduction is the equivalent of closing 75 national park units. Many visitors would find closed national parks when they go on vacation or on educational trips, reducing the entire tourism industry and harming the economy of many cities and communities.

It rejects $1.2 billion for programs that have received bipartisan support by cutting $721 million out of Indian health care programs. This proposal would deny critically needed services to thousands of Native Americans. More than 2 million Native Americans would be denied inpatient and outpatient health care services and more than 4,000 cancer screenings would be eliminated.

It takes $90 million out of the already struggling Indian education programs, leaving even more Indian children without adequate education programs.

It reduces overall funding for firefighting by $652 million at a time when we are facing another dangerous wildfire season. Many small fires would escape initial attack, leading to many more large wildfires that harm watersheds and cost far more money in emergency firefighting and recovery costs.

It cuts 1,700 firefighters, shuts down more than 50 firefighter stations, and significantly reduces air tanker support. It decimates preparedness efforts by failing to provide critical support for initial attacks, and could allow as many as 600 more wildfires to escalate.

□ 2245

This would lead to larger, more damaging and much more expensive fires, the kind that costs in excess of $100 million to extinguish.

So I think this is a very bad amendment. It hurts the Fish and Wildlife Service. It hurts the Forest Service.

So I urge a ''no'' vote on this amendment and reserve the balance of my time.

Mr. JORDAN of Ohio. Madam Chair, there they go again. I think the chairman's words were ''irresponsible meat-ax approach.'' This is not a cut. This is not a cut. This is saying let's hold the line. This is taking the first step—what I would say is a pretty modest first step—towards trying to rein in spending so we don't saddle future generations of Americans with this enormous step.

If you don't take this first step and say, let's hold the line, let's freeze where we're at, you never have to prioritize, it's just the band plays on. We'll just keep increasing. We'll just keep spending. We're saying, well, we never have to decide which programs make sense, which ones should be eliminated, which ones are redundant. You never have to make the tough calls. You just keep spending, which is, frankly, the easiest thing in the world for politicians to do, spend and spend and spend, borrow and borrow and borrow, tax and tax and tax. Well, that's pretty easy for this place to do. The tough thing is usually the right thing.

I had a coach in high school. He talked about discipline every stinking day. I used to get sick and tired of hearing about it. And he said that discipline is doing what you don't want to do when you don't want to do it. Basically that meant doing it his way when you would rather do it your way. It meant doing it the right way, the tough way, the difficult way when you would rather do it the easy and convenient way. The easy and convenient way is to continue to spend and spend and spend. The tough thing to do is to say let's hold the line and then let's figure out which programs actually make sense, and I trust the gentlemen here on the committee to do that.

But if you never hold the line, you never get to the first step. This is a modest first step. We still know we've got trillions of dollars in debt we've got to deal with. We can't even take the first step. That's what is so frustrating—and, frankly, in my mind, so ridiculous—about this place is we can never even just say let's just stop. Let's do what Americans all over this country are having to do. We can never do that. And the Democrats just read off a bunch of lists, oh, this, this and this—that's baloney. We just want to hold the line, and everyone across this country understands that.

Let's hold the line. Let's pass this amendment and take that first step towards becoming fiscally responsible and exercising a little discipline in this Congress for a change.

Madam Chairman, I yield back the balance of my time.

Mr. DICKS. Again I want to say that our committee held countless oversight hearings. We made cuts, $300 million in cuts.

I would also say that this part of the budget, under the previous administration was reduced, Interior Department, by 16 percent, the EPA by 29 percent, the Forest Service by 35 percent. So this will help bring back these important programs. I mean, we are talking about health care in the Indian Health Service.

Mr. OBEY made a decision. President Obama made a decision. It went through OMB. Many of the people on the other side of the aisle have no trust in the Congress, but this budget came from the administration. The administration looked at all these programs, And every earmark we had in this bill was vetted by the administration. So this has been carefully put together.

I spent 33 years on this committee, and I'll tell you this, we know what we're doing. We support the Park Service, the Fish and Wildlife Service. These are great institutions that deserve our support, and to have somebody come in here and accuse us of not doing our work is an insult to me and to Mr. SIMPSON because we have done our work. We know what's in this bill, and it's a good bill.

I urge a ''no'' vote on this amendment and yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

PART B AMENDMENT NO. 6 OFFERED BY MR. STEARNS

Mr. STEARNS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act for the Environmental Protection Agency that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 38 percent.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Madam Chairman, I am not going to take all my time. I think my amendment is going to have a very difficult time passing.

I have heard the gentleman's arguments on many occasions. He and I have gone toe to toe on 1 percent cuts, 2 percent cuts, the National Endowment for the Arts. We have been through this.

I would just say simply that my amendment freezes the total amount of spending in the bill for the Environmental Protection Agency at the current level. Now, I know you are going to scream and holler on that, but with the economy contracting and unemployment rising, it would simply be irresponsible to increase the EPA by almost 40 percent, and that's what you're doing here. You are increasing the EPA by 40 percent during a fiscal crisis. In fact, when combined with funding approved earlier this year in the fiscal year 2009 omnibus budget bill and the stimulus bill, the EPA will receive more than $25 billion in a single calendar year, which is equal to more than three-fourths of the entire Interior Appropriations budget. So that is my say for tonight.

Madam Chair, my amendment is very straightforward. It would freeze the total amount of spending in this bill for the Environmental Protection Agency at the current level. With the economy contracting and unemployment rising, it would simply be irresponsible to increase spending for the EPA by 38 percent during this fiscal crisis. In fact, when combined with funding approved earlier this year in the fiscal year 2009 Omnibus and the ''stimulus'' bill, the EPA will receive more than $25 billion in a single calendar year, which is equal to more than three-fourths of the entire Interior Appropriations bill.

Americans are seeing their family budgets get smaller and smaller, while Congress continues to spend and spend. I don't think it is too much to expect Congress to make the same scarifies that millions of Americans are making everyday.

Providing a 17 percent overall increase in total funding in this bill—and an astonishing 38 percent increase for the EPA—when our country is experiencing the worst economic crisis in decades is the height of irresponsibility. We must hold the line on spending and make sound budget choices that are sustainable and that do not rely on continued deficits and borrowing.

Families across my congressional district and all across the country are having to tighten their belts during this tough economic time. I don't think it is too much to expect Congress to do the same. We need to set the example.

This Congress and President Obama continue to ignore the fact that their reckless spending will bury our children and grandchildren under a mountain of debt. Since 1970, federal spending has increased 221 percent, nearly nine times faster than median income. In 2008, publicly held debt, as a percentage of the GDP was 40.8 percent, nearly five points below the historical average. Under President Obama's budget, this figure would more than double to 82.4 percent by 2019.

My colleague from Washington, Chairman DICKS, stated during the markup of the FY2010 Interior, Environment and Related Agencies Appropriations Bill that, ''this Bill demonstrates a clear break from the past.'' He is most certainly correct. This bill demonstrates a clear break from sound fiscal policy and instead ushers in a new era of reckless out of control spending that will saddle families with oppressive levels of debt for generations to come.

There is plenty of blame to go around for the out of control spending. At some point, we have to stand up and say stop. We still have much work to do but we can start with this amendment.

Passing this amendment will send a strong message to the American people that Congress is serious about reigning in this out of control government spending. As families across America continue to tighten their belt, Congress needs to do the same.

I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to seek the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I urge Members to oppose this amendment. The gentleman from Florida would not have believed it if I had accepted his amendment, and of course I can't accept it because this amendment is not a good amendment.

The gentleman says that this amendment would reduce the EPA to the fiscal year 2009 funding level, but let's talk about what it will really do.

A reduction of 38 percent to the funds provided in this bill for EPA would equal a $3.975 billion cut. That would eliminate all the funding for the Clean Water and Drinking Water State Revolving Funds, and 27,000 fewer construction jobs would be created through construction of water and wastewater infrastructure. That means almost 1,500 communities across this country would not receive assistance to repair and build drinking water and wastewater infrastructure.

