

SA 1499. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1500. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1501. Mr. BOND (for himself, Mr. LEAHY, Mr. PRYOR, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1502. Mr. REID (for Mr. COBURN (for himself and Mr. FEINGOLD)) proposed an amendment to the bill S. 1233, to reauthorize and improve the SBIR and STTR programs and for other purposes.

SA 1503. Mr. NELSON, of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table.

SA 1504. Mrs. LINCOLN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1390, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1469. Mr. LEVIN (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1390, 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; as follows:

At the end of subtitle A of title I, add the following:

SEC. 106. ELIMINATION OF F-22A AIRCRAFT PROCUREMENT FUNDING.

(a) **ELIMINATION OF FUNDING.**—The amount authorized to be appropriated by section 103(1) for procurement for the Air Force for aircraft procurement is hereby decreased by \$1,750,000,000, with the amount of the decrease to be derived from amounts available for F-22A aircraft procurement.

(b) **RESTORED FUNDING.**—

(1) **OPERATION AND MAINTENANCE, ARMY.**—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$350,000,000.

(2) **OPERATION AND MAINTENANCE, NAVY.**—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by \$100,000,000.

(3) **OPERATION AND MAINTENANCE, AIR FORCE.**—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by \$250,000,000.

(4) **OPERATION AND MAINTENANCE, DEFENSE-WIDE.**—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$150,000,000.

(5) **MILITARY PERSONNEL.**—The amount authorized to be appropriated by section 421(a)(1) for military personnel is hereby increased by \$400,000,000.

(6) **DIVISION A AND DIVISION B GENERALLY.**—In addition to the amounts specified in para-

graphs (1) through (5), the total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby increased by \$500,000,000.

SA 1470. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 37, between lines 7 and 8, insert the following:

SEC. 125. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN 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) in subsection (b), by striking “specified in subsection (d)” and inserting “specified in subsection (c)”;

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SA 1471. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ RELEASE OF REVERSIONARY INTEREST.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas”, approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

SA 1472. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 252. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

“(e) **REPORTS.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.”.

SA 1473. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 590, lines 7 through 9, strike “for the National Nuclear Security Administration or for defense environmental cleanup”.

SA 1474. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 125. AC-130 GUNSHIPS.

(a) **REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.**—Not later than December 31, 2009, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(6) An estimate of the costs of replacing the AC-130 gunships with AC-130J gunships, including—

(A) a description of the time required for the replacement of every AC-130 gunship with an AC-130J gunship; and

(B) a comparative analysis of the costs of operation of AC-130 gunships by series, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC-130J gunships.

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

SA 1475. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.

(a) REPORT.—

(1) IN GENERAL.—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) NATIONAL INSTITUTE OF MENTAL HEALTH STUDY.—

(1) STUDY.—The National Institute of Mental Health shall conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to the National Institute of Mental Health all data necessary to complete the study.

(2) REPORT ON FINDINGS.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

SA 1476. Mr. REID (for himself, Mr. CRAPO, Mr. MERKLEY, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of title XXIII, add the following:

SEC. 23. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term “Executive Director” means the Executive Director of Walking Shield, Inc.

(2) INDIAN TRIBE.—The term “Indian tribe” means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) CONVEYANCE BY SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (c)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (c)(1) that, as determined by the Secretary, is in excess of the needs of the military.

SA 1477. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. _____. MODIFICATION OF OFFSET AGAINST COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

Section 1413a(b)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”; and

(2) in subparagraph (B), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”.

SA 1478. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. PHASED EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS’ DISABILITY COMPENSATION.

(a) PHASED EXPANSION.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—

“(1) PAYMENT OF BOTH REQUIRED.—

“(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans’ disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(B) GENERAL APPLICABILITY OF PHASE-IN OF FULL CONCURRENT RECEIPT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree under this subsection is subject to subsection (c).

“(C) EXCEPTION FROM PHASE-IN FOR 100 PERCENT DISABLED RETIREES.—Payment of retired pay under this subsection is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

“(i) A qualified retiree receiving veterans’ disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans’ disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) EXCEPTION FROM PHASE-IN FOR CERTAIN CHAPTER 61 RETIREES.—Subject to subsection (b), on or after January 1, 2010, payment of retired pay under this subsection is not subject to subsection (c) in the case of a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

“(2) QUALIFYING SERVICE-CONNECTED DISABILITY.—In this section, the term ‘qualifying service-connected disability’ means the following:

“(A) In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs.

