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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 25, 2009.

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

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

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

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

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

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

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

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

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

WELCOMING REV. RICHARD FOWLER

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

There was no objection.

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

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

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

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

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

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

ELECTING CERTAIN MINORITY MEMBERS TO A STANDING COMMITTEE

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

The Clerk read the resolution, as follows:

H. RES. 580

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

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

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

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

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There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

WELCOMING HOME PRIVATE FIRST CLASS ANDREW PARKER, AMERICAN HERO

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

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

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

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

HEALTH CARE REFORM

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

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

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

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

INVESTMENT IN AMERICAN STEEL ACT OF 2009

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

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

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

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

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

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

NORTH KOREA

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

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

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

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

THE PROUD ACT

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

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

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

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

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

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

HOT DOG DIPLOMACY

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

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

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

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

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

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

And that's just the way it is.

HONORING COACH ED THOMAS OF PARKERSBURG, IOWA

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

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

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

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

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

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

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

SMOKING IN THE MOVIES

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

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

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

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

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

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

□ 1015

HONORING TUN JUAN AGUON SANCHEZ

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

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

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

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

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

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

ALL-OF-THE-ABOVE ENERGY STRATEGY

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

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

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

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

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

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

INALIENABLE RIGHTS

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

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

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

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

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

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

NATIONAL MEDIA GIVES FREE PASS

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

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

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

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

HEALTH CARE FOR ALL

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

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

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

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

COMPREHENSIVE ENERGY PLAN NEEDED

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

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

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

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

HEALTH CARE REFORM

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

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

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

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

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

PRESERVING CAPITALISM IN AMERICA AMENDMENT

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

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

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

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

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

AMERICAN CLEAN ENERGY AND SECURITY ACT

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

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

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

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

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

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

COMPETITION IS NEEDED FOR HEALTH CARE REFORM

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

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

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

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

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

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

□ 1030

DEMOCRATIC HEALTH CARE PLAN

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

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

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

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

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

REJECT THE CAP-AND-TRADE TAX

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

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

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

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

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

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

The Clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

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

□ 1034

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

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

H.R. 2647

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2010''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Restriction on obligation of funds for army tactical radio systems.
Sec. 112. Procurement of future combat systems spin out early-infantry brigade combat team equipment.

Subtitle C—Navy Programs

Sec. 121. Littoral combat ship program.
Sec. 122. Ford-class aircraft carrier report and limitation on use of funds.
Sec. 123. Advance procurement funding.
Sec. 124. Multiyear procurement authority for F/A–18E, F/A–18F, and EA–18G aircraft.
Sec. 125. Multiyear procurement authority for DDG–51 Burke-class destroyers.

Subtitle D—Air Force Programs

Sec. 131. Repeal of certification requirement for F–22A fighter aircraft.
Sec. 132. Preservation and storage of unique tooling for F–22 fighter aircraft.
Sec. 133. Report on 4.5 generation fighter procurement.
Sec. 134. Reports on strategic airlift aircraft.
Sec. 135. Strategic airlift force structure.
Sec. 136. Repeal of requirement to maintain certain retired C–130E aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor procurement.
Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on obligation of funds for the Navy Next Generation Enterprise Network.
Sec. 212. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.
Sec. 213. Separate program elements required for research and development of individual body armor and associated components.
Sec. 214. Separate procurement and research, development, test and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.
Sec. 215. Restriction on obligation of funds pending submission of Selected Acquisition Report.
Sec. 216. Restriction on obligation of funds for Future Combat Systems program pending receipt of report.
Sec. 217. Limitation of the obligation of funds for the Net-Enabled Command and Control system.
Sec. 218. Limitation on obligation of funds for F-35 Lightning II program.
Sec. 219. Programs required to provide the Army with ground combat vehicle and self-propelled artillery capabilities.

Subtitle C—Missile Defense Programs

Sec. 221. Integrated Air and Missile Defense System project.
Sec. 222. Ground-based midcourse defense sustainment and modernization program.
Sec. 223. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.
Sec. 224. Sense of Congress reaffirming continued support for protecting the United States against limited ballistic missile attacks whether accidental, unauthorized, or deliberate.
Sec. 225. Ascent phase missile defense strategy.
Sec. 226. Availability of funds for a missile defense system for Europe and the United States.

Subtitle D—Reports

Sec. 231. Comptroller General assessment of coordination of energy storage device requirements and investments.
Sec. 232. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.
Sec. 233. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 234. Report on future research and development of man-portable and vehicle-mounted guided missile systems.