It was the previous administration that reported a $662 billion gap between what our communities will need to spend and the funds they have to do it with. This reduction would mean that the great water bodies of this country will not receive the funding to help restore and protect these special natural resources.

The great water bodies are not just the Great Lakes, the Chesapeake Bay, and the Gulf of Mexico. If you represent a district that borders any of these water bodies, this amendment will cut the funding your community depends on to help protect them: Mobile Bay, Alabama; San Francisco Bay; Morro Bay, California; Santa Monica Bay; Long Island Sound; Delaware Estuary; Tampa Bay; Sarasota Bay; Charlotte Harbor, Florida; Indian River Lagoon, Florida; Barataria Terrebonne, Louisiana; Casco Bay, Maine; Maryland coastal bays; Massachusetts Bay; Narragansett Bay; New Hampshire estuaries; New York/ New Jersey Harbor; Barnegat Bay, New Jersey; Peconic Estuary; Albemarle Pamlico Sound; Lower Columbia River; Tillamook Bay, Oregon; San Juan Bay, Puerto Rico; Coastal Bend Bays, Texas; and Galveston Bay, Texas.

I would warn Members that 151 Members of this body whose districts border one of these estuaries that I mentioned will see that their funding will be cut for these important programs.

A reduction of this size would mean the EPA would stop construction and demobilize 8 to 10 large, high-cost ongoing Superfund projects such as the Welsbach site in New Jersey, the Tar Creek site in Oklahoma, and the New Bedford site in Massachusetts. EPA would not be able to start any new Superfund sites in 2010 after years of reduction under the previous administration.

EPA estimates that a reduction of this size would prohibit them from completing construction at as many as nine Superfund sites in 2010 and 2011. This reduction would mean EPA would not properly certify new vehicles, fuels, and engines sold in the United States to make sure they conform to EPA's emission standards. And 217 tribes would lose funding for their environmental programs. A 38 percent reduction to the EPA would impact every program they administer. But most importantly, this reduction would affect every American who wants to drink clean water and breathe clean air.

Let me remind the Members, we all have an environment in our districts, so I urge a strong ''no'' vote on the Stearns amendment.

Madam Chairman, I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, I would say to the gentleman, did he know that they found a water bay on Saturn, the planet Saturn? And using your line of reasoning, we should also consider funding for this new water bay on Saturn.

This is not a reduction. This is not a cut. This is simply a freeze. And I would ask the gentleman: How many people in your congressional district are getting a 38 percent increase this year in their salary? And how can you justify a 38 percent increase on EPA?

With that, Madam Chairman, I yield back the balance of my time.

Mr. DICKS. I will answer the gentleman's question. I want you to know, again, I have to say this again, and it pains me every time I say it, but over the last 8 years, the Interior Department was cut by 16 percent; EPA was cut by 29 percent. So this is a little bit of help to get back to an approach that can deal effectively with some of the most important and sensitive programs we have in this country: the Superfund sites, our wastewater treatment, our clean water.

When you ask the American people, do you want clean water, do you want safe drinking water, it's a 99 percent issue. So to stand up here and say we're going to have draconian cuts of the money for the revolving funds that are going to provide that clean water, it is unthinkable. And I know the gentleman wants me to stop. It must be painful. The truth is always painful.

Madam Chairman, I ask for a ''no'' vote and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. STEARNS. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Arizona (Mr. FLAKE) with amendment No. 22.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds provided in this Act under the heading ''National Park Service—Construction'' shall be available for the Restore Good Fellow Lodge project at Indiana Dunes National Lakeshore in Porter, Indiana, and the amount otherwise provided under such heading is hereby reduced by $1,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chairman, this amendment would strike $2 million that is currently in the bill in funding to install a municipal water line to the Good Fellow Lodge at the Indiana Dunes National Lakeshore in Porter, Indiana. The Good Fellow Youth Camp was operated by U.S. Steel from 1941 to 1976, the only one of its kind ever operated by U.S. Steel, and the facility offered summer camp opportunities for children of U.S. Steel employees who worked in the nearby Gary Works Steel plant.

The National Park Service purchased this camp in 1976 for inclusion within the National Lakeshore, and given this historic background and involvement with the community, I can understand why the gentleman from Indiana has a desire to preserve the Good Fellow Lodge. In fact, Madam Chair, in the world of earmarks out there, this is not one that's being given to a private company without bidding. This is one that actually does have a Federal nexus because it's a national park. That is not what is at issue here.

According to the Government Accountability Office, in 2008, the Department of the Interior had a backlog of deferred maintenance projects totaling between $13.2 and $19.4 billion. In other words, somewhere from $13 to $19 billion is how much money the Government Accountability Office believes the Department of the Interior needs to bring all of the various park projects up to snuff.

And we hear about crumbling infrastructure, and Federal funds are not immune from that. To put that amount in perspective, the $13 to $19 billion, the entire budget of the Department of the Interior in this bill is $11 million, so it's more than an entire year's budget of the Department of Interior.

□ 2300

So, the question before us, Madam Chair, is: With all these needs, billions of dollars of need in parks all around the country, is this the right way to allocate $2 million, that we take $2 million from the Park Service's budget, which clearly they believe is inadequate to take care of the needs of parks and allocate it on the basis of a Member's request? Or would it be better to be allocating these funds on the basis of need or on the basis of use or on the basis of someone looking at all of the potential park projects and needs around the country and determining which ones meet a threshold requirement rather than do this by a Member request, because every Member could have parks they could request for their districts.

I will reserve the balance of my time.

Mr. VISCLOSKY. Madam Chair, I seek recognition in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Before I proceed, just for clarification, if I could ask the gentleman from California a question. Did you indicate that that was an amount of $1 million or $2 million?

Mr. CAMPBELL. Mine said $2 million. Is that in error?

Mr. VISCLOSKY. I would suggest to the gentleman that it is $1 million and that his statement was not correct.

Mr. CAMPBELL. I will accept the gentleman's correction. He would know better than I.

Mr. VISCLOSKY. Madam Chair, the gentleman talked about the preservation of the Good Fellow Lodge that, as he rightfully indicated, became possessed by the National Park Service in 1977, 32 years ago. He also indicated, correctly, the deferred maintenance budget under the General Accountability Office.

But I would point out that the $1 million designated in this bill—and I appreciate the consideration of the Chair and the ranking member for including it—goes much beyond the issue of preservation. The fact is that it has a lot to do with education.

The installation of the water line and the subsequent restoration of the lodge would allow the Dunes Learning Center at which this lodge is located to expand their current educational program. The learning center provides valuable hands-on experience and inspires environment and environmental stewardship among the citizens of northwest Indiana.

Since its inception in 1998, over 48,000 students have participated in the program, including a record 5,578 last year. For these thousands of learners, the Environmental Education Center, which the Good Fellow Lodge is intended to be part of, is increasing each visitor's enjoyment and understanding of the parks and to allow visitors to care about the parks on their own terms.

This is not just about preservation. It is also about reducing future costs for the National Park Service. The fact is that the project would reduce National Park Service maintenance and operation costs. Internal filtering and chlorination systems for the wells that are currently on site must be maintained at each site with daily and weekly sampling and expensive laboratory testing to satisfy State health standards.

Currently, the park operates and maintains all pumps and water lines. And this project would allow the park staff to focus on other high-priority assets in the park.

And I would also point out that it has something to do with the issue of safety. A municipal water supply line will increase supply in water pressure that will improve fire suppression for the student cabins that are at site and ensure quality of potable water consumed by the children.

So I do think this is very deserving and goes beyond the issue of preservation.

Mr. DICKS. Would the gentleman yield?

Mr. VISCLOSKY. I would be happy to yield.

Mr. DICKS. I want the gentleman to know that this amendment, you put it on your Web site. We looked at it very carefully. And we feel that this is a totally justified amendment. We strongly support it.

We checked with the Park Service, and the Park Service strongly supports it.

Mr. VISCLOSKY. I appreciate the gentleman's remarks.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate the gentleman's points and I appreciate the gentleman's passion for the project. But as I mentioned before, that is not the point.

