

SA 1627. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mr. REED, Mr. DODD, Mr. INHOFE, Mrs. HUTCHISON, Ms. COLLINS, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1628. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1629. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1630. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1631. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1632. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1633. Mr. GRAHAM (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1634. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1635. Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON, of Nebraska, Mr. BENNETT, Mr. CORNYN, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. UDALL, of New Mexico, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, Mr. BOND, Mr. BAYH, Mr. NELSON, of Florida, Mr. FRANKEN, Mr. ENSIGN, Mr. LEAHY, Mr. KENNEDY, Mr. WYDEN, Mr. CARDIN, Mr. BEGICH, Mrs. GILLIBRAND, Mr. INHOFE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1636. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1637. Mr. PRYOR (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1638. Mr. MCCAIN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1639. Mrs. HAGAN (for Ms. COLLINS) proposed an amendment to the concurrent resolution S. Con. Res. 11, condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

SA 1640. Mrs. HAGAN (for Mr. NELSON, of FLORIDA) proposed an amendment to the bill S. 951, to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

SA 1641. Mrs. HAGAN (for Mr. NELSON, of FLORIDA) proposed an amendment to the bill S. 951, supra.

SA 1642. Mr. DEMINT 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 1643. Mr. CASEY (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1644. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1645. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1646. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 1619.** Mr. UDALL of Colorado 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 order to lie on the table; as follows:

At the appropriate place in title III, insert the following:

**SEC. \_\_\_\_ . DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.**

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

**“§ 2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods**

“(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

- “(1) An electric utility
- “(2) An independent system operator.
- “(3) A State agency.
- “(4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

“(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations Act. The Sec-

retary concerned or the head of the Defense Agency or other instrumentality, as the case may be, shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

“(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts derived from financial incentives awarded to a military installation as described in subsection (b) and provided for in advance by an appropriations Act—

“(1) not less than 100 percent shall be made available for use at such military installation; and

“(2) not less than 30 percent shall be made available for energy management initiatives at such installation.”.

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

“2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.”.

**SA 1620.** Ms. LANDRIEU 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 D of title VIII, add the following:

**SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.**

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and inserting “may”.

**SA 1621.** Mrs. SHAHEEN (for herself, Mr. JOHANNES, Mr. KAUFMAN, and Mr. BEGICH) 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 161, after line 23, add the following:

**SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.**

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is amended—

- (1) in subsection (h)—
  - (A) by striking paragraph (3); and
  - (B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and
- (2) by adding at the end the following new subsection:

“(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

“(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard

and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

“(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

“(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

“(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

“(3) OPERATION.—

“(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

“(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(ii) examining the influence of military culture on risk and protective factors for suicide; and

“(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

“(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

“(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.”.

**SA 1622.** Mr. KERRY (for himself and Mr. RISCH) 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 B of title VII, add the following:

**SEC. 713. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.**

(a) IN GENERAL.—Subsection (d) of section 1074 of title 10, United States Code, is amended to read as follows:

“(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, is covered by such an order, or is issued an official notification shall be treated as being on active duty for a period of more than 30 days beginning on the later of the following dates:

“(A) The earlier of the date that is—

“(i) the date of the issuance of such order; or

“(ii) the date of the issuance of such official notification.

“(B) The date that is 180 days before the date on which the period of active duty is to commence under such order or official notification for that member.

“(2) In this subsection—

“(A) the term ‘delayed-effective-date active-duty order’ means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order; and

“(B) the term ‘official notification’ means a memorandum from the Secretary concerned that notifies a unit or a member of a reserve component of the armed forces that such unit or member will receive a delayed-effective-date active-duty order.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to delayed-effective-date active-duty orders and official notifications (as such terms are defined in section 1074(d)(2) of title 10, United States Code, as amended by subsection (a)) issued on or after the date of the enactment of this Act.

**SA 1623.** Mr. COBURN 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 UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.**

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking “until December 31, 2010, the President shall submit” and inserting “(but not later than the first of each May), the Director of the Office of Management and Budget shall submit”;

(2) in subsection (b), by adding at the end the following new paragraph:

“(4) A listing of each United States agency, department, or entity that provides assessed or voluntary contributions to the United Nations through grants, contracts, subgrants, or subcontracts that is not fully compliant with the requirements to post such funding information for the fiscal year covered by such report on the website ‘USAspending.gov’, as required by the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note).”; and

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

“(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version

of each report submitted under subsection (a) on a text-based searchable and publicly available Internet website.”.

**SA 1624.** Mr. COBURN 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 429, between lines 8 and 9, insert the following:

**SEC. 1073. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

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

(1) Critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(2) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(3) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2).

(4) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

**SA 1625.** 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:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. GUIDELINES FOR HATE-CRIMES OFFENSES.**

Section 249(a) of title 18, United States Code, as added by section \_\_\_\_ of this Act, is amended by adding at the end the following:

“(4) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys’ Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.”.

**SA 1626.** Mr. MCCAIN 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, between lines 9 and 10, insert the following:

**SEC. 31. TERMINATION OF FINANCIAL ASSISTANCE TO STATE OF NEVADA.**

Section 116(c)(4)(A) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10136(c)(4)(A)) is amended—

(1) in the matter preceding clause (i), by striking “the expiration of the 1-year period following”;

(2) in clause (ii), by striking “; or” and inserting a semicolon;

(3) by redesignating clause (iii) as clause (iv); and

(4) by inserting after clause (ii) the following:

“(iii) the date of enactment of the National Defense Authorization Act for Fiscal Year 2010; or”.

**SA 1627.** Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mr. REED, Mr. DODD, Mr. INHOFE, Mrs. HUTCHISON, Ms. COLLINS, Mr. KYL, 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 39, strike lines 4 through 17, and insert the following:

**SEC. 211. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM; INCREASE IN FUNDING FOR PROCUREMENT OF UH-1Y/AH-1Z ROTARY WING AIRCRAFT AND FOR MANAGEMENT RESERVES FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.**

(a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F-35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

(A) reduce the total life-cycle costs of the F-35 Joint Strike Fighter program; and

(B) improve the operational readiness of the fleet of F-35 Joint Strike Fighter aircraft; and

(2) will not—

(A) disrupt the F-35 Joint Strike Fighter program during the research, development, and procurement phases of the program; or

(B) result in the procurement of fewer F-35 Joint Strike Fighter aircraft during the life cycle of the program.