“(B) In the case of a member or former member receiving retired pay under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (and is effective on or after the date specified in the applicable clause):

“(i) January 1, 2010, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2011, rated 80 percent or 70 percent.

“(iii) January 1, 2012, rated 60 percent or 50 percent.

“(C) In the case of a member or former member receiving retired pay under chapter 61 regardless of years of service, a service-connected disability or combination of service-connected disabilities that is rated by

the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (and is effective on or after the date specified in the applicable clause):

“(i) January 1, 2013, rated 40 percent or 30 percent.

“(ii) January 1, 2014, any rating.”.

(b) CONFORMING SPECIAL RULE MODIFICATION.—Subsection (b) of such section is amended to read as follows:

“(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—

“(1) GENERAL RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) SPECIAL RULE FOR RETIREES WITH LESS THAN 20 YEARS OF SERVICE.—The retired pay of a member retired under chapter 61 of this title with less than 20 years of creditable service otherwise creditable under section 1405 or computed under section 12732 of this title, is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking “the second sentence of”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 1414. Concurrent receipt of retired pay and veterans' disability compensation”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans' disability compensation.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

SA 1479. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS AND NATIONAL GUARD MEMBERS.

(a) DESIGNATION.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART IX—DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM

“Sec. 6097. Designation.

“SEC. 6097. DESIGNATION.

“(a) IN GENERAL.—In the case of an individual, with respect to each taxpayer's re-

turn for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that a specified portion (not less than \$5) of any overpayment of tax for such taxable year be paid over to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code.

“(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

“(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

“(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

“(2) a contribution made by such taxpayer on such date to the United States.”.

(b) TRANSFERS TO RESERVE INCOME REPLACEMENT PROGRAM.—The Secretary of the Treasury shall, from time to time, transfer to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code, the amounts designated under section 6097 of the Internal Revenue Code of 1986, under regulations jointly prescribed by the Secretary of the Treasury and the Secretary of Defense.

(c) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART IX. DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SA 1480. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. SENSE OF CONGRESS AND REPORT ON EXPANDING THE MISSION OF THE NEVADA TEST SITE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Nevada Test Site of the National Nuclear Security Administration can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) REPORT ON EXPANDED MISSION FOR THE NEVADA TEST SITE.—Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

SA 1481. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON AIR AMERICA.

(a) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term “Air America” means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term “associated company” means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

(b) REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(2) REPORT ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air American and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and

(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 1482. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 92, between lines 18 and 19, insert the following:

SEC. 342. PLAN FOR MANAGING VEGETATIVE EN-CROACHMENT AT TRAINING RANGES.

Section 366(a)(5) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note) is amended—

(1) by striking “(5) At the same time” and inserting “(5)(A) At the same time”; and

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

“(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011, the report required under this subsection shall include the following:

“(i) The results of a service-wide survey of vegetative encroachment at training ranges, including a description of the extent of loss of training range acreage to vegetation encroachment and the types of vegetation involved at each training range.

“(ii) A plan for managing vegetative encroachment at each training range that is negatively impacted by such encroachment.

“(iii) A detailed description of funding data and budgetary resources necessary to carry out the plan developed pursuant to clause (ii).”.

SA 1483. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. _____. STUDY ON PROVIDING DISLOCATION ALLOWANCES TO MEMBERS OF THE UNIFORMED SERVICES FOR ORDERS FROM LAST DUTY STATION.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study on the feasibility and advisability of providing dislocation allowances under section 407 of title 37, United States Code, to members of the uniformed services described in subsection (a)(2) of such section when a member is ordered from the member's last duty station to the member's home.

(b) 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 study required by subsection (a).

SA 1484. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. _____. SIGNAGE.

(a) SHORT TITLE.—This section may be cited as the “Axe the Stimulus Plaques Act”.

(b) PROHIBITION.—Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may be used for physical signage to indicate that a project is being funded by that Act.

SA 1485. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

SEC. 1232. PROVIDING ASSISTANCE TO CIVILIANS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES IN OVERSEAS CONTINGENCY OPERATIONS.