The point, I believe, is that there are 434 others of us who have parks that we may believe are greater in need than this or are just in as much need as this. Is this the way that we should allocate scarce resources around the various national parks that we have in the country? I think it's not.

With that, I yield back the balance of my time.

Mr. VISCLOSKY. I would simply close by making the observation that the gentleman talks about other parks, but we are a society. Taxpayers in northwest Indiana pay for projects that potentially reduce flooding in a city like Dallas, Texas. The taxpayers in the State of Illinois may pay taxes to make an investment at Oak Ridge in the State of Tennessee that, at first blush, may have nothing to do with their interests but enure to the benefits of everyone in the United States. The fact is that this is a national park. It enures to the benefit of every citizen of the United States. And I ask for my colleagues to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART D AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Village Park Historic Preservation project of the Traditional Arts in Upstate New York, Canton, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chair, this amendment strikes $150,000—I hope I have the amount correct this time—allocated to the Traditional Arts in upstate New York in Canton, and reduces the overall funding in the bill by that amount.

Madam Chair, I'm not sure if this earmark is going for the Village Park Historic Preservation, which is what is indicated on the list of earmarks released by the House Appropriations Committee and posted on their Web site, or to the Traditional Arts in upstate New York, Evergreen Folk Life Center, as listed, I believe, on the gentleman from New York, on his Web site, or maybe those are the same thing with a different name. I'm not quite sure.

But regardless, when I Googled Village Park Historic Preservation and New York, the only thing that came up was the House Appropriations Committee earmark list. And when I Google Evergreen Folk Life Center in New York, the only thing that comes up is the gentleman from New York's earmark request on his Web site.

I understand that the gentleman—and I'm sure he will say this with greater passion—sees that this benefits upstate New York and indicated this is a destination location and so forth and that there is a high unemployment rate in the district. But, of course, there is a high unemployment rate in many places around the country.

Again, somewhat like the previous amendment and the previous earmark, I don't doubt at all that this is an important project to the gentleman from New York. I don't doubt at all that this is an important project perhaps to the citizens of that area of New York. But I do question if this is such a vital economic driver for the community that I haven't been able to find how or where it does that.

I guess this earmark, whether it was this one or any other—could have picked many of them—the question basically is this, that we're going to have a $2 trillion deficit this year. Forty-six cents of every single dollar spent will be borrowed. Forty-six cents of this $150,000 this year will be borrowed.

Is this a national priority? Is this something that, in these times, with the deficits and debt that we have, is this the sort of thing that rises to the level of a national priority such that we should borrow forty-six cents on the dollar, increase the deficit further, increase the debt further, and put ourselves in these kinds of problems?

As I mentioned, Madam Chair, it's not that this particular project stands out over others. It could be this one or many others that exist in this bill or in many of the other appropriations bills that we will look at this year. And I think, Madam Chair, that the people of this country would be better served if we saved this money, didn't spend it, didn't borrow it, and tried to have a little better rein on some of their money.

With that, Madam Chair, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DICKS. First of all, I want to say we strongly oppose this amendment. We have checked on this project. We think this is a great project. We think it's worthy. We think it provides a lot of public good. And I'd be glad to yield to my friend from New York (Mr. MCHUGH) to further discuss this project.

Mr. MCHUGH. I want to thank the distinguished chairman of the subcommittee and also my dear friend, the distinguished ranking member of the subcommittee and indeed the Appropriations Committee in general, for recognizing the value and the importance of this funding.

As I have said to the gentleman from California's friend and colleague, my colleague from Arizona, Mr. FLAKE, in past years when he has brought amendments to the floor striking out at some of the programs that I have been proud to advance, I always appreciate the opportunity, Madam Chair, to rise and to talk a bit about the district I have the honor of representing and the special people who live there.

I agree we have an economic challenge in this country. I'm not sure $150,000, as much as I wish that all of us in America had that amount in our hip pocket, will save that.

But taking with seriousness the gentleman from California's proposal, I would just make the following comments. Most people view New York State through one lens—and that lens is New York City. When they think of New York, they think of Broadway, they think of the Statute of Liberty. They think about all the great things that is indeed New York City and is, in many real ways, New York. New York is all of that, but it's much more as well.

In my part of the world, in my part of New York State, it's the St. Lawrence River; it's the Adirondack Mountains; the Adirondack Park—the largest publicly held park in the lower 48 States. It's Thousand Islands. It's beauty. It's natural wonder. And it's great people. It's not a metropolis. It's small towns, it's villages, and its hamlets with very industrious, very proud, and very kind people. But for all of our natural beauty, for all that causes us to be proud in calling this great part of the world home, it's a region that has long been confronted by economic challenges—closed factories, abandoned mills, failing farms, declining populations.

In our part of the world—and I can't speak for the coast of California where the gentleman represents—and I know he does that proudly—economic development is a little bit different, perhaps. It's something that we take very seriously, but it has to be configured around those things that the good Lord has given to us: the great universities—four of them within 10 miles of this facility; the tourism, which is our number one industry, along with agriculture, those failing farms I spoke about; the need to bring economic development by revitalizing downtown centers.

I can't speak to the fact why the gentleman had trouble as he did in the first amendment identifying the right amount as to the proper group he was unable to identify, but the organization to which this money will go is a not-for-profit organization. They're configured in Canton, New York.

They're attempting to do all of the things I listed: bring economic development through vitalizing tourism; giving people who come to that beautiful part of New York State something to see, something to do; an opportunity to learn about the very special culture, starting with the 1600s in New York State on the Canadian border.

That opportunity to revitalize that downtown center, to create the opportunities for new businesses to come in, and for that chance for those good and proud people to realize that glory and the opportunity and the growth that they had in the past.

I don't think the gentleman from California has any animosity towards Canton, quite frankly. With no disrespect, I doubt he could find it. But the fact of the matter is I think we have a difference of philosophy. The gentleman doesn't believe that it's the opportunity and the right of Members of Congress to come here and to do within the rules and regulations, within the standards established by this House—and if we want to expand them, I'm happy to do that—to provide a little bit of help—in this case, $150,000—to bring a difference where the unemployment rate is pushing over 10 percent.

□ 2315

This is a program that is not just an earmark. It's under the Save America's Treasures Act. The gentleman spoke very eloquently in the first amendment he brought about standards, about guidance, about benchmarks. There are nine benchmarks under the Save America's Treasures Act. Where it is in the timeline, this project meets every one of those standards. I would hope my colleagues would join me in understanding the importance of this.

Mr. CAMPBELL. Madam Chair, again, I appreciate the gentleman's passion. I appreciate his commitment. I would say again—and if I am in error, correct me—but the description of the project on the Appropriations Web site is different than the sponsor's description of the project.

I yield to the gentleman from New York.

Mr. MCHUGH. If that were the case, why didn't the gentleman come to me or go to the committee and ask what the differences were? We reached out to your staff today, and we had a response that had nothing to do with what the offer was we made.

Mr. CAMPBELL. Reclaiming my time, as far as reaching out to staff, that's something the staff can talk about with each other. But you're right. Perhaps we should have asked that question. But there are discrepancies like that we should look at.

But in any event, Madam Chair, whether it's this project or any other,

we need to start saving some money. We need to start saving some money. This is an unsustainable spending pattern, and I would ask for an ''aye'' vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Arizona (Mr. FLAKE) with amendment No. 24.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Tarrytown Music Hall Restoration project of the Friends of the Mozartina Musical Arts Conservatory, Tarrytown, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Thank you, Madam Chair.

This amendment would remove $150,000 in funding for the Tarrytown Music Hall restoration to be received by the friends—and I'm sure I'm going to butcher the pronunciation of this—but the Mozartina Musical Arts Conservatory in Tarrytown, New York, and would reduce the overall cost of the bill by a commensurate amount.

The intended purpose of this earmark is, quote, To preserve a historic landmark which would provide recreational and tourism economic benefits. According to the Tarrytown Music Hall's Web site, it was built in 1885 by a chocolate manufacturer William Wallace. The music hall is the oldest operating theater in Westchester County, having been designed by the same architect who designed New York City's Grand Central Station and Macy's Building in Herald Square. Today the music hall is a fully operating theater with capacity to seat an 843-seat audience. It's a pretty good-sized place.