(b) ADDITIONAL AMOUNT FOR UH-1Y/AH-1Z ROTARY WING AIRCRAFT.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is increased by \$282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH-1Y/AH-1Z rotary wing aircraft.

(c) RESTORATION OF MANAGEMENT RESERVES FOR F-35 JOINT STRIKE FIGHTER PROGRAM.—

(1) NAVY JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by

section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) AIR FORCE JOINT STRIKE FIGHTER.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) OFFSETS.—

(1) NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby decreased by \$219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800N) for F136 development.

(2) AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby decreased by \$219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800F) for F136 development.

**SA 1628.** Mr. KYL (for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. MCCAIN) 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 XII, add the following:

**SEC. 1232. SENSE OF THE SENATE ON IMPOSING SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The illicit nuclear activities of the Government of the Islamic Republic of Iran, combined with its development of unconventional weapons and ballistic missiles and support for international terrorism, represent a grave threat to the security of the United States and United States allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

(3) As President Barack Obama said, “Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.”

(4) The International Atomic Energy Agency has repeatedly called attention to the illicit nuclear activities of the Islamic Republic of Iran, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of the Islamic Republic of Iran to cease those activities and comply with its

obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”).

(5) The Department of the Treasury has imposed sanctions on several Iranian banks, including Bank Melli, Bank Saderat, Bank Sepah, and Bank Mellat, for their involvement in proliferation activities or support for terrorist groups.

(6) The Central Bank of Iran, the keystone of Iran’s financial system and its principal remaining lifeline to the international banking system, has engaged in deceptive financial practices and facilitated such practices among banks involved in proliferation activities or support for terrorist groups, including Bank Sepah and Bank Melli, in order to evade sanctions imposed by the United States and the United Nations.

(7) On April 8, 2009, the United States formally extended an offer to engage in direct diplomacy with the Government of the Islamic Republic of Iran through negotiations with the five permanent members of the United States Security Council and Germany (commonly referred to as the “P5-plus-1 process”), in the hope of resolving all outstanding disputes between the Islamic Republic of Iran and the United States.

(8) The Government of the Islamic Republic of Iran has yet to make a formal reply to the April 8, 2009, offer of direct diplomacy by the United States or to engage in direct diplomacy with the United States through the P5-plus-1 process.

(9) On July 8, 2009, President Nicolas Sarkozy of France warned that the Group of Eight major powers will give the Islamic Republic of Iran until September 2009 to accept negotiations with respect to its nuclear activities or face tougher sanctions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Islamic Republic of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, including research and development, and work on all heavy-water related projects, including the construction of a research reactor moderated by heavy water, as demanded by multiple resolutions of the United Nations Security Council; and

(C) come into full compliance with the Nuclear Non-Proliferation Treaty, including the additional protocol to the Treaty; and

(2) the President should impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support for terrorist groups, as well as any other sanctions the President determines appropriate, if—

(A) the Government of the Islamic Republic of Iran—

(i) has not accepted the offer by the United States to engage in direct diplomacy through the P5-plus-1 process before the Summit of the Group of 20 (G-20) in Pittsburgh, Pennsylvania, in September 2009; or

(ii) has not suspended all enrichment-related and reprocessing activities and work on all heavy-water related projects within 60 days of the conclusion of that Summit; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of the Islamic Republic of Iran.

**SA 1629.** Mr. GRAHAM 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 201, between lines 6 and 7, insert the following: 634

**SEC. 635. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.**

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

“(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

“(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

“(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

“(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

“(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

<b>“Age, in years, is at least:</b>	<b>The minimum years of service required for that age is:</b>
53 .....	34
54 .....	32
55 .....	30
56 .....	28
57 .....	26
58 .....	24
59 .....	22
60 .....	20.”.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking “the years of service required for eligibility for retired pay under this chapter” in the first sentence and inserting “20 years of service computed under section 12732 of this title”.

(c) EFFECTIVE DATE.—This section and the amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

**SA 1630.** Mr. GRAHAM 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 SERVICEMEMBERS CIVIL RELIEF ACT REGARDING TERMINATION OR SUSPENSION OF SERVICE CONTRACTS, EFFECT OF VIOLATION OF INTEREST RATE LIMITATION, AND ENFORCEMENT BY ATTORNEY GENERAL AND PRIVATE CAUSES OF ACTION.**

(a) TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.—

(1) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

**“SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.**

“(a) TERMINATION OR SUSPENSION BY SERVICEMEMBER.—A servicemember who is party to or enters into a contract described in subsection (c) may terminate or suspend, at the servicemember's option, the contract at any time after the date of the servicemember's military orders, as described in subsection (c).

“(b) SPECIAL RULES.—

“(1) DURATION OF SUSPENSION.—A suspension under subsection (a) of a contract by a servicemember shall continue for the length of the servicemember's deployment pursuant to the servicemember's military orders.

“(2) PROHIBITION ON SUSPENSION FEES.—

“(A) IN GENERAL.—A service provider under a contract suspended or terminated under subsection (a) by a servicemember may not impose a suspension fee or early termination fee in connection with the suspension or termination of the contract, other than a nominal fee for the suspension.

“(B) EXCEPTION FOR EQUIPMENT MOVING FEE.—The service provider may impose a reasonable fee for any equipment remaining on the premises of the servicemember during the period of the suspension.

“(3) DEFERRAL OF FEES.—The servicemember may defer, without penalty, payment of such a nominal fee or reasonable fee for the length of the servicemember's deployment pursuant to the servicemember's military orders.

“(4) TELEPHONE SERVICE.—In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the servicemember, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the servicemember had before the servicemember suspended the contract.

“(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service (including a contract to which the servicemember is included with family members), telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the servicemember enters into the contract and thereafter receives military orders—

“(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

“(2) for a change of permanent station to a location that does not support the contract.

“(d) MANNER OF TERMINATION OR SUSPENSION.—

“(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the servicemember of written notice of such termination or suspension and a copy of the servicemember's military orders to the other party to the contract (or to that party's grantee or agent).