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

(1) All armed conflicts result in civilian casualties. While the United States military makes extensive efforts to minimize civilian casualties, civilians continue to be injured or killed, and to suffer property damage, during United States combat activities in overseas contingency operations.

(2) Civilians harmed as a result of United States combat activities may suffer injury and loss that continues long after the incident. Their capacity to provide for their family or to live a fulfilling life may be severely limited. They may also harbor resentment and anger towards the United States and its military personnel when no recognition or assistance is promptly provided for their loss.

(3) In most armed conflicts since Vietnam, the United States Armed Forces has carried out programs to provide payments to civilians harmed by United States military personnel in combat operations. Military lawyers and commanders have consistently recognized the need to assist victims in rebuilding their lives and communities. Military strategists have also recognized the need to compensate or provide assistance to such victims in order to win the hearts and minds of the people, promote stability, and enhance the safety of United States personnel.

(4) Such programs implemented by the United States with respect to its combat operations have been ad hoc, hastily formulated, and applied differently in each operational setting, limiting their effectiveness and producing inconsistent and inequitable results for civilian victims. Each ad hoc program has also limited the capabilities of United States military officers to provide victims with adequate compensation.

(5) A uniform assistance program is needed in overseas contingency operations. Such a program would provide the United States Armed Forces the authority and discretion to offer civilians harmed with equitable and prompt assistance, without the problems of improvised efforts by local military commanders and their legal advisors.

(6) In the event such a program is considered to be appropriate by the United States Armed Forces, victims would receive an amount commensurate with their losses suffered as a result of United States combat operations, as determined pursuant to regulations formulated by the Department of Defense and based on an assessment of cultural appropriateness and prevailing economic conditions.

(7) A uniform assistance program would help to promote and maintain friendly relations with civilian populations in combat zones, thereby helping the United States Armed Forces to successfully complete its mission and demonstrating that the United States is a compassionate Nation that highly values innocent life.

(b) DETERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—To promote and maintain friendly relations through the prompt administration of assistance to civilian casualties, the Secretary concerned, or an officer or employee designated by the Secretary, may appoint, under such regulations as the Secretary may prescribe, local military commanders to provide monetary assistance in an amount commensurate with the loss suffered for—

(A) damage to, or loss of, real property of the inhabitant, including damage or loss incident to use and occupancy;

(B) damage to, or loss of, personal property of any inhabitant of a foreign country; or

(C) personal injury to, or death of, any inhabitant of a foreign country; if the damage, loss, personal injury, or death occurs outside the United States, or the Commonwealths or possessions, and is

caused by, or is otherwise incident to, combat activities in foreign contingency operations of the Armed Forces under the local military commander's command, or is caused by a member thereof or by a civilian employee of the military department concerned or the Coast Guard, as the case may be. A commander will provide assistance under regulations of the Department of Defense.

(2) **CONDITIONS.**—Assistance authorized by this section may be allowed only if—

(A) an application therefor is presented within two years after the occurrence of the incident concerned;

(B) the applicant is determined by the local military commander to be friendly to the United States;

(C) the incident results directly or indirectly from an act of the Armed Forces in combat, an act of the Armed Forces indirectly related to combat, or an act of the Armed Forces occurring while preparing for, going to, or returning from a combat mission; and

(D) the incident does not arise directly from action by an enemy, unless the local military commander determines that it in the best military interest to offer assistance in such case.

(c) **TERMS OF ASSISTANCE.**—Except as provided in subsection (d), no assistance may be paid under this section unless the amount tendered is accepted by the applicant in full satisfaction.

(d) **TYPE OF ASSISTANCE.**—Satisfaction under this section shall be made through payment in local currency when possible. However, satisfaction under this section may be made through the provision of services or in-kind compensation if such satisfaction is considered appropriate by the legal advisor and the local military commander concerned and accepted by the claimant.

(e) **LEGAL ADVICE REQUIREMENT.**—Local military commanders shall receive legal advice before authorizing assistance. The legal advisor, under regulations of the Department of Defense, shall determine whether the applicant for assistance is properly an applicant, whether the facts support the provision of assistance, and what amount is commensurate with the loss suffered. The legal advisor shall then make a recommendation to the local military commander who will determine if assistance is to be provided.