Subtitle E—Other Matters

Sec. 241. Access of the Director of the Test Resource Management Center to Department of Defense information.
Sec. 242. Inclusion in annual budget request and future-years defense program of sufficient amounts for continued development and procurement of competitive propulsion system for F-35 Lightning II.
Sec. 243. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.
Sec. 244. Extension of authority to award prizes for advanced technology achievements.
Sec. 245. Executive Agent for Advanced Energetics.
Sec. 246. Study on thorium-liquid fueled reactors for naval forces.
Sec. 247. Visiting NIH Senior Neuroscience Fellowship Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.
Sec. 312. Reauthorization of title I of Sikes Act.
Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.
Sec. 322. Time limitation on duration of public-private competitions.
Sec. 323. Inclusion of installation of major modifications in definition of depot-level maintenance and repair.
Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 325. Cost-benefit analysis of alternatives for performance of planned maintenance interval events and concurrent modifications performed on the AV-8B Harrier weapons system.
Sec. 326. Termination of certain public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 327. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 328. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.
Sec. 329. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.

Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.

Sec. 332. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.
Sec. 333. Consideration of renewable fuels.
Sec. 334. Department of Defense goal regarding procurement of renewable aviation fuels.

Subtitle E—Reports

Sec. 341. Annual report on procurement of military working dogs.

Subtitle F—Other Matters

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.
Sec. 352. Requirements for standard ground combat uniform.
Sec. 353. Restriction on use of funds for counterthreat finance efforts.
Sec. 354. Limitation on obligation of funds pending submission of classified justification material.
Sec. 355. Condition-based maintenance demonstration programs.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army active duty end strengths for fiscal years 2011 and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Submission of options for creation of Trainees, Transients, Holdees, and Students account for Army National Guard.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Repeal of delayed one-time shift of military retirement payments.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Military Personnel Policy Generally

Sec. 501. Extension of temporary increase in maximum number of days' leave members may accumulate and carryover.
Sec. 502. Rank requirement for officer serving as Chief of the Navy Dental Corps to correspond to Army and Air Force requirements.
Sec. 503. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.

Subtitle B—Joint Qualified Officers and Requirements

Sec. 511. Revisions to annual reporting requirement on joint officer management.

Subtitle C—General Service Authorities

Sec. 521. Medical examination required before separation of members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury.
Sec. 522. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.
Sec. 523. Inclusion of email address on Certificate of Release or Discharge from Active Duty (DD Form 214).

Subtitle D—Education and Training

Sec. 531. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
Sec. 532. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 533. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
Sec. 534. Pilot program to establish and evaluate Language Training Centers for members of the Armed Forces and civilian employees of the Department of Defense.
Sec. 535. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
Sec. 536. Establishment of Junior Reserve Officer's Training Corps units for students in grades above sixth grade.

Subtitle E—Defense Dependents' Education

Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 552. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
Sec. 553. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Subtitle F—Missing or Deceased Persons

Sec. 561. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.
Sec. 562. Clarification of guidelines regarding return of remains and media access at ceremonies for the dignified transfer of remains at Dover Air Force Base.

Subtitle G—Decorations and Awards

Sec. 571. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.
Sec. 572. Authorization and request for award of Medal of Honor to Anthony T. Koho'ohanohano for acts of valor during the Korean War.
Sec. 573. Authorization and request for award of distinguished-service cross to Jack T. Stewart for acts of valor during the Vietnam War.
Sec. 574. Authorization and request for award of distinguished-service cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle H—Military Families

Sec. 581. Pilot program to secure internships for military spouses with Federal agencies.
Sec. 582. Report on progress made in implementing recommendations to reduce domestic violence in military families.
Sec. 583. Modification of Servicemembers Civil Relief Act regarding termination or suspension of service contracts and effect of violation of interest rate limitation.
Sec. 584. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.
Sec. 585. Definitions in Family and Medical Leave Act of 1993 related to active duty, servicemembers, and related matters.

Subtitle I—Other Matters

Sec. 591. Navy grants to Naval Sea Cadet Corps.
Sec. 592. Improved response and investigation of allegations of sexual assault involving members of the Armed Forces.
Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.
Sec. 602. Special monthly compensation allowance for members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.
Sec. 603. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
Sec. 604. Report on housing standards used to determine basic allowance for housing.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.
Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.
Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States.
Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members for duration of inpatient treatment.

Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.

Sec. 634. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.

Sec. 642. Election to receive retired pay for nonregular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.

Sec. 652. Limitation on Department of Defense entities offering personal information services to members and their dependents.

Sec. 653. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.

Sec. 662. Army authority to provide additional recruitment incentives.

Sec. 663. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.

Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

Sec. 702. Chiropractic health care for members on active duty.

Sec. 703. Expansion of survivor eligibility under TRICARE dental program.

Sec. 704. TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a nonregular retirement but are not yet age 60.