“(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

“(A) by hand delivery;

“(B) by private business carrier;

“(C) by facsimile; or

“(D) by placing the written notice and a copy of the servicemember's military orders in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the party to be notified (or that party's grantee or agent), and depositing the envelope in the United States mails.

“(e) DATE OF CONTRACT TERMINATION OR SUSPENSION.—Termination or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

“(f) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension of the contract shall be paid or performed by the servicemember.

“(g) FEES PAID IN ADVANCE.—A fee or amount paid in advance for a period after the effective date of the termination of the contract shall be refunded to the servicemember by the other party (or that party's grantee or agent) not later than 60 days after the effective date of the termination of the contract.

“(h) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

“(i) CRIMINAL PENALTY.—Whoever knowingly violates this section shall be fined not more than \$5,000 in the case of an individual or \$10,000 in the case of an organization.

“(j) PRIVATE RIGHT OF ACTION.—

“(1) IN GENERAL.—In addition to any other remedies made available elsewhere in this Act, a servicemember harmed by a violation of this section may in a civil action—

“(A) obtain any appropriate equitable relief with respect to the violation; and

“(B) recover an amount equal to three times the damages sustained as a result of the violation.

“(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

“(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.

“(k) DEFINITIONS.—In this section:

“(1) MULTICHANNEL VIDEO PROGRAMMING SERVICE.—The term ‘multichannel video programming service’ means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

“(2) INTERNET ACCESS SERVICE.—The term ‘Internet access service’ has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

“(3) CELLULAR TELEPHONE SERVICE.—The term ‘cellular telephone service’ means commercial mobile service, as that term is defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

“(4) TELEPHONE EXCHANGE SERVICE.—The term ‘telephone exchange service’ has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (Public

Law 108-109; 117 Stat. 2835) is amended by striking the item relating to section 305A and inserting the following new item:

“Sec. 305A. Termination or suspension of service contracts.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply with respect to a contract entered into on or after the date of the enactment of this Act.

(b) **VIOLATION OF INTEREST RATE LIMITATION.**—Section 207 of such Act (50 U.S.C. 527) is amended—

(1) by amending subsection (e) to read as follows:

“(e) **CRIMINAL PENALTY.**—

“(1) **IN GENERAL.**—Whoever knowingly violates this section shall be fined not more than \$5,000 in the case of an individual or \$10,000 in the case of an organization.

“(2) **DETERMINATION OF NUMBER OF VIOLATIONS.**—The court shall count as a separate violation each obligation or liability of a servicemember with respect to which—

“(A) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

“(B) the creditor fails to act in accordance with subsection (a).”;

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection:

“(f) **RIGHTS OF SERVICEMEMBERS.**—

“(1) **PRIVATE RIGHT OF ACTION.**—In addition to any other remedies made available elsewhere in this Act, a servicemember harmed by a violation of this section may in a civil action—

“(A) obtain any appropriate equitable relief with respect to the violation; and

“(B) recover an amount equal to three times the damages sustained as a result of the violation.

“(2) **COSTS AND ATTORNEY FEES.**—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

“(3) **PRESERVATION OF OTHER REMEDIES.**—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.”; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by inserting “and (f)” after “subsection (e)”.

(c) **CIVIL LIABILITY FOR NONCOMPLIANCE.**—

(1) **IN GENERAL.**—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is further amended by adding at the end the following new title:

#### “TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE

##### “SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.

“(a) **ENFORCEMENT BY THE ATTORNEY GENERAL.**—The Attorney General may commence a civil action in any appropriate United States District Court whenever the Attorney General has reasonable cause to believe—

“(1) that any person or group of persons is engaging in, or has engaged in, a pattern or practice of conduct in violation of any provision of this Act; or

“(2) that any person or group of persons is denying, or has denied, any person or group of persons any protection afforded by any provision of this Act and that such denial raises an issue of general public importance.

“(b) **RELIEF THAT MAY BE GRANTED IN CIVIL ACTIONS.**—In a civil action under subsection (a), the court—

“(1) may enter any temporary restraining order, temporary or permanent injunction, or other order as may be appropriate;

“(2) may award monetary damages to a servicemember, dependent, or other person protected by any provision of this Act who is harmed by the failure to comply with any provision of this Act, including consequential and punitive damages; and

“(3) may, to vindicate the public interest, assess a civil penalty against each defendant—

“(A) in an amount not exceeding \$55,000 for a first violation; and

“(B) in an amount not exceeding \$110,000 for any subsequent violation.

“(c) **INTERVENTION IN CIVIL ACTIONS.**—Upon timely application, a servicemember, dependent, or other person protected by any provision of this Act may intervene in a civil action commenced by the Attorney General that involves an alleged violation of any provision of this Act or a denial of any protection afforded by any provision of this Act with respect to which such person claims to be harmed. The court may grant to any such intervening party appropriate relief as is authorized under subsection (b)(1) or (b)(2). The court may also, in its discretion, grant a prevailing intervening party reasonable attorneys’ fees and costs.

##### “SEC. 802. PRIVATE CAUSES OF ACTION.

“In addition to any other cause of action authorized by any other section of this Act, a servicemember, dependent, or other person protected by any provision of this Act may commence an action in any appropriate United States District Court or in a State court of competent jurisdiction to enforce any requirement imposed or protection afforded by any provision of this Act. The court may grant to any such servicemember, dependent, or person such appropriate relief as is authorized under paragraph (1) or (2) of section 801(b). The court may also, in its discretion, grant a prevailing party reasonable attorneys’ fees and costs.

##### “SEC. 803. PRESERVATION OF OTHER REMEDIES.

“The remedies provided under sections 801 and 802 are in addition to and do not preclude any other causes of action available under Federal or State law or any other remedies otherwise available under Federal or State law, including any award for consequential and punitive damages.”.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

#### “TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE

“Sec. 801. Enforcement by the Attorney General.

“Sec. 802. Private causes of action.

“Sec. 803. Preservation of other remedies.”.