(f) **CONSIDERATION OF APPLICATIONS.**—Any application appropriately made for assistance resulting from United States military operations will be considered on the merits. If assistance is not offered or provided to an applicant, documentation of the denial shall be maintained by the Department of Defense. The applicant shall be informed of any decision made by a commander in a timely manner.

(g) **DESIGNATION OF ASSISTANCE PROVIDERS.**—The Secretary of Defense may designate any local military commander appointed under subsection (a) to provide assistance for damage, loss, injury, or death caused by a civilian employee of the Department of Defense other than an employee of a military department. Payments under this subsection shall be made from appropriations as provided by law.

(h) **TREATMENT OF OTHER COMPENSATION RECEIVED.**—In the event compensation for damage, loss, injury, or death covered by this section is received through a separate program operated by the United States Government, receipt of compensation in such amount may be considered by the legal advisor or commander determining the appropriate assistance under subsection (a).

(i) **REPORTING.**—

(1) **RECORDS OF APPLICATIONS FOR ASSISTANCE.**—A written record of any assistance of-

ferred or denied will be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(2) **BIANNUAL REPORT.**—The Secretary of Defense shall report to Congress on a biannual basis the efficacy of the civilian assistance program, including the number of cases considered, amounts offered, and any necessary adjustments.

SA 1486. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 537. ADDITIONAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) **ADDITIONAL ASSISTANCE FOR SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPARTMENT STUDENTS.**—

(1) **ADDITIONAL AMOUNT.**—The amount available under section 531(a) is hereby increased by \$10,000,000.

(2) **OFFSET.**—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby reduced by \$10,000,000.

(b) **CLARIFICATION OF AGENCIES ELIGIBLE FOR ASSISTANCE.**—Section 572(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b) is amended by adding at the end the following new sentence: "An eligible local educational agency under this subsection includes a local educational agency described in section 8002(i)(2) of such Act (20 U.S.C. 7702(i)(2))."

SA 1487. Mrs. LINCOLN (for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. RISCH, Mr. ROCKEFELLER, Mr. WYDEN, Mrs. HAGAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. MODIFICATION OF DEPARTMENT OF DEFENSE SHARE OF EXPENSES UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) **MODIFICATION.**—Section 509(d)(1) of title 32, United States Code, is amended by striking "may not exceed" and all that follows and inserting "may not exceed the amount as follows:

"(A) In the case of a State program of the Program in either of its first two years of operation, an amount equal to 100 percent of the costs of operating the State program in that fiscal year.

"(B) In the case of any other State program of the Program, an amount equal to 75 percent of the costs of operating the State program in that fiscal year."

(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.

SA 1488. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 125, between lines 9 and 10, insert the following:

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

SA 1489. Mr. BROWNBACK (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON MILITARY POWER OF IRAN.

(a) **ANNUAL REPORT.**—Not later than March 1, 2010, and annually thereafter, 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 the Army, Air Force, Navy, and Revolutionary Guard Corps of the Government of Iran, and the tenets and probable development of the grand strategy, security strategy, military strategy, and military organizations and operational concepts of the Government of Iran.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following elements:

(1) As assessment of the grand strategy, security strategy, and military strategy of the Government of Iran, including the following:

(A) The goals of the grand strategy, security strategy, and military strategy.

(B) Trends in the strategies 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, Syria, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(2) An assessment of the capabilities of the conventional forces of the Government of Iran, including the following:

(A) The size, location, and capabilities of the conventional forces.

(B) A detailed analysis of the conventional forces of the Government of Iran facing United States forces in the region and other

countries in the region, including Israel, Lebanon, Syria, 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 the conventional forces of the Government of Iran.

(3) An assessment of the unconventional forces of the Government of Iran, including the following:

(A) The size and capability of 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 the unconventional forces of the Government of Iran facing United States forces in the region and other countries in the region, including Israel, Lebanon, Syria, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funds spent by the Government of Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of the capabilities of the Government of Iran 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 the strategic missile forces of the Government of Iran, including the size of the strategic missile arsenal and the locations of missile launch sites.

(C) A summary of the capabilities of the short range and cruise missile forces of the Government of Iran, including the size and locations of the short range and cruise missile arsenal.

(D) A detailed analysis of the strategic missile forces of the Government of Iran 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.

(E) A detailed analysis of the short range and cruise missile forces of the Government of Iran 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.

(F) An estimate of the amount of funding expended by the Government of Iran on programs to develop a capability to build nuclear weapons or to enhance strategic missile, short range, and cruise missile capabilities of the Government of Iran.