Tarrytown Music Hall is known for its excellent acoustics. In fact, in 1997 jazz singer Tony Bennett performed there in celebrated fashion without a microphone. Mr. Chair, the question I guess is, should taxpayers fund the restoration of a music hall where acclaimed artists such as Bruce Springsteen, Lyle Lovett and James Taylor have performed? This theater was also the site for scenes in movies such as The Preacher's Wife, Mona Lisa's Smile, and The Good Shepherd. Is such a site not able to sustain itself with private donations? And if that is the case, that it cannot sustain itself with private donations, then I would suggest that, is there sufficient public interest to restore this hall so much if private money can't be raised that we should force taxpayers to pay for it? In fact, according to its Web site, in the past year the theater itself donated over $80,000 worth of rehearsal and performance space and recently purchased land costing $2 million for staff parking and a future expansion. This weekend you can attend a performance at the Tarrytown Music Hall for a minimum price of $58 a seat and a maximum price of $80 a seat.

Madam Chair, the question on this one, again, is not that it's not a fine place, it's not that it's not a historic place. But if we have a theater like this that commands those kinds of ticket prices, commands those kinds of artists performing there, has all this sort of activity around it, it should be able to raise money on its own. And given the $2 trillion deficit we have, given the national debt will double in 5 years and triple in 10, given the proposals on the majority side of the aisle that are being discussed to raise taxes all over the place, is this a place that we should be spending more of the taxpayers' money? Isn't this the sort of charitable function that people should raise money on their own? You know, there's a ton of this sort of project, this sort of application in my district and I'm sure in everyone else's districts.

I—and I am sure many other people here—support these things with charitable contributions in various ways; and that's the way they should be supported, by the local community keeping them going. That's who will use them. That's who will appreciate them. But to ask the Federal taxpayers to come in and subsidize such a project, Madam Chair, I think is just not appropriate, particularly in these economic times.

I would reserve the balance of my time.

Mrs. LOWEY. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Madam Chair, I first want to thank the chairman of the subcommittee for his support, and I congratulate him on a strong bill that I am proud to support. And I do respect the views of my colleagues, Mr. FLAKE from Arizona and Mr. CAMPBELL from California. I think they understand that this is not a partisan game that we're a part of, and they may have a principled stand for what they believe Congress' role is in directing Federal spending.

However, on this issue, we fundamentally disagree. I do believe that it's our responsibility, as elected officials, to fight for what is best in our district in accordance with the rules guiding Federal programs. Recipients of Save America's Treasures funds, including the Tarrytown Musical Hall, do not expect the Federal Government to shoulder the full burden of their projects. They're required to provide a dollar-for-dollar match, and every dollar they receive from the government is matched.

During these difficult economic times, it is our responsibility to assist industries that make substantial contributions to our economy to accelerate long-term recovery and growth nationally. Tarrytown Music Hall does generate more than $1 million in economic activity in my district. In fact, the arts industry throughout the United States generates more than $134 billion in economic activity annually and creates 4 million jobs across the country. In addition to their economic benefit, entities supported by Save America's Treasures preserves the historic places and items that tell America's story for the next generation. They educate the public about our rich heritage, foster a sense of pride in our country and communities; and Tarrytown Music Hall's cultural and educational programs serve more than 30,000 children each year. This project is providing $150,000 to perform necessary structural stabilization, meets the eligibility requirements of the Save America's Treasures program as vetted by the Department of Interior and is consistent with earmark reforms instituted this year by Chairman OBEY. And the projects account for less than 20 percent of the overall funding provided by the Appropriations Committee for Save America's Treasures.

Mr. DICKS. Will the gentlewoman just yield for a moment?

Mrs. LOWEY. I would be happy to yield.

Mr. DICKS. I just want to say, our side strongly supports this amendment. It was properly vetted. This is one of those incredibly important things for a local community, and we want this project to be funded.

Mrs. LOWEY. I thank the Chair.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate the gentlelady from New York's comments; but I don't think it changes any of the facts that I laid out. And I would argue—and again, not just with this one. There are others that could have been brought up as well—but that this is essentially a charitable contribution. Whether it's my district, your district or anyone else's, we have a number of such things for which charitable contributions should be made. I really don't think that the taxpayers of this country elected us in

order to be conduits of their charitable contributions with their tax money. I think they elected us to spend as little of their money as possible on things only of national priority and Federal nexus. I'm just afraid I don't see where this or other projects like this rise to that standard.

With that, Madam Chair, I would yield back the balance of my time.

Mrs. LOWEY. I just want to make it very clear that there seems to be a real difference of opinion as to what the responsibilities are of a Member in Congress. The Save America's Treasures program restores hundreds of culturally and historically significant institutions. They would be forced to shut their doors.

So I, again, urge my colleagues to reject this amendment and support this facility. I, again, want to thank the chairman for his support because it really would make a difference in providing economic revitalization not just to the facility but to the region.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART E AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Texas (Mr. HENSARLING) for his amendment No. 61.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part E Amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''National Park Service—Statutory or Contractual Aid'' shall be available for the Angel Island State Park Immigration Station Hospital Rehabilitation project of the Angel Island Immigration Station Foundation, San Francisco, California, and the amount otherwise provided under such heading (and the portion of such amount specified for congressionally designated items) are hereby reduced by $1,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Thank you, Madam Chair.

Angel Island Immigration Station is located in California State Park on Angel Island in San Francisco Bay. It was an active entry station into the United States from 1910 until 1940, and after 1940 it was used by the U.S. military until California State Parks assumed ownership in 1963. The earmark in question carves out $1 million for the rehabilitation of the immigration station's hospital. According to the Angel Island Immigration Station Foundation, the hospital restoration is expected to cost $16 million total, and they are currently conducting a fundraising campaign to raise that money.

Now Angel Island has already been the recipient of Federal earmarks in 2008 and in the omnibus in 2009, receiving $1.125 and $1.25 million respectively. This bill would bring another million, adding a total to this particular immigration station on Angel Island to $3.375 million.

Now, Madam Chair, the Nation ran up a record level debt last year, $455 billion. We're set to eclipse that deficit by nearly four times and nearly $2 trillion this year and follow it up with another $1 trillion-plus deficit every single year from now through 2010. Although Angel Island is historic, and I, actually, personally, am a fan of historic preservation, although you may find that difficult to believe today. I just feel we shouldn't do it with taxpayer money in this way. Given our serious budget problems, the question of whether this rises to the level of the sort of thing we should be spending people's money on when American families all over this Nation are struggling in these tough economic times, we need to look at every bit of spending to determine if it's something we would like to have or something that we have to have.

Madam Chair, given that the Obama budget recently passed by Democrats would triple the debt in the next 10 years, we need to set priorities; and we should only spend on those things that we have to have and not those things that we would like to have.

Again, what makes Angel Island Immigration Station more worthy of $3 million than various other State parks, both in California and elsewhere? On December 8, 2005, Speaker PELOSI said, and I quote, It's just absolutely immoral for us to heap those deficits on our children. And then again, according to USA Today, on November 12, 2006, Speaker PELOSI said, There has to be transparency. I'd just as soon do away with all earmarks, but that probably isn't realistic. You can't have bridges to nowhere for America's children to pay for. Or if you do, you have to know whose it is.

□ 2330

Madam Chair, there aren't many things lately I agree with the Speaker on, but I agree with both of those two comments. We have to stop passing on debt to our children. We have to stop spending money on things that are not national priorities, are not have-to-have items. And although this is in my home State of California, I believe this is one of those items.

Madam Chair, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. WOOLSEY. I thank the chairman for allowing me to take this space.

Madam Chairwoman, I frankly have to say that I am absolutely shocked to come to the floor to defend the Angel Island Immigration Station. I can only assume that the gentleman from California simply does not realize the cultural and historic significance of Angel Island Immigration Station and how very important it is to millions of Americans. Actually, Angel Island is known as the ''Ellis Island of the West'' because over a 30-year period between 1910 and 1940, the Angel Island Immigration Station processed more than 1 million immigrants from around the world with the majority coming from Asia.