(3) **APPLICABILITY.**—Title VIII of the Servicemembers Civil Relief Act, as added by paragraph (1), shall apply to any cause of action, claim, or action to enforce the Servicemembers Civil Relief Act, or to seek damages or other relief under any provision of that Act, in progress on the date of the enactment of this Act or that may be brought after such date.

(4) **TECHNICAL CORRECTIONS.**—Such Act is further amended—

(A) in section 202(d)(1) (50 U.S.C. App. 522(d)(1)), by striking “affect” in the first sentence and inserting “effect”; and

(B) in sections 204(a), 306(c), and 701(c) (50 U.S.C. App. 524(a), 536(c), and 591(c)), by striking “AFFECT” in the subsection heading and inserting “EFFECT”.

**SA 1631.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize ap-

propriations 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. CONSIDERATION OF YUCCA MOUNTAIN SITE FOR DISPOSAL OF DEFENSE-RELATED NUCLEAR WASTE.

(a) **IN GENERAL.**—Any plan developed by any Federal agency with respect to the disposal of defense-related nuclear waste under title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.) shall consider—

(1) disposing of such waste by transferring the waste to Yucca Mountain site, Nevada; and

(2) all studies related to the selection of the Yucca Mountain site for the disposal of defense-related nuclear waste.

(b) **DEFENSE-RELATED NUCLEAR WASTE DEFINED.**—In this section, the term “defense-related nuclear waste” means—

(1) transuranic waste;

(2) high-level radioactive waste;

(3) spent nuclear fuel;

(4) special nuclear materials;

(5) greater-than-class C, low-level radioactive waste; and

(6) any other waste arising from the production, storage, or maintenance of nuclear weapons (including components of nuclear weapons).

**SA 1632.** Mr. GRAHAM 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 571, strike lines 12 through 18, and insert the following:

##### SEC. 3104. CERTIFICATION OF SELECTION OF YUCCA MOUNTAIN SITE AND AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE NUCLEAR WASTE DISPOSAL OR STATES STORING DEFENSE-RELATED NUCLEAR WASTE.

(a) **CERTIFICATION REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees and publish in the Federal Register a certification that the Yucca Mountain site has been selected as the site for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel in accordance with section 160 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10172).

(b) **CONTINGENT AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE NUCLEAR WASTE DISPOSAL.**—If the President makes the certification required by subsection (a), there are authorized to be appropriated \$98,400,000 for fiscal year 2010 to the Department of Energy for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(c) **CONTINGENT AUTHORIZATION OF APPROPRIATIONS FOR STATES STORING DEFENSE-RELATED NUCLEAR WASTE TO BE TRANSFERRED TO THE YUCCA MOUNTAIN SITE.**—If the President does not make the certification required by subsection (a) or if the President

revokes that certification after the date referred to in that subsection, there are authorized to be appropriated \$98,400,000 for fiscal year 2010 to States that are storing defense-related nuclear waste to be transferred to the Yucca Mountain site, Nevada, to be used in accordance with subsection (d).

(d) **USE OF FUNDS.**—A State that receives funds pursuant to the authorization of appropriations under subsection (c) shall use such funds—

(1) to help offset the loss in community investments that results from the continued storage of defense-related nuclear waste in the State; and

(2) to help mitigate the public health risks that result from the continued storage of such waste in the State.

(e) **DEFENSE-RELATED NUCLEAR WASTE DEFINED.**—In this section, the term “defense-related nuclear waste” means—

(1) transuranic waste;

(2) high-level radioactive waste;

(3) spent nuclear fuel;

(4) special nuclear materials;

(5) greater-than-class C, low-level radioactive waste; and

(6) any other waste arising from the production, storage, or maintenance of nuclear weapons (including components of nuclear weapons).

**SA 1633.** Mr. GRAHAM (for himself and Mr. THUNE) 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 129, between lines 6 and 7, insert the following:

**SEC. 537. PILOT PROGRAM FOR MILITARY DEPENDENTS.**

(a) **DEFINITIONS.**—In this section:

(1) **ESEA DEFINITIONS.**—The terms “elementary school”, “parent”, and “secondary school” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) **ELIGIBLE MILITARY DEPENDENT.**—The term “eligible military dependent” means a student who—

(A) is a dependent, within the meaning of section 152 of the Internal Revenue Code of 1986, of a member of the Armed Forces on active duty;

(B) is, or will be in the upcoming school year, attending an elementary school or secondary school; and

(C) resides in the National Capital Region (as such term is defined in section 2674(f) of title 10, United States Code).

(b) **IN GENERAL.**—

(1) **PROGRAM AUTHORIZED.**—The Secretary of Defense, in collaboration with the Secretary of Education, shall design and carry out a pilot program to provide additional educational options to eligible military dependents and their families by providing the eligible military dependents with scholarships described in subsection (d).

(2) **TIMING.**—In carrying out this subsection, the Secretary of Defense shall ensure that the pilot program is able to provide such scholarships beginning with the 2010-2011 school year.

(c) **APPLICATIONS.**—A parent of an eligible military dependent that desires to participate in the pilot program under this section shall submit an application to the Secretary of Defense at such time, in such manner, and

containing such information as the Secretary may require.

(d) **SCHOLARSHIPS.**—

(1) **IN GENERAL.**—A scholarship awarded under this section shall be used by a parent of an eligible military dependent to pay the tuition, fees, and transportation expenses, if any, for the eligible military dependent to attend a private elementary school or secondary school, or a public charter school in a school district other than the school district in which the student resides, of the parent's choice.

(2) **PAYMENTS TO PARENTS.**—The Secretary of Defense shall make scholarship payments under this section to the parent of the eligible military dependent in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses, if any, in accordance with this section.

(3) **AMOUNT OF PAYMENTS.**—The amount of assistance provided for an eligible military dependent under this section may not exceed \$7,500 for any school year.

(e) **RULE OF CONSTRUCTION.**—A scholarship provided under this section shall be considered assistance to the eligible military dependent and shall not be considered assistance to the school that enrolls the eligible military dependent. The amount of any scholarship under this section shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(f) **REPORTS.**—The Secretary of Defense shall prepare and submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and make available to the public—

(1) an initial report on the results of the pilot program under this section, by not later than September 30, 2011; and

(2) a final report on the results of the pilot program under this section, by not later than September 30, 2015.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section not less than \$20,000,000 for fiscal year 2011 and for each of the 4 succeeding fiscal years.