Sec. 705. Cooperative health care agreements between military installations and non-military health care systems.

Sec. 706. Health care for members of the reserve components.

Sec. 707. National casualty care research center.

Subtitle B—Reports

Sec. 711. Report on post-traumatic stress disorder efforts.

Sec. 712. Report on the feasibility of TRICARE Prime in certain commonwealths and territories of the United States.

Sec. 713. Report on the health care needs of military family members.

Sec. 714. Report on stipends for members of reserve components for health care for certain dependents.

Sec. 715. Report on the required number of military mental health providers.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; Report.

Sec. 802. Assessment of improvements in service contracting.

Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.

Sec. 804. Demonstration authority for alternative acquisition process for defense information technology programs.

Sec. 805. Limitation on performance of product support integrator functions.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Revision of Defense Supplement relating to payment of costs prior to definitization.

Sec. 812. Revisions to definitions relating to contracts in Iraq and Afghanistan.

Sec. 813. Amendment to notification requirements for awards of single source task or delivery orders.

Sec. 814. Clarification of uniform suspension and debarment requirement.

Sec. 815. Extension of authority for use of simplified acquisition procedures for certain commercial items.

Sec. 816. Revision to definitions of major defense acquisition program and major automated information system.

Sec. 817. Small Arms Production Industrial Base.

Sec. 818. Publication of justification for bundling of contracts of the Department of Defense.

Sec. 819. Contract authority for advanced component development or prototype units.

Subtitle C—Other Matters

Sec. 821. Enhanced expedited hiring authority for defense acquisition workforce positions.

Sec. 822. Acquisition Workforce Development Fund amendments.

Sec. 823. Reports to Congress on full deployment decisions for major automated information system programs.

Sec. 824. Requirement for Secretary of Defense to deny award and incentive fees to companies found to jeopardize health or safety of Government personnel.

Sec. 825. Authorization for actions to correct the industrial resource shortfall for high-purity beryllium metal in amounts not in excess of $85,000,000.

Sec. 826. Review of post employment restrictions applicable to the Department of Defense.

Sec. 827. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.

Sec. 828. Findings and report on the usage of rare earth materials in the defense supply chain.

Sec. 829. Furniture standards.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Role of commander of special operations command regarding personnel management policy and plans affecting special operations forces.

Sec. 902. Special operations activities.

Sec. 903. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Sec. 904. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.

Sec. 905. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

Sec. 906. Requirement for Director of Operational Energy Plans and Programs to report directly to Secretary of Defense.

Sec. 907. Increased flexibility for Combatant Commander Initiative Fund.

Sec. 908. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.

Sec. 909. Recommendations to Congress by members of Joint Chiefs of Staff.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.

Sec. 912. Converting the space surveillance network pilot program to a permanent program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Joint Program Office for Cyber Operations Capabilities.

Sec. 932. Defense Integrated Military Human Resources System Transition Council.

Sec. 933. Department of Defense School of Nursing revisions.

Sec. 934. Report on special operations command organization, manning, and management.

Sec. 935. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Incorporation of funding decisions into law.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

Sec. 1011. One-year extension of Department of Defense counter-drug authorities and requirements.

Sec. 1012. Joint task forces support to law enforcement agencies conducting counter-terrorism activities.

Sec. 1013. Border coordination centers in Afghanistan and Pakistan.

Sec. 1014. Comptroller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

Sec. 1021. Operational procedures for experimental military prototypes.

Sec. 1022. Temporary reduction in minimum number of operational aircraft carriers.

Sec. 1023. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1024. Charter for the National Reconnaissance Office.

Subtitle D—Studies and Reports

Sec. 1031. Report on statutory compliance of the report on the 2009 quadrennial defense review.
Sec. 1032. Report on the force structure findings of the 2009 quadrennial defense review.
Sec. 1033. Sense of Congress and amendment relating to quadrennial defense review.
Sec. 1034. Strategic review of basing plans for United States European Command.
Sec. 1035. National Defense Panel.
Sec. 1036. Report required on notification of detainees of rights under Miranda v. Arizona.
Sec. 1037. Annual report on the electronic warfare strategy of the Department of Defense.
Sec. 1038. Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operations.