(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) CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “conventional forces of the Government of Iran”

(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) STRATEGIC MISSILE FORCES OF THE GOVERNMENT OF IRAN.—The term “strategic missile forces of the Government of Iran” means those elements of the military forces of the Islamic Republic of Iran that employ missiles capable of flights in excess of 500 kilometers.

(4) UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.—The term “unconventional forces of the Government of Iran”

(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 the Government of Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of the Government of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

SA 1490. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.

It is the sense of Congress that the Secretary of Defense, with regard to the development of manned airborne irregular warfare platforms, should—

(1) coordinate across the military services, including the National Guard and Reserves, the requirements, concept development, demonstration, and platform development; and

(2) be informed by the on-going Air National Guard AT-6B demonstration program.

SA 1491. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

Beginning on page 552, line 25, strike “installations; and” and all that follows through page 553, line 6, and insert the following: “installations;

(2) to comprehensively assess the needs and degree of Federal assistance to communities

to effectively implement the various initiatives of the Department of Defense while aiding communities to either recover quickly from closures or to accommodate growth associated with troop influxes; and

(3) that the methods of property disposal, including public benefit transfers, economic development conveyances at cost and no cost, negotiated sales, other conveyances, and public sales are equally assessed and decided with consideration to the needs of affected communities.

SA 1492. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the “County”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of

the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) **RELEASE OF REVERSIONARY INTEREST.**—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the County 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) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(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 and implementing the receipt of in-kind consideration. 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) **DESCRIPTION OF REAL 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.

(f) **ADDITIONAL TERMS 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.

SA 1493. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 553, between lines 15 and 16, insert the following:

SEC. 2707. RELOCATION OF UNITS FROM 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 the 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, New Hampshire.

SA 1494. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON CRITERIA FOR SELECTION OF STRATEGIC EMBARKATION PORTS AND SHIP LAYBERTHING LOCATIONS.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report with criteria for the selection of strategic embarkation ports and ship layberthing locations.

(b) **DEVELOPMENT OF CRITERIA.**—The criteria included in the report required under subsection (a) shall—

(1) prioritize the facilitation of strategic deployment and reduction of combatant commander force closure timelines;

(2) take into account—

(A) time required to crew, activate, and sail sealift vessels to embarkation ports;

(B) distance and travel times for the forces from assigned installation to embarkation ports;

(C) availability of adequate infrastructure to transport forces from assigned installation to embarkation ports; and

(D) time required to move forces from embarkation ports to likely areas of force deployment around the world; and

(3) inform the selection of strategic embarkation ports and the procurement of ship layberthing services.

SA 1495. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) **CONDITION OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance, commonly known as conveyance “as is” and not subject to the requirements for covenants in deed under sec-

tion 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(c) **ELIGIBLE ENTITIES.**—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity 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 eligible entity.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement 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 conveyances. 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.

(f) **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.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1496. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) **CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.**—

(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended by striking “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)” and inserting “South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the ‘Authority’)”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended—

(A) by striking “Foundation” each place it appears in subsections (c) and (e) and inserting “Authority”;

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking “137.56 acres” and inserting “120.70 acres”; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) NEW CONVEYANCE AUTHORITY.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the “Authority”), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) COVERED PROPERTY.—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, 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 paragraph shall be made on the record after an opportunity for a hearing.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this subsection shall be determined by surveys satisfactory to the Secretary.

(6) PAYMENT OF COSTS OF CONVEYANCES.—

(A) 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 this subsection, including survey 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.

(B) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under subparagraph (A) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this subsection 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.

(7) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SA 1497. Mr. INHOFE (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. MODIFICATION OF STATE RESPONSIBILITIES.

(a) IN GENERAL.—Section 102(a)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)) is amended by inserting “by ensuring that absentee ballots are sent to such voters not later than 45 days before the deadline of such State for receiving absentee ballots in order to be counted in the election for Federal office” before the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections for Federal office held on or after November 1, 2010.

SA 1498. Mr. INHOFE (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 358, strike lines 17 through 21 and insert the following:

“(C) the accused pleads guilty or was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

“(D) if the accused was convicted by a military commission, all members present at the time the vote was taken concurred in the sentence of death.