**SA 1634.** Mr. MCCAIN 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 201, after line 25, add the following:

**SEC. 652. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.**

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

(1) The Armed Forces is comprised of over 1,450,000 active-duty members from every State and territory of the United States who are assigned to thousands of installations, stations, and ships worldwide and who oftentimes must travel long distances by air at their own expense to enjoy the benefits of leave and liberty.

(2) The United States is indebted to the members of the all volunteer Armed Forces and their families who protect our Nation, often experiencing long separations due to the demands of military service and in life threatening circumstances.

(3) Military service often precludes long range planning for leave and liberty to pro-

vide opportunities for reunions and recreation with loved ones and requires changes in planning due to military necessity which results in last minute changes in planning.

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

(1) all United States commercial carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties for military personnel;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

**SA 1635.** Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. BENNETT, Mr. CORNYN, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. UDALL of New Mexico, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, Mr. BOND, Mr. BAYH, Mr. NELSON of Florida, Mr. FRANKEN, Mr. ENSIGN, Mr. LEAHY, Mr. KENNEDY, Mr. WYDEN, Mr. CARDIN, Mr. BEGICH, Mrs. GILLIBRAND, Mr. INHOFE, and Mr. COCHRAN) 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 166, before line 18, insert the following:

**Subtitle H—Military Voting**

**SEC. 581. SHORT TITLE.**

This subtitle may be cited as the “Military and Overseas Voter Empowerment Act”.

**SEC. 582. FINDINGS.**

Congress makes the following findings:

(1) The right to vote is a fundamental right.

(2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which

include problems transmitting balloting materials and not being given enough time to vote.

(3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to timing and improvement of absentee voter registration and absentee ballot procedures.

(4) The Department of Defense educates military and overseas voters of their rights under the Uniformed and Overseas Citizens Absentee Voting Act and plays an indispensable role in facilitating the procedural channels that allow military and overseas voters to have their votes count.

(5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

**SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.**

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

**SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

“(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically.”; and

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

“(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

“(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

“(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(6) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by

section 584, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).”; and

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

“(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

“(1) IN GENERAL.—Each State shall establish procedures—

“(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

“(B) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted by mail or electronically.

“(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.**

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by section 585, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

“(A) except as provided in subsection (g), in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case where the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”.

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

“(g) **HARDSHIP EXEMPTION.**—

“(1) **IN GENERAL.**—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

“(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) **APPROVAL OF WAIVER REQUEST.**—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) **TIMING OF WAIVER.**—

“(A) **IN GENERAL.**—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The

Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

“(B) **EXCEPTION.**—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

“(4) **APPLICATION OF WAIVER.**—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.”.

(b) **RUNOFF ELECTIONS.**—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

#### **SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

(a) **IN GENERAL.**—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

#### **“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.**

“(a) **ESTABLISHMENT OF PROCEDURES.**—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

“(b) **DELIVERY TO APPROPRIATE ELECTION OFFICIALS.**—

“(1) **IN GENERAL.**—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

“(2) **COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.**—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

“(3) **DEADLINE DESCRIBED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

“(B) **AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.**—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

“(4) **NO POSTAGE REQUIREMENT.**—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

“(5) **DATE OF MAILING.**—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

“(c) **OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.**—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submission of marked absentee ballots pursuant to this section.

“(d) **REPORTS ON UTILIZATION OF PROCEDURES.**—

“(1) **REPORTS REQUIRED.**—Not later than 180 days after each regularly scheduled general election for Federal office to which this section applies, the Presidential designee shall submit to the relevant committees of Congress a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section during such election.

“(2) **ELEMENTS.**—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(3) **RELEVANT COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

“(e) **ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.**—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”.

(b) **CONFORMING AMENDMENT.**—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended by adding at the end the following new subsection:

“(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”

(e) REPORT ON STATUS OF IMPLEMENTATION.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the individual designated under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)) shall submit to the relevant committees of Congress a report on the status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A of such Act, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include a status of the implementation of such procedures and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “relevant committees of Congress” has the meaning given such term in section 103A(d)(3) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(f) PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be necessary—

“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election

for Federal office held in November 2010 and each succeeding election for Federal office.

#### **SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.**

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special, primary, or runoff election for Federal office”; and

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential”; and

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

“(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

“(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

“(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

“(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

“(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.”

#### **SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.**

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 587, is amended by adding at the end the following new subsection:

“(1) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or over-

seas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

#### **SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 587, is amended by inserting after section 103A the following new section:

#### **“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.**

“(a) DUTIES.—The Presidential designee shall carry out the following duties:

“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(3) Not later than December 31 of each year, transmit to the President and to Congress a report on the effectiveness of activities carried out under this section, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed overseas voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between the States and the Federal Government in carrying out this section.

“(b) ASSESSMENT OF EFFECTIVENESS OF VOTING ASSISTANCE OFFICER PROGRAM.—Not later than 90 days after the date of enactment of this subsection, the Presidential designee shall submit to Congress a report containing the following:

“(1) A thorough and complete assessment of whether the Voting Assistance Officer Program of the Department of Defense, as configured and implemented as of such date of enactment, is effectively assisting members of the Armed Forces in exercising their right to vote.

“(2) An inventory and explanation of any areas of voter assistance in which such Program has failed to accomplish its stated objectives and effectively assist members of the Armed Forces in exercising their right to vote.

“(3) A detailed plan for the implementation of a new program to replace such Program and supplement, as needed, voter assistance activities required to be performed under this section.

“(c) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”.

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 587, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting “; and”; and

(iii) by adding at the end the following new paragraph:

“(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”; and

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

“(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).”.

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 589, is amended by adding at the end the following new subsection:

“(j) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

“(1) DESIGNATING AN OFFICE AS A VOTER REGISTRATION AGENCY ON EACH INSTALLATION OF THE ARMED FORCES.—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installation of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

“(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);

“(B) the opportunity to register to vote in an election for Federal office;

“(C) the opportunity to update the individual's voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

“(D) the opportunity to request an absentee ballot under this Act.