Subtitle E—Other Matters

Sec. 1041. Prohibition relating to propaganda.
Sec. 1042. Extension of certain authority for making rewards for combating terrorism.
Sec. 1043. Technical and clerical amendments.
Sec. 1044. Repeal of pilot program on commercial fee-for-service air refueling support for the Air Force.
Sec. 1045. Extension of sunset for congressional commission on the strategic posture of the United States.
Sec. 1046. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
Sec. 1047. Combat air forces restructuring.
Sec. 1048. Sense of Congress honoring the Honorable Ellen O. Tauscher.
Sec. 1049. Sense of Congress concerning the disposition of Submarine NR-1.
Sec. 1050. Compliance with requirement for plan on the disposition of detainees at Naval Station, Guantanamo Bay, Cuba.
Sec. 1051. Sense of Congress regarding carrier air wing force structure.
Sec. 1052. Sense of Congress on Department of Defense financial improvement and audit readiness; plan.
Sec. 1053. Justice for victims of torture and terrorism.
Sec. 1054. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs of the United States.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Authority to employ individuals completing the National Security Education Program.
Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.
Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.
Sec. 1104. Additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.
Sec. 1105. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1106. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.
Sec. 1107. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.
Sec. 1108. Requirement for Department of Defense strategic workforce plans.
Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.
Sec. 1110. Modification to Department of Defense laboratory personnel authority.
Sec. 1111. Pilot program for the temporary exchange of information technology personnel.
Sec. 1112. Provisions relating to the National Security Personnel System.
Sec. 1113. Provisions relating to the Defense Civilian Intelligence Personnel System.
Sec. 1114. Sense of Congress on pay parity for Federal employees service at Joint Base McGuire/Dix/Lakehurst.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Modification and extension of authority for security and stabilization assistance.
Sec. 1202. Increase of authority for support of special operations to combat terrorism.
Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.
Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Reauthorization of Commanders' Emergency Response Program.
Sec. 1213. Reimbursement of certain Coalition nations for support provided to United States military operations.
Sec. 1214. Pakistan Counterinsurgency Fund.
Sec. 1215. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.
Sec. 1216. Reports on campaign plans for Iraq and Afghanistan.
Sec. 1217. Required assessments of United States efforts in Afghanistan.
Sec. 1218. Report on responsible redeployment of United States Armed Forces from Iraq.
Sec. 1219. Report on Afghan Public Protection Program.
Sec. 1220. Updates of report on command and control structure for military forces operating in Afghanistan.
Sec. 1221. Report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.
Sec. 1222. Assessment and report on United States-Pakistan military relations and cooperation.
Sec. 1223. Required assessments of progress toward security and stability in Pakistan.
Sec. 1224. Repeal of GAO war-related reporting requirement.
Sec. 1225. Plan to govern the disposition of specified defense items in Iraq.
Sec. 1226. Civilian ministry of defense advisor program.
Sec. 1227. Report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations.
Sec. 1228. Sense of Congress supporting United States policy for Afghanistan.
Sec. 1229. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.

Subtitle C—Other Matters

Sec. 1231. NATO Special Operations Coordination Center.
Sec. 1232. Annual report on military power of the Islamic Republic of Iran.
Sec. 1233. Annual report on military and security developments involving the People's Republic of China.
Sec. 1234. Report on impacts of drawdown authorities on the Department of Defense.
Sec. 1235. Risk assessment of United States space export control policy.
Sec. 1236. Patriot air and missile defense battery in Poland.
Sec. 1237. Report on potential foreign military sales of the F-22A fighter aircraft to Japan.
Sec. 1238. Expansion of United States-Russian Federation joint center to include exchange of data on missile defense.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.
Sec. 1304. National Academy of Sciences study of metrics for the Cooperative Threat Reduction Program.
Sec. 1305. Cooperative Threat Reduction program authority for urgent threat reduction activities.
Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.
Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Limitation on obligation of funds for Joint Improvised Explosive Device Defeat Organization pending report to Congress.

Sec. 1505. Navy and Marine Corps procurement.
Sec. 1506. Air Force procurement.
Sec. 1507. Defense-wide activities procurement.
Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Working capital funds.
Sec. 1512. Military personnel.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Iraq Freedom Fund.
Sec. 1515. Other Department of Defense programs.
Sec. 1516. Limitations on Iraq Security Forces Fund.
Sec. 1517. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1518. Special transfer authority.
Sec. 1519. Treatment as additional authorizations.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
Sec. 2003. Effective date.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2006 projects.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorization of appropriations, Defense Agencies.
Sec. 2403. Modification of authority to carry out certain fiscal year 2008 project.
Sec. 2404. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2405. Extension of authorizations of certain fiscal year 2007 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Use of economic development conveyances to implement base closure and realignment property recommendations.