Today the Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history by hosting more than 50,000 people including 30,000 school children every single year. But because of severe deterioration, many of the historic buildings are in danger of collapsing and in desperate need of repair. That's why I, along with Speaker PELOSI, requested $1 million to rehabilitate the old Angel Island Immigration Station Hospital so that it can be used, among other things, as a museum to tell the story of immigration from Asia to the United States.

Now, I doubt very much that anyone would come to this floor to strike funding for Ellis Island and argue that its preservation was ''wasteful government spending.'' But at the heart of the matter, Angel Island is just as important to those who cross through its gates as Ellis Island was for so many European immigrants. For those people whose ancestors first stepped on American soil were taken on Angel Island in the middle of the San Francisco Bay, this amendment works to deny their history and their struggle.

It's also important for me to point out, and Congressman CAMPBELL said this, that Congress is already on record for supporting funding for Angel Island. In the 109th Congress I sponsored H.R. 606, the Angel Island Immigration Station Restoration and Preservation Act, which did authorize funding to protect and preserve this historic landmark. H.R. 606 was passed out of the House by voice vote, the Senate by unanimous consent, and signed into law by President George W. Bush on December 1, 2005. The sponsor of this amendment had no objection then when his party controlled both Houses of Congress and the White House.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. Yes, sir.

Mr. DICKS. Madam Chair, I want to rise in strong support of her amendment and the Speaker's amendment.

This is a very important project. And I urge a ''no'' vote on the Campbell amendment.

I appreciate the gentlewoman for yielding.

Ms. WOOLSEY. Thank you. Reclaiming my time, Madam Chair, Angel Island is a national historic landmark that is in absolute desperate need of repair and rehabilitation. I urge my colleagues, and I thank the chairman for supporting this, to vote against this amendment. This project is not a bridge to nowhere; it's a bridge to our past.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. I yield.

Mr. DICKS. The ''bridge to nowhere'' was not an Appropriations Committee project. This was a project of the House Transportation Committee, and our committee had no responsibility for this.

Ms. WOOLSEY. Madam Chair, I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate my colleague from California's comments. Again, it doesn't change the facts of the matter. Let's put it maybe a little more specifically.

This is $1 million going to this particular project that is a California State park, not a Federal park. And of that $1 million, $460,000 will have to be borrowed. Much of that money will be borrowed from the Chinese, from Indians, from Russians, from whomever. And as much as I agree with you, as I like to see our historic preservation and I'm totally with you on that, but there is a project out there. There is an effort out there to raise private funds for this, and that is where the effort should be. And as scarce as Federal dollars are right now and the number of needs that we have and the gigantic deficit that we are not just passing to our children, we are passing to us—$2 trillion a year increasing the debt? Senator MCCAIN talks about generational theft. Yes, there is that. But we are passing this deficit on to us. I mean, in 5 years this is going to crush us, not 20, not 30, not 40. And we have got to stop it somewhere.

And as much as I understand and appreciate your passion for this project, I also believe these are the sorts of things where we can start to save a little money. So I ask for an ''aye'' vote.

Madam Chair, I yield back the balance of my time.

Ms. WOOLSEY. Madam Chair, I would like to respond to borrowed, and, yes, indeed, we do not want to heap debt on our children and our grandchildren. But there are some things we have to preserve for them, and that's their history. And that is exactly what this project is about. They need to have their history preserved. They need to be able to visit from their classroom. They need to go with their families to Angel Island and see what came before them, not just the Asian children in our community but all children, and they are all gaining a new respect for what San Francisco and the Bay Area is all about because Angel Island is where their ancestors came before they went out into the communities.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as a designee of the gentleman from Arizona (Mr. FLAKE) with his amendment No. 25.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Historic Fort Payne Coal and Iron Building Rehabilitation project of the city of Fort Payne, Alabama, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chair, this amendment would remove $150,000 of funding for the historic Fort Payne Coal and Iron Building rehabilitation and would lower the cost of the bill by a commensurate amount.

The Times Journal, Fort Payne's local paper, reported on June 9 of this year that the Fort Payne Coal and Iron Building will be renovated into the Fort Payne Culture and Heritage Center. The article goes on to reveal that the City of Fort Payne received a $90,000 grant from the Alabama State Council on the Arts in order to begin construction on this project, which starts this fall.

Rehabilitation of the Coal and Iron Building into a culture and heritage center is the kind of thing that ought to be paid for at a State level or at a local level and by local communities. I applaud the ability of the council to make such a grant given the economic conditions that exist out there, but I question again whether this is one of those things which rises to the level of whether it should have another $150,000 of taxpayer money.

Now, Madam Chair, this is the fifth and final of various amendments I have offered on behalf of myself and other Members this evening having to do with earmarks, and let me say this: I have heard the passion pleas, and I am sure I will hear another one, from people this evening about the importance of the project they're talking about. And I understand that. I get that. We all have things we think are important. And there are many things that are important, and we won't agree on what they are, but they're out there.

But budgets are about making choices. We cannot do it all. And when we do it all, we get into the problems that we are in today. We get into deficits that go on without end a trillion dollars or more. We get into debt that will crush not just our children but ourselves. We get into spending that rises and rises and rises and won't stop. And there are so many things. I'm sure this project is one of them and I am sure that the gentleman from Alabama will make a defense of his project and his defense may be very legitimate. But there will be similar projects in my district and everyone else's. And then there are a million other things we could do. And what about little things like national defense? What about all kinds of other things that this Federal Government has to do?

Madam Chair, it is time that we look at these earmarks and we look at the spending and we start to make those priorities and we say this is the amount of money we've got. And we have got to stop borrowing any more and we have got to stop pouring it onto our children, and we can't increase the taxes because you will send this economy into a double-dip recession; and that we set these priorities and we decide that there are certain things that are important and there are certain things that aren't.

And, Madam Chair, I guess I would just ask, if anybody out there is listening or watching, is the Fort Payne Coal and Iron Building historic rehabilitation, is that a national priority that in these times, that in this kind of deficit and this kind of spending environment, rises to the level of something that we have to do?

Madam Chair, at some point we have got to stop it. I would like to hope we can begin that process now.

Madam Chair, I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ADERHOLT. I just want to thank the Chair and the ranking member for their work on this subcommittee bill. As a ranking member on one of the subcommittees on Appropriations, I know the work that goes into these bills and putting them together, and I thank Mr. DICKS and Mr. SIMPSON for their hard work on this appropriation bill.

I would like to talk a little bit about this project. The amendment that has been brought up tonight by Mr. CAMPBELL is an amendment that would, of course, eliminate funding for what I believe is a worthy and historic preservation project.

The funding allows the City of Fort Payne, which is a town located in the district that I represent, a relatively small town in rural Alabama, to proceed with this rehabilitation project of an important landmark, as has been stated, the Fort Payne Coal and Iron Building. Also, it should be noted, Madam Chair, that this is included in the Save America's Treasures program.

Fort Payne was first incorporated as a town in 1889 as investors from New England saw coal and iron opportunities in the surrounding areas. During that time period, this particular building, the Fort Payne Coal and Iron Building, was the first building that was constructed. It served as the administrative building and the headquarters for the Fort Payne Coal and Iron Company, and it was from this building that the city itself was planned. This year marks the 120th anniversary of the building as well as the town of Fort Payne.

This has been a project that they are not depending on Federal funds alone, and that's, of course, as Mr. CAMPBELL pointed out. The City of Fort Payne in rural Alabama has spent $50,000 of its own money working on this project. The State of Alabama has committed another $135,000 for this project. The Coal and Iron Building will house a cultural center which will serve this region of the State. The building is on the national register, and it will be a valuable asset of increasing tourism and raising awareness of the cultural heritage of northern Alabama and southern Appalachia, as it will provide educational opportunities which augment certain other activities in the region.

□ 2345

Mr. DICKS. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Washington.