“(2) DEVELOPMENT OF PROCEDURES.—Each Secretary of a military department shall de-

velop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

“(3) INDIVIDUALS DESCRIBED.—The following individuals are described in this paragraph:

“(A) An absent uniformed services voter—

“(i) who is undergoing a permanent change of duty station;

“(ii) who is deploying overseas for at least 6 months;

“(iii) who is or returning from an overseas deployment of at least 6 months; or

“(iv) who at any time requests assistance related to voter registration.

“(B) All other absent uniformed services voters (as defined in section 107(1)).

“(4) TIMING OF PROVISION OF ASSISTANCE.—The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

“(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

“(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from the home duty station of the absent uniformed services voter;

“(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

“(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and

“(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

“(5) PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual's voter registration information, and request an absentee ballot under this Act.

“(6) TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

“(7) OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

“(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and

“(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

“(8) REPORTS.—

“(A) REPORT ON STATUS OF IMPLEMENTATION.—

“(1) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this subsection, the Secretary of each military department or the Presidential designee shall submit to the relevant committees of Congress a report on the status of the implementation of this subsection.

“(ii) ELEMENTS.—The report under clause (i) shall include a detailed description of the specific steps taken towards the implementation of this subsection, including the designation of offices under paragraphs (1) and (5).

“(B) REPORT ON UTILIZATION OF VOTER REGISTRATION ASSISTANCE.—

“(i) REPORTS REQUIRED.—Not later than 1 year after the date of the enactment of this subsection, the Secretary of each military department or the Presidential designee shall submit to the relevant committees of Congress a report on the utilization of voter registration assistance provided under this subsection.

“(ii) ELEMENTS.—The report under clause (i) shall include—

“(I) a description of the specific programs implemented by each military department of the Armed Forces pursuant to this subsection; and

“(II) the number of absent uniformed services voters who utilized voter registration assistance provided under this section.

“(9) DEFINITIONS.—In this subsection:

“(A) MILITARY DEPARTMENT AND SECRETARY CONCERNED.—The terms ‘military department’ and ‘Secretary concerned’ have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

“(B) RELEVANT COMMITTEES OF CONGRESS.—The term ‘relevant committees of Congress’ means—

“(i) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(ii) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

“(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

#### SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 590, is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”.

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 587, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

**SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.**

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “**USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS**” and inserting “**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**”; and

(B) in subsection (e), by striking “(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.”.

**SEC. 593. ANNUAL REPORT ON ENFORCEMENT.**

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-4) is amended—

(1) by striking “The Attorney” and inserting “(a) IN GENERAL.—The Attorney”; and

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

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”.

**SEC. 594. REQUIREMENTS PAYMENTS.**

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

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

“(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(b) REQUIREMENTS.—

(1) STATE PLAN.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

“(14) How the State plan will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.”.

(2) CONFORMING AMENDMENTS.—Section 253(b) of the Help America Vote Act of 2002 (42 U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking “section 254” and inserting “subsection (a) of section 254 (or, in the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), paragraph (14) of section 254)”; and

(B) in paragraph (2)—

(i) by striking “(2) The State” and inserting “(2)(A) Subject to subparagraph (B), the State”; and

(ii) by inserting after subparagraph (A), as added by clause (i), the following new subparagraph:

“(B) The requirement under subparagraph (A) shall not apply in the case of a require-

ments payment made using funds appropriated pursuant to the authorization under section 257(4).”.

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”.

**SEC. 595. TECHNOLOGY PILOT PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SA 1636.** Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize ap-

propriations 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 CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.**

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy (“the Secretary”) may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the date of the enactment of this Act (“the lessee”) all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) CONSIDERATION.—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

(1) ACCEPTANCE OF OFFER.—For a period of 180 days beginning on the date the Secretary makes a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire.

(2) CONVEYANCE DEADLINE.—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee 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 lessee.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be

merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

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

**SA 1637.** Mr. PRYOR (for himself and Mr. CONRAD) 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 97, strike line 20 and all that follows through page 98, line 17, and insert the following:

**SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS AND INCREASE IN PERMANENT LIMITATION ON SUCH TECHNICIANS.**

(a) **LIMITATIONS.**—

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

(A) For the Army National Guard of the United States, 2,770.

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

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

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

(b) **INCREASE IN PERMANENT LIMITATION ON NATIONAL GUARD TECHNICIANS.**—Section 10217(c)(2) of title 10, United States Code, is amended by striking “1,950” and inserting “3,120”.

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

**SA 1638.** Mr. MCCAIN (for himself and Mr. LEVIN) 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 XXVII, add the following:

**SEC. 2707. REQUIREMENT FOR MASTER PLAN TO PROVIDE WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.**

(a) **MASTER PLAN REQUIRED.**—Not later than 180 days after the date of the enactment

of this Act, the Secretary of Defense shall develop and implement a comprehensive master plan to provide world class military medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) includes the establishment of an integrated process for the joint development of budgets, prioritization of requirements, and the allocation of funds;

(3) designates a single entity within the Department of Defense with the budget and operational authority to respond quickly to and address emerging facility and operational requirements required to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) ensures that each facility covered by the plan meets or exceeds Joint Commission hospital design standards as applicable; and

(6) can be used as a model to develop similar master plans for all military medical facilities within the Department of Defense.

(b) **MILESTONE SCHEDULE AND COST ESTIMATES.**—Not later than 90 days after the development of the master plan required by (a), the Secretary shall submit to the congressional defense committees a report describing—

(1) the schedule for completion of requirements identified in the master plan; and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(c) **DEFINITIONS.**—In this section:

(1) **NATIONAL CAPITAL REGION.**—The term “National Capital Region” has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) **WORLD CLASS MILITARY MEDICAL FACILITY.**—The term “world class military medical facility” has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled “Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital”, published in May, 2009.