Subtitle C—Other Matters

Sec. 2721. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.
Sec. 2722. Modification of closure instructions regarding Paul Doble Army Reserve Center, Portsmouth, New Hampshire.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of unspecified minor construction authorities.
Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
Sec. 2803. Authorized scope of work variations for military construction projects and military family housing projects.
Sec. 2804. Imposition of requirement that acquisition of reserve component facilities be authorized by law.
Sec. 2805. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2807. Expansion of First Sergeants Barracks Initiative.
Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Imposition of requirement that leases of real property to the United States with annual rental costs of more than $750,000 be authorized by law.
Sec. 2812. Consolidation of notice-and-wait requirements applicable to leases of real property owned by the United States.
Sec. 2813. Clarification of authority of military departments to acquire low-cost interests in land and interests in land when need is urgent.
Sec. 2814. Modification of utility systems conveyance authority.
Sec. 2815. Decontamination and use of former bombardment area on island of Culebra.
Sec. 2816. Disposal of excess property of Armed Forces Retirement Home.
Sec. 2817. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
Sec. 2818. Limitation on establishment of Navy outlying landing fields.
Sec. 2819. Prohibition on outlying landing field at Sandbanks or Hale's Lake, North Carolina, for Oceana Naval Air Station.
Sec. 2820. Selection of military installations to serve as locations of brigade combat teams.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2831. Role of Under Secretary of Defense for Policy in management and coordination of Department of Defense activities relating to Guam realignment.
Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.
Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
Sec. 2835. Interagency Coordination Group of Inspector Generals for Guam Realignment.
Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.
Sec. 2837. Report and sense of Congress on Marine Corps training requirements in Asia-Pacific region.

Subtitle D—Energy Security

Sec. 2841. Adoption of unified energy monitoring and management system specification for military construction and military family housing activities.
Sec. 2842. Department of Defense use of electric and hybrid motor vehicles.
Sec. 2843. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
Sec. 2844. Comptroller General report on Department of Defense renewable energy initiatives.

Sec. 2845. Study on development of nuclear power plants on military installations.

Subtitle E—Land Conveyances

Sec. 2851. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
Sec. 2852. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
Sec. 2853. Modification of land conveyance, former Griffiss Air Force Base, New York.
Sec. 2854. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
Sec. 2855. Land conveyance, Naval Air Station Oceana, Virginia.
Sec. 2856. Land conveyance, Haines Tank Farm, Haines, Alaska.
Sec. 2857. Completion of land exchange and consolidation, Fort Lewis, Washington.

Subtitle F—Other Matters

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.
Sec. 2872. Naming of child development center at Fort Leonard Wood, Missouri, in honor of Mr. S. Lee Kling.
Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.
Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Air Force construction and land acquisition projects.
Sec. 2903. Construction authorization for facilities for Office of Defense Representative-Pakistan.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Stockpile stewardship program.
Sec. 3112. Stockpile management program.
Sec. 3113. Plan for execution of stockpile stewardship and stockpile management programs.
Sec. 3114. Dual validation of annual weapons assessment and certification.
Sec. 3115. Annual long-term plan for the modernization and refurbishment of the nuclear security complex.

Subtitle C—Reports

Sec. 3121. Comptroller General review of management and operations contract costs for national security laboratories.
Sec. 3122. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2010.
Sec. 3502. Liquidation of unused leave balance at the United States Merchant Marine Academy.
Sec. 3503. Adjunct professors.
Sec. 3504. Maritime loan guarantee program.
Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
Sec. 3506. Technical corrections to State maritime academies student incentive program.
Sec. 3507. Limitation on disposal of interest in certain vessels.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Rapid Acquisition Fund.

Subtitle B—Army Programs

Sec. 111. Restriction on obligation of funds for army tactical radio systems.
Sec. 112. Procurement of future combat systems spin out early-infantry brigade combat team equipment.

Subtitle C—Navy Programs

Sec. 121. Littoral combat ship program.
Sec. 122. Ford-class aircraft carrier report and limitation on use of funds.
Sec. 123. Advance procurement funding.
Sec. 124. Multiyear procurement authority for F/A–18E, F/A–18F, and EA–18G aircraft.
Sec. 125. Multiyear procurement authority for DDG–51 Burke-class destroyers.

Subtitle D—Air Force Programs

Sec. 131. Repeal of certification requirement for F–22A fighter aircraft.
Sec. 132. Preservation and storage of unique tooling for F–22 fighter aircraft.
Sec. 133. Report on 4.5 generation fighter procurement.
Sec. 134. Reports on strategic airlift aircraft.
Sec. 135. Strategic airlift force structure.
Sec. 136. Repeal of requirement to maintain certain retired C–130E aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor procurement.
Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $4,828,632,000.

(2) For missiles, $1,320,109,000.

(3) For weapons and tracked combat vehicles, $2,500,952,000.

(4) For ammunition, $2,070,095,000.

(5) For other procurement, $9,762,539,000.

SEC. 102. NAVY AND MARINE CORPS.

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

(1) For aircraft, $18,102,112,000.

(2) For weapons, including missiles and torpedoes, $3,453,455,000.