Mr. DICKS. I just wanted to say to the gentleman that the committee strongly supports his amendment. We think this is a good amendment. It's well thought out. We like the fact that the city and the State put up money. It's a real partnership. This is the way we do things today, and the gentleman is a distinguished member of the committee and we are proud of his good work.

Mr. ADERHOLT. Thank you. I thank the chairman.

I just would also like to point out that Fort Payne, Alabama, is a community that tries to reach out and help others. It has a rich history of doing that. It was one time the number one sock producer in the world, and it is also the birthplace of the country music legends ''Alabama.'' When New York City suffered the terrorism attack of 2001, the sock industry in Fort Payne donated and delivered hundreds of pairs of socks to the rescue workers who were working around the clock in that particular situation.

So, in closing, Madam Chair, the restoration and the use of the Coal Building will be a significant cultural and educational benefit to northeastern Alabama. While I respect the gentleman who has offered the amendment, I would ask the Members to vote ''no'' on this amendment.

And I would like to show a picture of the building. This is a picture of the Coal and Iron Building. This photo was taken somewhere between 1890 and 1899, and I think you can see that it is a part of American history.

And I would also like to mention, in response to the gentleman from California, that I am a strong supporter of defense spending for this country, but this particular project in no way hinders the defense spending for this country. And, as you know, you can check my record and see that I am a strong supporter of national defense for this country, but this is in a different bill completely. This is in a different set of areas of the appropriation bill, so I would like to just stress that to the other Members, and I would ask them if they would respectfully vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, this bill, this appropriations bill, Interior appropriation, increases spending from last year by 17 percent.

Now, I would ask how many Americans out there are going to see a 17 percent increase in their salaries? How many companies are going to be spending 17 percent more on their marketing budget on payroll, on anything else?

And also today the Congressional Budget Office issued a report on the debt and the deficit, and I would encourage Members to read it and look at it. It essentially says that we can't keep it up, it's unsustainable, that it is basically unsustaining and unsustainable.

Madam Chair, I understand this is only $150,000, but the journey of 1,000 miles does begin with a single step. And if we can begin by starting to not use taxpayers' money for charitable contributions, not using taxpayers' money for non-Federal priorities, not using taxpayers' money for earmarking to private companies without bids, then we begin that single step.

Mr. DICKS. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

I just would say to the gentleman, I hope when we get to entitlement reform, where the real money is spent, over two-thirds of the budget is in the entitlement reform, that I will see the gentleman from California and the gentleman's from Texas out here doing their good work on something that makes a difference.

The Acting CHAIR. The gentleman's time has expired. The gentleman from Alabama has 30 seconds remaining.

Mr. ADERHOLT. I yield the gentleman from Washington the additional time.

Mr. DICKS. With all due respect, the good efforts, I think what the gentlemen has done has led to reform. We have changed the way we operate in the Appropriations Committee. Everything is put on the Web site when it's requested, all the agencies review this. If it's for profit, it has to be competed.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Remember—we are going to vote ''no'' on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. SIMPSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. I yield to the gentleman from Texas.

OFFICER HENRY CANALES—TEXAS LAWMAN

Mr. POE of Texas. I thank the gentleman from Idaho for yielding and also appreciate the chairman and all the indulgence tonight. I know it's been a long evening, and as we approach midnight here in the cradle of democracy and freedom, sad darkness is also falling heavy on the men and women and their families of the Houston Police Department in Texas.

Madam Chair, two nights ago we lost a hero veteran police officer in our city of Houston. The Houston Police Department Senior Officer Henry Canales was killed in the line of duty. He was an undercover police officer doing the very dangerous work of holding criminals accountable to the law. It is because of brave men like Officer Canales

that the rest of America can sleep safely tonight and every night.

Undercover officers face their own unique set of dangers. Assuming the identity of the criminal, they mix with the worst elements of evil in our society. They seek out these outlaws, become a part of their world, and they bring them to justice. Their bravery, their nerve is unequaled anywhere in our country. They live to serve and protect our freedom and our homes.

Two nights ago, about this time at night, Officer Canales and other undercover Houston police officers met with four people in the parking lot of a drugstore. These four thieves were buying stolen TVs in a sting operation by the Houston Police Department. Things started going downhill in this operation right after the money changed hands.

After the transaction, Officer Canales, working undercover, walked around to the front of a truck, and the suspect followed and drew a weapon. Gunfire rang out in the silent night air, and Officer Canales was shot.

A second undercover police officer, Officer R. Lopez, went to help his fellow downed officer. Lopez was attempting to subdue and handcuff the shooter when the suspect fired at least two more times. Lopez returned the fire. The suspect was pronounced dead at the scene, and Officer Lopez was not injured.

By the way, Madam Chair, the shooter and two other of the bandits were illegally in the United States at the time of this crime.

Officer Canales served at the Houston Police Department for 16 years, spending the last 7 of them in the Auto Theft and Burglary Division, the same division he was working two nights ago when he was killed. He had also worked in northeast patrol.

Officer Canales had also built and raced hot rods together with his family. He was active in drag racing and raced with an organization called Beat the Heat, which combats street racing. He lived in the nearby community of Baytown, Texas, with his family.

Chief of Police Harold Hurtt said Canales ''was not only an outstanding officer but an outstanding individual.'' He cared a great deal about his family, the people he worked with and, of course, the City of Houston that he served.

Madam Chair, I spent 30 years at the courthouse in Houston, Texas, as a prosecutor and as a judge. I have known hundreds of Houston police officers. They are the finest caliber and strongest of character, and Officer Canales was a rare breed in our culture who wore the badge to defend and protect the rest of us.

Officer Canales died during surgery at the hospital where he and his family and hundreds of other officers had gathered. He was 42 years of age. This is a photograph of Officer Canales. He leaves behind his wife, Amor, a 15-year-old son and a 17-year-old daughter.

Officer Canales was the first Houston Police Department officer killed in the line of duty this year. The last time we had an officer killed was December 7 of last year. Officer Tim Abernethy was killed by a gunman that ambushed him during a foot chase in northeast Houston.

In the State of Texas, six police officers have been killed in the line of duty this year. They are Senior Corporal Norman Smith of the Dallas Police Department, Officer Cesar Arreola of the El Paso County Sheriff's Department, Lieutenant Stuart J. Alexander of the Corpus Christi Police Department, Sergeant Randy White of the Bridgeport Police Department, Deputy Sheriff D. Robert Harvey of the Lubbock County Sheriff's Department, and now we add the name of Senior Officer Henry Canales of the Houston Police Department to that hallowed roll of honor.

All Americans should recognize the profound debt of gratitude we owe our law enforcement officers and also the gratitude we owe their families. These officers put themselves into harm's way to guard our safety because they care about our communities and the people they serve. They are the ones standing between us and the bad guys every single day.

So tonight we bid farewell with humble gratitude to Senior Officer Henry Canales. And to his wife, Amor, and his children, we say: May the Lord bless you and keep you. May His face shine upon you and be gracious to you. May He lift up His countenance upon you and give you peace.

And that's just the way it is.

Mr. DICKS. Madam Chairwoman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. WOOSLEY) having assumed the chair, Ms. EDWARDS of Maryland, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

A FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a Concurrent Resolution of the following titles in which the concurrence of the House is requested:

S. 1358. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

S. Con. Res. 31. Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The message also announced a certified copy of the statement of resignation of Judge Samuel B. Kent.

RELATING TO IMPEACHMENT PROCEEDINGS OF JUDGE SAMUEL B. KENT—MESSAGE FROM THE SENATE (H. DOC. NO. 111–53)

The SPEAKER pro tempore laid before the House the following message from the Senate; which was read and referred to the managers on the part of the House appointed by House Resolution 565 and ordered to be printed:

I, Nancy Erickson, having custody of the seal of the United States Senate, hereby certify that the attached record is a true and correct copy of a record of the United States Senate, received by the United States Senate Sergeant at Arms from Samuel B. Kent on June 24, 2009, and presented to the Senate in open session on June 25, 2009.