**SA 1639.** Mrs. HAGAN (for Ms. COLLINS) proposed an amendment to the concurrent resolution S. Con. Res. 11, condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes; as follows:

In the 10th whereas clause, strike “Khomeini” and insert “Khamenei”

**SA 1640.** Mrs. HAGAN (for Mr. NELSON of Florida) proposed an amendment to the bill S. 951, to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. “Buzz” Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission’s command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.; as follows:

Strike out all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “New Frontier Congressional Gold Medal Act”.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) as spacecraft commander for Apollo 11, the first manned lunar landing mission, Neil A. Armstrong gained the distinction of being the first man to land a craft on the moon and first to step on its surface on July 21, 1969;

(2) by conquering the moon at great personal risk to safety, Neil Armstrong advanced America scientifically and technologically, paving the way for future missions to other regions in space;

(3) Edwin E. “Buzz” Aldrin, Jr., joined Armstrong in piloting the lunar module, Eagle, to the surface of the moon, and became the second person to walk upon its surface;

(4) Michael Collins piloted the command module, Columbia, in lunar orbit and helped his fellow Apollo 11 astronauts complete their mission on the moon;

(5) John Herschel Glenn, Jr., helped pave the way for the first lunar landing when on February 20, 1962, he became the first American to orbit the Earth; and

(6) John Glenn’s actions, like Armstrong’s, Aldrin’s and Collins’s, continue to greatly inspire the people of the United States.

**SEC. 3. CONGRESSIONAL GOLD MEDAL.**

(a) **PRESENTATION AUTHORIZED.**—The President is authorized to present, on behalf of the Congress, to Neil A. Armstrong, Edwin E. “Buzz” Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., each a gold medal of appropriate design, in recognition of their significant contributions to society.

(b) **DESIGN AND STRIKING.**—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

**SEC. 4. DUPLICATE MEDALS.**

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medals.

**SEC. 5. NATIONAL MEDALS.**

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

**SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.**

(a) **AUTHORITY TO USE FUND AMOUNTS.**—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

**SA 1641.** Mrs. HAGAN (for Mr. NELSON of Florida) proposed an amendment to the bill S. 951, to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. “Buzz” Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission’s command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.; as follows:

Amend the title so as to read: A Bill To authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. “Buzz” Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission’s command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

**SA 1642.** Mr. DEMINT 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. COMPTROLLER GENERAL REVIEW OF SPENDING IN THE FINAL QUARTER OF FISCAL YEAR 2009 BY THE DEPARTMENT OF DEFENSE.**

(a) **REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.**—The Comptroller General of the United States shall conduct a review of the obligations and expenditures of the Department of Defense in the final quarter of fiscal year 2009, as compared to the obligations and expenditures of the Department in the first three quarters of that fiscal year, to determine if policies with respect to spending by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars.

(b) **REPORT.**—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of the fiscal year.

**SA 1643.** Mr. CASEY (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activi-

ties 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. \_\_\_\_ ANNUAL COUNTERTERRORISM STATUS REPORTS.**

(a) **SHORT TITLE.**—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2009”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) In testimony to the Select Committee on Intelligence of the Senate on February 12, 2009, Director of National Intelligence Dennis C. Blair stated, “al-Qa’ida and its affiliates and allies remain dangerous and adaptive enemies, and the threat they could inspire or orchestrate an attack on the United States or European countries. . . . Although al-Qa’ida’s core organization in the tribal areas of Pakistan is under greater pressure now than it was a year ago, we assess that it remains the most dangerous component of the larger al-Qa’ida network. Al-Qa’ida leaders still use the tribal areas as a base from which they can avoid capture, produce propaganda, communicate with operational cells abroad, and provide training and indoctrination to new terrorist operatives.”

(4) The most recent authoritative National Intelligence Estimate issued on the threat posed by Al Qaeda, released in July 2007, states “Al-Qa’ida is and will remain the most serious terrorist threat to the Homeland”.

(5) Efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(6) In the report entitled “Suggested Areas for Oversight for the 110th Congress” (GAO-08-235R, November 17, 2006), the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(7) Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) requires that the Secretary of State submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of State support for terrorist groups responsible for the death, kidnapping, or injury of Americans, but do not assess the scope and efficacy of United States counterterrorism efforts against Al Qaeda and its related affiliates.

(8) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

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

(1) 8 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates have reconstituted their strength and ability to generate new attacks throughout the world, including against the United States;

(2) there remains insufficient information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives;

(3) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism;

(4) the absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts against Al Qaeda and its related affiliates hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time; and

(5) the Executive Branch should submit a comprehensive report to Congress, updated on an annual basis, which provides a more strategic perspective regarding—

(A) the United States’ highest global counterterrorism priorities;

(B) the United States’ efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States’ efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

**(d) ANNUAL COUNTERTERRORISM STATUS REPORTS.**—

(1) **IN GENERAL.**—Not later than July 31, 2010, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) a judgment on the adequacy of inter-agency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of

Homeland Security, the Department of Justice, and other Federal departments and agencies;

(D) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(E) a determination of whether the National Counterterrorism Center exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458);

(F) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(G) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through military, financial, political, intelligence, paramilitary, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(H) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(I) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(J) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(K) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(L) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(M) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence,

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

**SA 1644.** 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 270, between lines 5 and 6, insert the following:

**SEC. 8. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.**

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is amended to read as follows:

**“SEC. 526. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.**

“(a) IN GENERAL.—Except as provided in subsection (b), no Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

“(b) EXCEPTIONS.—Subsection (a) shall not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is produced, in whole or in part, from a nonconventional petroleum source if—

“(1) the contract does not specifically require the contractor to provide a fuel from a nonconventional petroleum source;

“(2) the purpose of the contract is not to obtain a fuel from a nonconventional petroleum source; and

“(3) the contract does not provide incentives (excluding compensation at market prices for the purchase of fuel purchased) for a refinery upgrade or expansion to allow a refinery to use or increase the use by the re-

finery of fuel from a nonconventional petroleum source.”.

**SA 1645.** Mr. BROWN (for himself and Mr. VOINOVICH) 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, GEORGE F. PENNINGTON UNITED STATES ARMY RESERVE CENTER, MARION, OHIO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Marion County, Ohio (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 improvements thereon, consisting of approximately 5.3 acres located at the George F. Pennington United States Army Reserve Center, 2164 Harding Way Highway East, Marion, Ohio, for the construction of a community center.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(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), including survey costs, related to the conveyance. If amounts are collected from the County 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 County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) 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.