(3) For shipbuilding and conversion, $13,786,867,000.

(4) For other procurement, $5,689,176,000.

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

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

SEC. 103. AIR FORCE.

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

(1) For aircraft, $11,991,991,000.

(2) For ammunition, $822,462,000.

(3) For missiles, $6,211,628,000.

(4) For other procurement, $17,299,841,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

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

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

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

SEC. 106. RAPID ACQUISITION FUND.

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

Subtitle B—Army Programs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Future Combat Systems unattended ground sensors.

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

(4) Future Combat Systems small unmanned ground vehicles.

(5) Future Combat Systems integrated control system computers.

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

Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

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

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

(1) is unable to—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) the total number of such elements anticipated.

(3) Actual and estimated costs associated with—

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

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

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

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

(e) DEFINITIONS.—In this section:

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

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

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

(g) EFFECTIVE DATE.—

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

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

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

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

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

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

(i) the cost of either such variant; and

(ii) the warfighting utility of such vessel.

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

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

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

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

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

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

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

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

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

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

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

(1) With respect to the supplier base—

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

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

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

(3) Loss of expertise associated with ship construction.

(4) The costs of—

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

(B) material and labor;

(C) overhead; and

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

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

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

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

SEC. 123. ADVANCE PROCUREMENT FUNDING.

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

(1) Components, parts, or materiel.

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

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

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

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

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

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

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

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

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

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

Subtitle D—Air Force Programs

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

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

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

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

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

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

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

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

SEC. 133. REPORT ON 4.5 GENERATION FIGHTER PROCUREMENT.

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

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

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

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

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

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

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

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

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

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

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

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

SEC. 134. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

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

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

(A) the type;

(B) the variant; and

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

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

(A) the type;

(B) the variant; and

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

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

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

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

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

SEC. 135. STRATEGIC AIRLIFT FORCE STRUCTURE.

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

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

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

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

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

(1) by striking subsection (c);

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

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

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

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

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

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

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on obligation of funds for the Navy Next Generation Enterprise Network.

Sec. 212. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.

Sec. 213. Separate program elements required for research and development of individual body armor and associated components.

Sec. 214. Separate procurement and research, development, test and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.

Sec. 215. Restriction on obligation of funds pending submission of Selected Acquisition Report.

Sec. 216. Restriction on obligation of funds for Future Combat Systems program pending receipt of report.

Sec. 217. Limitation of the obligation of funds for the Net-Enabled Command and Control system.

Sec. 218. Limitation on obligation of funds for F-35 Lightning II program.

Sec. 219. Programs required to provide the Army with ground combat vehicle and self-propelled artillery capabilities.

Subtitle C—Missile Defense Programs

Sec. 221. Integrated Air and Missile Defense System project.

Sec. 222. Ground-based midcourse defense sustainment and modernization program.

Sec. 223. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.
Sec. 224. Sense of Congress reaffirming continued support for protecting the United States against limited ballistic missile attacks whether accidental, unauthorized, or deliberate.
Sec. 225. Ascent phase missile defense strategy.
Sec. 226. Availability of funds for a missile defense system for Europe and the United States.

Subtitle D—Reports

Sec. 231. Comptroller General assessment of coordination of energy storage device requirements and investments.
Sec. 232. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.
Sec. 233. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 234. Report on future research and development of man-portable and vehicle-mounted guided missile systems.

Subtitle E—Other Matters

Sec. 241. Access of the Director of the Test Resource Management Center to Department of Defense information.
Sec. 242. Inclusion in annual budget request and future-years defense program of sufficient amounts for continued development and procurement of competitive propulsion system for F-35 Lightning II.
Sec. 243. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.
Sec. 244. Extension of authority to award prizes for advanced technology achievements.
Sec. 245. Executive Agent for Advanced Energetics.
Sec. 246. Study on thorium-liquid fueled reactors for naval forces.
Sec. 247. Visiting NIH Senior Neuroscience Fellowship Program.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

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

Subtitle B—Program Requirements, Restrictions, and Limitations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Future Combat Systems program.

(2) Warfighter information network tactical program.

(3) Stryker vehicle program.

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

(5) Bradley Base Sustain program.

(6) Abrams Tank Improvement program.

(7) Javelin program.

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

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

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

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

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

(1) 33158k.

(2) 33158a.

(3) 33158n.

(4) 33158m.

(5) 33158f.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) automated ammunition handling;

(B) laser ignition;

(C) improved ballistic accuracy;

(D) automated crew compartments;

(E) hybrid-electric power; and

(F) band track.

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

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

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

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

(3) Artillery Systems, program element 0604854A.

Subtitle C—Missile Defense Programs

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

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

(1) carried out a review of the project;

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

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

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

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

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

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

(1) Sustainment and operations.