In Witness Whereof, I have set my hand and caused to be affixed the Seal of the United States Senate at Washington, D.C., this 25th day of June, 2009.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2009 AND 2010 AND THE FIVE-YEAR PERIOD FY 2010 THROUGH FY 2014

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2009 and 2010 and for the five-year period of fiscal years 2010 through 2014. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 424 and 427 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 13. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the ''section 302(a)'' allocations made under S. Con. Res. 13 for fiscal years 2009 and 2010 and fiscal years 2010 through 2014. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2009 and 2010 with the ''section 302(a)'' allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section

302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) sub-allocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2011 and 2012 for accounts identified for advance appropriations under section 424 of S. Con. Res. 13. This list is needed to enforce section 424 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (1) are not identified in the joint statement of managers; or (2) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2010 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 13

[Reflecting Action Completed as of June 19, 2009 (On-budget amounts, in millions of dollars]

	Fiscal Year 2009 [1]	Fiscal Year 2010 [2]	Fiscal Years 2010–2014
Appropriate Level:			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	2,999,049	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Current Level:			
Budget Authority	3,667,201	1,676,199	n.a.
Outlays	3,360,595	2,283,197	n.a.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2010 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 13—Continued

[Reflecting Action Completed as of June 19, 2009 (On-budget amounts, in millions of dollars]

	Fiscal Year 2009 [1]	Fiscal Year 2010 [2]	Fiscal Years 2010–2014
Revenues	1,532,579	1,666,030	11,264,350
Current Level over (+) / under (-) Appropriate Level:			
Budget Authority	−1,587	−1,205,918	n.a.
Outlays	3,229	−715,852	n.a.
Revenues	0	12,302	764,201

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

[1] Notes for 2009: Current resolution aggregates exclude $7,150 million in budget authority and $1,788 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

[2] Notes for 2010: Current resolution aggregates exclude $10,350 million in budget authority and $5,488 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2009 in excess of $1,587 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 13.

Enactment of measures providing new budget authority for FY 2010 in excess of $1,205,918 million (if not already included in the current level estimate) would cause FY 2010 budget authority to exceed the appropriate level set by S. Con. Res. 13.

OUTLAYS

Outlays for FY 2009 are above the appropriate levels set by S. Con. Res. 13.

Enactment of measures providing new outlays for FY 2010 in excess of $715,852 million (if not already included in the current level estimate) would cause FY 2010 outlays to exceed the appropriate level set by S. Con. Res. 13.

REVENUES

Revenues for FY 2009 are at the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for FY 2010 excess of $12,302 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2010 through 2014 in excess of $764,201 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 19, 2009

[Fiscal years, in millions of dollars]

	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Armed Services:						
Allocation	0	0	0	0	35	35
Current Level	0	0	0	0	35	35
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	0	0	−1,000	−1,000
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	1,000	1,000
Energy and Commerce:						
Allocation	11	2	10	13	−10	−2
Current Level	11	2	10	13	−10	−2
Difference	0	0	0	0	0	0
Financial Services:						
Allocation	0	0	0	0	0	0
Current Level	−524	3,266	318	11,346	524	8,064
Difference	−524	3,266	318	11,346	524	8,064
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Homeland Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Science and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure: [1]						
Allocation	0	0	13,085	0	68,669	0
Current Level	0	0	0	0	0	0
Difference	0	0	−13,085	0	−68,669	0
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Ways and Means:						
Allocation	0	0	6,840	6,840	37,000	37,000
Current Level	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH—Continued

AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 19, 2009

[Fiscal years, in millions of dollars]

	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Difference	0	0	−6,840	−6,840	−37,000	−37,000

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of July 8, 2008 (H.Rpt. 110–746)		Current Level Reflecting Action Completed as of June 19, 2009		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	20,623	22,000	27,594	22,823	6,971	823
Commerce, Justice, Science	56,858	57,000	76,311	62,440	19,453	5,440
Defense	487,737	525,250	636,663	625,194	148,926	99,944
Energy and Water Development	33,265	32,825	91,085	35,130	57,820	2,305
Financial Services and General Government	21,900	22,900	29,747	24,004	7,847	1,104
Homeland Security	42,075	42,390	45,045	46,508	2,970	4,118
Interior, Environment	27,867	28,630	38,586	29,687	10,719	1,057
Labor, Health and Human Services, Education	152,643	152,000	281,483	168,653	128,840	16,653
Legislative Branch	4,404	4,340	4,428	4,393	24	53
Military Construction, Veterans Affairs	72,729	66,890	80,076	66,975	7,347	85
State, Foreign Operations	36,620	36,000	50,605	40,989	13,985	4,989
Transportation, HUD	54,997	114,900	119,530	121,039	64,533	6,139
Unassigned (full committee allowance)	0	987	0	0	0	−987
Subtotal (Section 302(b) Allocations)	1,011,718	1,106,112	1,481,153	1,247,835	469,435	141,723
Unallocated portion of Section 302(a) Allocation	470,483	141,760	0	0	−470,483	−141,760
Total (Section 302(a) Allocation)	1,482,201	1,247,872	1,481,153	1,247,835	−1,048	−37

[1] Includes emergencies enacted before March, 2009 that are now included in resolution totals. Also includes adjustments for rebasing and technical reestimates since the Appropriations bills were scored at the time of enactment. Finally, it includes adjustments for overseas deployments made pursuant to S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2010—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of June 23 2009 (H.Rpt. 111–174)		Current Level Reflecting Action Completed as of June 19, 2009		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	22,900	25,000	8	7,192	−22,892	−17,808
Commerce, Justice, Science	64,415	70,736	0	26,959	−64,415	−43,777
Defense	508,045	577,269	39	244,349	−508,006	−332,920
Energy and Water Development	33,300	42,500	0	23,381	−33,300	−19,119
Financial Services and General Government	23,550	25,200	83	6,658	−23,467	−18,542
Homeland Security	42,625	46,345	0	21,168	−42,625	−25,177
Interior, Environment	32,300	34,300	0	14,551	−32,300	−19,749
Labor, Health and Human Services, Education	160,654	219,692	24,637	163,540	−136,017	−56,152
Legislative Branch	4,700	4,805	0	683	−4,700	−4,122
Military Construction, Veterans Affairs	76,506	77,516	−2,160	27,190	−78,666	−50,326
State, Foreign Operations	48,843	47,945	0	26,285	−48,843	−21,660
Transportation, HUD	68,821	134,595	4,400	86,331	−64,421	−48,264
Unassigned (full committee allowance)	0	711	0	0	0	−711
Subtotal (Section 302(b) Allocations)	1,086,659	1,306,614	27,007	648,287	−1,059,652	−658,327
Unallocated portion of Section 302(a) Allocation	1	0	0	0	−1	0
Total (Section 302(a) Allocation)	1,086,660	1,306,614	27,007	648,287	−1,059,653	−658,327

2011 and 2012 Advance Appropriations Under Section 424 of S. Con. Res. 13

[Budget Authority in Millions of Dollars]

	2011
Section 424(b)(1) Limits:	
Appropriate Level	28,852
Enacted advances:	
Accounts Identified for Advances:	—
Employment and Training Administration	—
Office of Job Corps	—
Education for the Disadvantaged	—
School Improvement Programs	—
Special Education	—
Career, Technical and Adult Education	—
Payment to Postal Service	—
Tenant-based Rental Assistance	—
Project-based Rental Assistance	—
Subtotal, enacted advances	—
	2012
Appropriate Level[1]	n.a.
Enacted advances:	
Accounts Identified for Advances:	—
Corporation for Public Broadcasting	—
Section 424(b)(2) Limits:	
Appropriate Level[2]	n.a.
Enacted advances:	
Veterans Health Administration Accounts Identified for Advances:	
Medical services	—
Medical support and compliance	—
Medical facilities	—
Subtotal, enacted advances	—

[1] S. Con. Res. 13 does not provide a dollar limit for 2012.

[2] S. Con. Res. 13 does not provide a dollar limit for allowable advances for the Veterans Health Administration.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through June 19, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

Since my last letter dated March 18, 2009, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2009:

Helping Families Save Their Homes Act of 2009 (Public Law 111–22); and

An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (Public Law 111–31).