(d) 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.

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

**SA 1646.** Mr. WARNER 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 429, between lines 8 and 9, insert the following:

**SEC. 1073. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.**

(a) **REPORT REQUIRED.**—Not later than six months after the date of the enactment of this Act, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report that describes current and planned efforts for cooperative modeling and simulation development activities with the private sector and other government organizations.

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

(1) An identification of the current and planned outreach to industry, consortia, academia, State and Federal agencies, and international partners, including efforts to leverage the capabilities of these organizations to support Joint Forces Command missions.

(2) A description of current and planned utilization by the United States Joint Forces Command of public-private partnerships and other technology transfer activities to support development of modeling and simulation capabilities and to sustain a defense modeling and simulation industrial base.

(3) A description of United States Joint Forces Command efforts to coordinate with State and regional modeling and simulation capabilities existing in the public and private sector.

(4) A description of the joint, coalition, and inter-agency modeling and simulation activities in which the United States Joint Forces Command is participating.

(5) Additional resources or authorities required by the United States Joint Forces Command to promote the development of needed modeling and simulation capabilities through cooperative activities with the private sector or other government organizations.

(6) Other matters as deemed appropriate by the Commander of the United States Joint Forces Command.

**PRIVILEGES OF THE FLOOR**

Mr. SESSIONS. Mr. President, I ask unanimous consent that my legislative fellow, Navy LCDR Tim Long, be granted the privilege of the floor during consideration of S. 1390, the National Defense Authorization Act of 2010.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that LCDR Ryan Farris, Mr. Yariv Pierce, and Mr. Stratton Kirton be given the privilege of the floor throughout the duration of the debate on the Department of Defense authorization.

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

**NOTICE: REGISTRATION OF MASS MAILINGS**

The filing date for 2009 second quarter Mass Mailings is Monday, July 27, 2009. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

**SPECIAL ENVOY TO MONITOR AND COMBAT ANTI-SEMITISM**

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 44, S. Con. Res. 11.

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

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 11) condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Foreign Relations, with amendments; as follows:

(The parts of the preamble intended to be stricken are shown in boldface brackets and the part of the preamble intended to be inserted is shown in italics.)

**S. CON. RES. 11**

Whereas the United States Government has consistently supported efforts to address the rise in anti-Semitism through its bilateral relationships and through engagement in international organizations such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the Organization of American States;

Whereas, in 2004, Congress passed the Global Anti-Semitism Review Act (Public Law 108-332), which established an Office to Monitor and Combat Anti-Semitism, headed by a Special Envoy to Monitor and Combat Anti-Semitism;

Whereas the Department of State, the Office for Democratic Institutions and Human Rights of the OSCE, and others have reported that periods of Arab-Israeli tension have sparked an increase in attacks against Jewish communities around the world and comparisons of policies of the Government of Israel to those of the Nazis and that, despite growing efforts by governments to promote Holocaust remembrance, the Holocaust is frequently invoked as part of anti-Semitic harassment to threaten and offend Jews;

Whereas, since the commencement of Israel's military operation in Gaza on December 27, 2008, a substantial increase in anti-Semitic violence, including physical and verbal attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorial sites, has been reported;

Whereas, among many other examples of the dramatic rise of anti-Semitism around the world, over 220 anti-Semitic incidents have been reported to the Community Security Trust in London since December 27, 2008, approximately eight times the number recorded during the same period last year, and the main Jewish association in France, *Counsel Représentatif des Institutions Juives de France*, recorded more than 100 attacks in January, including car bombs launched at synagogues, a difference from 20 to 25 a month for the previous year;

Whereas, interspersed with expressions of legitimate criticism of Israeli policy and actions, anti-Semitic imagery and comparisons of Jews and Israel to Nazis have been widespread at demonstrations in the United States, Europe, and Latin America against Israel's actions, and placards held at many demonstrations across the globe have compared Israeli leaders to Nazis, accused Israel of carrying out a "Holocaust" against Palestinians, and equated the Jewish Star of David with the Nazi swastika;

Whereas, in some countries, demonstrations have included chants of "death to Israel", expressions of support for suicide terrorism against Israeli or Jewish civilians, and have been followed by violence and vandalism against synagogues and Jewish institutions;

Whereas some government leaders have exemplified courage and resolve against this trend, including President Nicolas Sarkozy of France, who said he "utterly condemned the unacceptable violence, under the pretext of this conflict, against individuals, private property, and religious buildings", and assured "that these acts would not go unpunished", Justice Minister of the Netherlands Ernst Hirsch Ballin, who announced on January 14, 2009, that he would investigate allegations of anti-Semitism and incitement to hatred and violence at anti-Israel demonstrations, and parliamentarians who have voiced concern, such as the British Parliament's All-Party Group Against Anti-Semitism, which expressed its "horror as a wave of anti-Semitic incidents has affected the Jewish community";

Whereas, despite these actions, too few government leaders in Europe, the Middle East, and Latin America have taken action against the anti-Semitic environments in their countries and in some cases have even promoted violence;

Whereas other leaders have made hostile pronouncements against Israel and Jews, including the President of Venezuela, Hugo Chavez, who called Israel's actions a "Holocaust against the Palestinian people" and singled out Venezuela's Jewish community, demanding that they publicly renounce Israel's "barbaric acts" and in so doing implying that the Jewish community is co-responsible for any actions by the Government of Israel and thus a legitimate target, the leader of Hamas, Mahmoud al-Zahar, who recently called for Jewish children to be attacked around the world, and the Supreme Leader of Iran, Ayatollah Ali Khamenei, who vowed to confer the status of "martyr" on "anyone who dies in this holy struggle against World Zionism";

Whereas incitement to violence against Jews also continues in state-run media, particularly in the Middle East, where government-owned, government-sanctioned, or government-controlled publishing houses publish newspapers which promulgate anti-Jewish stereotypes and the myth of the Jewish blood libel in editorial cartoons and articles, produce and broadcast anti-Semitic dramatic and documentary series, and produce Arabic translations of anti-Semitic tracts such as "The Protocols of the Elders of Zion" and "Mein Kampf";