(2) Aging and surveillance.

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

(4) Ground and flight testing.

(5) Readiness exercises.

(6) Modernization and enhancement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 225. ASCENT PHASE MISSILE DEFENSE STRATEGY.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle D—Reports

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle E—Other Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 245. EXECUTIVE AGENT FOR ADVANCED ENERGETICS.

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

(b) ROLES, RESPONSIBILITIES, AND AUTHORITIES.—

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

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

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

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

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

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

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

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

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

(d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

(B) security of fuel supply;

(C) power needs for advanced weapons and sensors;

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

(E) no requirement to refuel and reduced logistics;

(F) ship upgrades and retrofitting;

(G) reduced manning;

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

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

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

(K) high power density propulsion;

(L) operational tempo;

(M) operational effectiveness; and

(N) estimated cost-effectiveness; and

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

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

(B) nuclear proliferation issues;

(C) reactor safety;

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

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

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

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

SEC. 247. VISITING NIH SENIOR NEUROSCIENCE FELLOWSHIP PROGRAM.

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

(1) the Defense Advanced Research Projects Agency; and

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

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

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

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

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

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

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

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.

Sec. 312. Reauthorization of title I of Sikes Act.

Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.

Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.

Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.

Sec. 322. Time limitation on duration of public-private competitions.

Sec. 323. Inclusion of installation of major modifications in definition of depot-level maintenance and repair.

Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.

Sec. 325. Cost-benefit analysis of alternatives for performance of planned maintenance interval events and concurrent modifications performed on the AV-8B Harrier weapons system.

Sec. 326. Termination of certain public-private competitions for conversion of Department of Defense functions to performance by a contractor.

Sec. 327. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.

Sec. 328. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.

Sec. 329. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.

Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.

Sec. 332. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.

Sec. 333. Consideration of renewable fuels.

Sec. 334. Department of Defense goal regarding procurement of renewable aviation fuels.

Subtitle E—Reports

Sec. 341. Annual report on procurement of military working dogs.

Subtitle F—Other Matters

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.

Sec. 352. Requirements for standard ground combat uniform.

Sec. 353. Restriction on use of funds for counterthreat finance efforts.

Sec. 354. Limitation on obligation of funds pending submission of classified justification material.

Sec. 355. Condition-based maintenance demonstration programs.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle B—Environmental Provisions

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

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

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

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

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

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

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

''(A) Operation and maintenance.

''(B) Military construction.

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

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

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

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

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

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

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

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

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

(1) in subsection (a)—

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

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

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

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

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

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

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

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

(a) AUTHORITY TO REIMBURSE.—

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

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

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

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

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

Subtitle C—Workplace and Depot Issues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) REVIEW AND APPROVAL PROCESS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) PREJUDICE TO FEDERAL EMPLOYEES.—

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

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

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

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

(2) CONFORMING AND CLERICAL AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle D—Energy Security

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

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

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

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

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

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

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

SEC. 333. CONSIDERATION OF RENEWABLE FUELS.

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle E—Reports

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

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

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

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

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

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

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

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

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

Subtitle F—Other Matters

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

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

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

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

(1) how the authority was used;

(2) the frequency of use of the authority;

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

(4) for which agencies the authority was used.

SEC. 352. REQUIREMENTS FOR STANDARD GROUND COMBAT UNIFORM.

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

(1) increase the interoperability of ground combat forces;

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

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

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

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

(6) minimize production costs; and

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

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

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

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

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

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

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

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

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

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

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

SEC. 355. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

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

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

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

(1) the top 10 maintenance issues;

(2) non-evidence of failures; and

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

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

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

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

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

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

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army active duty end strengths for fiscal years 2011 and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Submission of options for creation of Trainees, Transients, Holdees, and Students account for Army National Guard.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Repeal of delayed one-time shift of military retirement payments.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

(1) The Army, 547,400.

(2) The Navy, 328,800.

(3) The Marine Corps, 202,100.

(4) The Air Force, 331,700.

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

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

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

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

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

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

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

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

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

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

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

(A) to support operational missions; and

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

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

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

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

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

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

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

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

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

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

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

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

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

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

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

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

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,818.

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

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

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

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

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

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

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

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

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

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

(a) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

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

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

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

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

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

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

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

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

(1) FINDINGS.—Congress finds the following:

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

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

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

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

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Military Personnel Policy Generally

Sec. 501. Extension of temporary increase in maximum number of days' leave members may accumulate and carryover.

Sec. 502. Rank requirement for officer serving as Chief of the Navy Dental Corps to correspond to Army and Air Force requirements.

Sec. 503. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.

Subtitle B—Joint Qualified Officers and Requirements

Sec. 511. Revisions to annual reporting requirement on joint officer management.