The Congress has also cleared the Supplemental Appropriations Act, 2009 (H.R. 2346) for the President's signature.

This is CBO's first current level report since the adoption of S. Con. Res. 13.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT THROUGH JUNE 19, 2009

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,532.571
Permanents and other spending legislation	2,186,897	2,119,086	n.a.
Appropriation legislation	2,031,683	1,851,797	n.a.
Offsetting receipts	–640,548	–640,548	n.a.
Total, Previously enacted	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	–524	3,266	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	11	2	8
Total, enacted this session	–513	3,268	8
Passed, pending signature:			
Supplemental Appropriations Act, 2009 (H.R.. 2346) [2]	89,682	26,992	0
Total Current Level [2 3]	3,667,201	3,360,595	1,532,579
Total Budget Resolution [4]	3,675,938	3,359,154	1,532,579
Adjustment to budget resolution for disaster allowance [5]	–7,150	–1,788	n.a.
Adjusted Budget Resolution	3,668,788	3,357,366	1,532,579
Current Level Over Budget Resolution	n.a.	3,229	n.a.
Current Level Under Budget Resolution	1,587	n.a.	n.a.

Source; Congressional Budget Office.
Note: n.a. = not applicable; P.L. = Public Law.
1. Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), that were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.
2. Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements arc exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which arc not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2009 (H.R. 2346)	16,169	3,530	n.a.

3. For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.
4. Periodically, the House Committee on the Budget revises the totals in S. Con Res. 13, pursuant to various provisions of the resolution:

Original Budget Resolution	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 423(a)(l))	0	2.882	0
For an act to protect the public health by providing the Food and Drug.			
Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324)	11	2	8
Revised Budget Resolution	3,675,938	3,359,154	1,532,579

5. S. Con. Res. 13 includes $7,150 million in budget authority and $1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 19, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

This is CBO's first current level report for fiscal year 2010.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

FISCAL YEAR 2010 HOUSE CURRENT LEVEL REPORT THROUGH JUNE 19, 2009

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,665,986
Permanents and other spending legislation	1,642,620	1,625,731	n.a.
Appropriation legislation	0	600,500	n.a.
Offsetting receipts	−690,251	−690,251	n.a.
Total, Previously enacted	952,369	1,535,980	1,665,986
Enacted Legislation:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (PL. 111–31)	10	13	46
Total, Enacted Legislation	328	11,359	46
Passed, pending signature:			
Supplemental Appropriations Act, 2009 (H.R. 2346) [2]	11	33,530	−2
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	723,491	702,328	0
Total Current Level [2 3]	1,676,199	2,283,197	1,666,030
Total Budget Resolution [4]	2,892,467	3,004,497	1,653,728
Adjustment to budget resolution for disaster allowance [5]	−10,350	−5,448	n.a.
Adjusted Budget Resolution	2,882,117	2,999,049	1,653,728
Current Level Over Budget Resolution	n.a.	n.a.	12,302
Current Level Under Budget Resolution	1,205,918	715,852	n.a.
Memorandum:			
Revenues, 2010–2014:.			
House Current Level	n.a.	n.a.	11,264,350
House Budget Resolution	n.a	n.a	10,500,149
Current Level Over Budget Resolution	n.a.	n.a.	764,201
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

SOURCE: Congressional Budget Office.
Note: n.a. = not applicable; P.L. = Public Law.

1. Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), that were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

2. Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2009 (H.R. 2346)	17	7,064	n.a.

3. For purposes of enforcing section 311 of the Congressional Budget Act; in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts, As a result, current level excludes these items.

4. Periodically, the House Committee on the Budget revises the totals in S. Con Res, 13, pursuant to various provisions of the resolution:

Original Budget Resolution	2,888,691	3,001,311	1,653,682
Revisions:			
For the Congressional Budget Office's reestimate of the Presidents request for discretionary appropriations (section 422(c)(I))	3,766	2,355	0
For the Supplemental Appropriations Act, 2009 (section 423(a)(1)) (includes budget committee correction)	0	818	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324)	10	13	46
Revised Budget Resolution	2,892,467	3,004,497	1,653,728

5. S. Con. Res, 13 includes $10,350 million in budget authority and $5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

TRIBUTE TO VIRGINIA SAUNDERS

Mr. BRADY of Pennsylvania. Madam Speaker, as Vice Chairman of the Joint Committee on Printing, I rise in tribute to Ms. Virginia Saunders, Program Operations and Evaluation Specialist for Congressional Documents, in the Office of Congressional Publishing Services at the Government Printing Office, who died June 19, 2009, as she was entering her 65th year of dedicated Federal service.

Ms. Saunders was the recipient of other tributes in this House from my friend, the gentleman from Maryland (Mr. HOYER), when she reached the 50th and 60th anniversaries of her Federal service. Recently she was the subject of a profile in the Washington Post. All this attention and adoration was well deserved.

Born in Darlington, Maryland, Ms. Saunders spent her entire career in service to her fellow Americans. After working briefly at the Federal Bureau of Investigation, she joined the GPO in February 1946, as a war service junior clerk-typist in the division of public documents, stock section. Two years later, she was promoted to the division of public documents reference section. In 1951, Ms. Saunders was promoted to indexing clerk and earned subsequent promotions in the same classification. In 1958, she was promoted to library technician. Becoming a congressional documents specialist in 1970, she was then promoted to supervisor of the congressional documents section in 1974. In 1983, Ms. Saunders assumed the position of congressional documents specialist in the congressional printing management division, and in 2004—with 58 years of Government service behind her—she was promoted to her current position.

Since 1969, Ms. Saunders was responsible for the Congressional Serial Set, a compilation of all House and Senate documents and reports issued for each session of Congress. Published continuously since 1817, and distributed to the House and Senate libraries, the Archives, the Library of Congress, and Federal depository libraries nationwide, the Serial Set joins the CONGRESSIONAL RECORD in offering students and historians a rich insight into the record of our of our Government. In the words of historian Dee Brown, the Serial Set ''contains almost everything about the American experience . . . our wars, our peacetime works, our explorations and inventions . . . If we lost everything in print, except our documents, we would still have a splendid record and a memory of our past experience.'' As the GPO's 1994 Report of the Serial Set Study Group pointed out, researchers and librarians agree that the Serial Set is ''without peer in representative democracies throughout the western world as a documentary compendium.'' This was the document that Ms. Saunders prepared faithfully for Congress and the American people for the past 40 years.

Throughout her career, Virginia Saunders worked tirelessly to improve the Serial Set. In late 1989, she submitted a suggestion regarding the appendix to the Iran-Contra Report to Congress, which contained identical reports from the House and the Senate. She proposed that this 40-volume publication be bound only once for the Serial Set volumes of House and Senate reports that were sent to depository libraries. This common sense idea resulted in a reduction of 13,740 book volumes to be bound, saving the taxpayers more than $600,000. In recognition of her work, Ms. Saunders received a letter of commendation from President George H.W. Bush, who said, ''You have demonstrated to an exceptional degree my belief that Federal employees have the knowledge, ability, and desire to make a difference.''

Ms. Saunders generously shared her knowledge of the Serial Set with document librarians across the country. She delivered presentations at library associations and conferences and was an invaluable resource to the library community nationwide. In tribute to her work, in 1999 Ms. Saunders received the James Bennett Childs Award from the Government Documents Roundtable of the American Library Association, one of the library community's highest honors. The ALA honored Ms. Saunders' ''distinguished contribution to documents librarianship,'' and paid ''grateful recognition'' to a lifetime of exceptional achievements in this important field of endeavor.

Recently, Ms. Saunders told the Washington Post, ''As long as my health is pretty good, I intend to hang in with my boots on. I have to keep this program going.'' Shortly afterward, in a statement released by the GPO, she said, ''I never thought I would thank the good Lord for work. Retirement has crossed my mind, but what else would I do? This is where my heart is.'' On behalf of the Joint Committee on Printing, I offer condolences to the family, friends, and colleagues of Virginia Saunders, and extend our gratitude and commendation for her lifetime of work on behalf of Congress and the Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.