SA 1499. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 120, before line 1, insert the following:

SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9361 the following new section:

“§ 9362. Air Force Academy athletic programs support

“(a) ESTABLISHMENT AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation to support the athletic programs of the Academy (in this section referred to as the ‘corporation’). All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

“(2) PURPOSE.—The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

“(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

“(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

“(2) in accordance with this section; and

“(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

“(c) CORPORATE BOARD OF DIRECTORS.—

“(1) COMPENSATION.—The members of the board of directors shall serve without compensation, except for reasonable travel and other related expenses for attendance at meetings.

“(2) AIR FORCE PERSONNEL.—The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors, but such personnel shall not hold more than one third of the directorships.

“(d) TRANSFER FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

“(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in, or in support of, Academy or corporate events related to the Academy athletic programs.

“(f) LEASING.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the Academy athletic programs. Money rentals received from any such lease may be retained and spent by the Secretary to support athletic programs 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 9361 the following new item:

“9362. Air Force Academy athletic programs support.”

SA 1500. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

On page 428, between lines 21 and 22, insert the following:

(3) A sample of military whistleblower reprisal appeals (as selected by the Comptroller General for the purposes of this section) heard by the Boards for the Correction of Military Records referred to in section 1552 of title 10, United States Code, of each military department.

SA 1501. Mr. BOND (for himself, Mr. LEAHY, Mr. PRYOR, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

Subtitle E—National Guard Empowerment and State-National Defense Integration

SEC. 941. SHORT TITLE.

This subtitle may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2009”.

SEC. 942. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) **MEMBERSHIP ON JOINT CHIEFS OF STAFF.**—

(1) **IN GENERAL.**—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”

(2) **CONFORMING AMENDMENT.**—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

“(d) **MEMBER OF JOINT CHIEFS OF STAFF.**—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.”

(b) **ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.**—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) **ANNUAL REPORT ON VALIDATED REQUIREMENTS.**—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

“(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

“(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

“(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.”

SEC. 943. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) **MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.**—Chapter 1011 of title 10, United

States Code, is amended by inserting after section 10503 the following new section:

“§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

“(a) **IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.**—The Chief of the National Guard Bureau shall—

“(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

“(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

“(b) **SCOPE OF RESPONSIBILITIES.**—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

“(1) To validate the requirements of the several States and territories with respect to military assistance to civil authorities.

“(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

“(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

“(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

“(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

“(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

“(c) **ASSISTANCE.**—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

“(d) **CONSULTATION.**—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the ‘National Guard Bureau Strategic Integrated Planning Process’.

“(2)(A) Under the integrated planning process established under paragraph (1)—

“(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

“(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

“(B) The planning committee described in this subparagraph is a planning committee (to be known as the ‘State Strategic Integrated Planning Committee’) composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

“(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the ‘Federal Strategic Integrated Planning Directorate’) composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

“(i) A major general of the Army National Guard.

“(ii) A major general of the Air National Guard.

“(iii) A major general of the regular Army.

“(iv) A major general of the regular Air Force.

“(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

“(vi) The Vice Chief of the National Guard Bureau.

“(vii) Seven adjutants general from the planning committee under paragraph (B).”

(b) **BUDGETING FOR TRAINING AND EQUIPMENT AND MILITARY CONSTRUCTION FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.**—Chapter 1013 of such title is amended by adding at the end the following new section:

“§ 10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations

“(a) **IN GENERAL.**—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year as follows:

“(1) Amounts for training and equipment, including critical dual-use equipment.

“(2) Amounts for military construction, including critical dual-use capital construction.

“(b) **SCOPE OF FUNDING.**—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

“(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

“(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.”

(c) **CLERICAL AMENDMENTS.**—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

“10503a. Functions of National Guard Bureau: military assistance to civil authorities.”

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

“10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations.”

SEC. 944. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) **REESTABLISHMENT OF POSITION.**—

(1) **IN GENERAL.**—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

“§ 10505. Vice Chief of the National Guard Bureau

“(a) **APPOINTMENT.**—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of colonel.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

“10505. Vice Chief of the National Guard Bureau.

“10505a. Director of the Joint Staff of the National Guard Bureau.”.

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “, the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau”.

SEC. 945. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

“CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

“Sec.

“341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

“§341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

“(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in a domestic operation, including emergency response, within such State or possession.

“(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

“(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a) of this title, in this section, the term ‘possessions’ means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

“16. Control of the Armed Forces in Activities Within the States and Possessions 341”.

SEC. 946. FISCAL YEAR 2010 FUNDING FOR THE NATIONAL GUARD FOR CERTAIN DOMESTIC ACTIVITIES.

(a) CONTINUITY OF OPERATIONS, CONTINUITY OF GOVERNMENT, AND CONSEQUENCE MANAGEMENT.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, \$11,000,000.

(B) For National Guard Personnel, Air Force, \$3,500,000.

(C) For Operation and Maintenance, Army National Guard, \$11,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in training and operations with respect to continuity of operations, continuity of government, and consequence management in connection with response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(b) DOMESTIC OPERATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense, \$300,000,000 for Operation and Maintenance, Defense-wide.

(2) AVAILABILITY.—The amount authorized to be appropriated by paragraph (1) shall be available for the Army National Guard and the Air National Guard for emergency preparedness and response activities of the National Guard while in State status under title 32, United States Code.

(3) TRANSFER.—Amounts under the amount authorized to be appropriated by paragraph (1) shall be available for transfer to accounts for National Guard Personnel, Army, and National Guard Personnel, Air Force, for purposes of the pay and allowances of members of the National Guard in conducting activities described in paragraph (2).

(c) JOINT OPERATIONS COORDINATION CENTERS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, \$28,000,000.

(B) For National Guard Personnel, Air Force, \$7,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in continuously staffing a Joint Operations Coordination Center (JOCC) in the Joint Forces Headquarters of the National Guard in each State and Territory for command and control and activation of forces in response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(d) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by subsections (a), (b), and (c) for the purposes set forth in such subsections are in addition to any other amounts authorized to be appropriated for fiscal year 2010 for the Department of Defense for such purposes.

SEC. 947. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 948. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of

Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) **COMMANDER OF AIR FORCE NORTH COMMAND.**—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

SA 1502. Mr. REID (for Mr. COBURN (for himself and Mr. FEINGOLD)) proposed an amendment to the bill S. 1233, to reauthorize and improve the SBIR and STTR programs and for other purposes; as follows:

On page 61, line 20, strike “2023” and insert “2017”.

On page 61, line 23, strike “2023” and insert “2017”.

At the end, add the following:

SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) **RESEARCH INITIATIVES.**—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.”.

(b) **SUNSET.**—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) **ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.**—

“(1) **DEVELOPMENT OF METRICS.**—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) **EVALUATION.**—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) **REPORT.**—

“(A) **IN GENERAL.**—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) **PUBLIC AVAILABILITY OF REPORT.**—The head of each Federal agency described in

paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) **DEFINITION.**—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) **COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

SA 1503. Mr. NELSON of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

Beginning on page 419, strike line 10 and all that follows through page 420, line 2, and insert the following:

(a) **IN GENERAL.**—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “the Secretary of Defense” and inserting “the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing.”; and

(B) by striking “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and inserting “Congress”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.”.

SA 1504. Mrs. LINCOLN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1390, 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; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 524. MODIFICATION OF BASIS FOR ANNUAL ADJUSTMENTS IN AMOUNTS OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) **IN GENERAL.**—Section 16131(b)(2) of title 10, United States Code, is amended by strik-

ing “equal to” and all that follows and inserting “not less than the percentage by which—

“(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply to adjustments in amounts of educational assistance for members of the Selected Reserve that are made for fiscal years beginning on or after that date.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 15, 2009, at 9:30 a.m. to conduct a markup of S. 1415, the Military and Overseas Voter Empowerment Act.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee, 202-224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Monday, July 13, 2009, at 2 p.m. in room 325 of the Russell Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 13, 2009, at 10 a.m., in room SH-216 of the Hart Senate Office Building, to conduct a hearing on the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States.

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

PRIVILEGES OF THE FLOOR

Mr. MCCAIN. I ask unanimous consent that LCDR Ryan Farris, Mr. Yariv Pierce, and Mr. Stratton Kirton be granted the privileges of the floor for the remainder of the week on the behalf of Senator NELSON of Florida.

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

Mr. LEAHY. Mr. President, on behalf of Senator DODD, I ask unanimous consent the military fellow in his office, CPT Lindsay George, be granted the