Subtitle C—General Service Authorities

Sec. 521. Medical examination required before separation of members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury.

Sec. 522. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.

Sec. 523. Inclusion of email address on Certificate of Release or Discharge from Active Duty (DD Form 214).

Subtitle D—Education and Training

Sec. 531. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.

Sec. 532. Increase in number of private sector civilians authorized for admission to National Defense University.

Sec. 533. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.

Sec. 534. Pilot program to establish and evaluate Language Training Centers for members of the Armed Forces and civilian employees of the Department of Defense.

Sec. 535. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.

Sec. 536. Establishment of Junior Reserve Officer's Training Corps units for students in grades above sixth grade.

Subtitle E—Defense Dependents' Education

Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 552. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.

Sec. 553. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Subtitle F—Missing or Deceased Persons

Sec. 561. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.

Sec. 562. Clarification of guidelines regarding return of remains and media access at ceremonies for the dignified transfer of remains at Dover Air Force Base.

Subtitle G—Decorations and Awards

Sec. 571. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.

Sec. 572. Authorization and request for award of Medal of Honor to Anthony T. Koho'ohanohano for acts of valor during the Korean War.

Sec. 573. Authorization and request for award of distinguished-service cross to Jack T. Stewart for acts of valor during the Vietnam War.

Sec. 574. Authorization and request for award of distinguished-service cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle H—Military Families

Sec. 581. Pilot program to secure internships for military spouses with Federal agencies.

Sec. 582. Report on progress made in implementing recommendations to reduce domestic violence in military families.

Sec. 583. Modification of Servicemembers Civil Relief Act regarding termination or suspension of service contracts and effect of violation of interest rate limitation.

Sec. 584. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.

Sec. 585. Definitions in Family and Medical Leave Act of 1993 related to active duty, servicemembers, and related matters.

Subtitle I—Other Matters

Sec. 591. Navy grants to Naval Sea Cadet Corps.

Sec. 592. Improved response and investigation of allegations of sexual assault involving members of the Armed Forces.

Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.

Subtitle A—Military Personnel Policy Generally

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

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

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

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

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

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

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

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

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

Subtitle B—Joint Qualified Officers and Requirements

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

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

(1) in paragraph (1)—

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

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

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

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

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

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

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

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

''(A) The Joint Forces Staff College.

''(B) The National Defense University.

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

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

Subtitle C—General Service Authorities

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

(a) MEDICAL EXAMINATION REQUIRED.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle D—Education and Training

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

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

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

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

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

SEC. 532. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking ''10 full-time student positions'' and inserting ''20 full-time student positions''.

SEC. 533. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking ''One cadet'' and inserting ''Two cadets''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking ''One'' and inserting ''Two''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking ''One cadet'' and inserting ''Two cadets''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 534. PILOT PROGRAM TO ESTABLISH AND EVALUATE LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to establish at least three Language Training Centers at accredited universities, senior military colleges, or other similar institutions of higher education to create the foundational critical and strategic language and regional area expertise, as defined by the Secretary of Defense, for members of the Armed Forces, including reserve component members and Reserve Officers' Training Corps candidates, and civilian employees of the Department of Defense.

(b) DURATION.—

(1) TERMINATION DATE.—The Language Training Centers under the pilot program shall be established not later than October 1, 2010, and the authority to support the Language Training Centers under the pilot program shall terminate on September 30, 2015.

(2) EFFECT ON PARTICIPANTS.—Students participating in the pilot program before the termination date specified in paragraph (1) may be allowed to complete their studies under the program after that date.

(c) PILOT PROGRAM REQUIREMENTS.—At a minimum, the Language Training Centers shall—

(1) develop a program to graduate members of the Armed Forces and civilian employees of the Department who are skilled in critical and strategic languages from beginning through advanced skill levels;

(2) develop language proficiency training programs in designated critical and strategic languages tailored to meet operational readiness requirements;

(3) develop alternative training delivery systems and modalities to meet language and regional area requirements, prior to deployment, during deployment, and post-deployment;

(4) develop critical and strategic language programs that can be incorporated into Reserve Officers' Training Corps units to develop language skills among future military officers;

(5) develop training and education programs that would expand the pool of qualified instructors and educators for the Armed Forces; and

(6) develop a program to encourage native and heritage speakers of critical and strategic languages for recruitment into the Department of Defense or support the Civilian Linguist Reserve Corps.

(d) PROGRAM EXPANSION.—The Language Training Centers may partner with elementary and secondary educational institutions to help develop critical and strategic language skills in students who may pursue a military career.

(e) PROGRAM COORDINATION.—The Secretary of Defense shall ensure that the Language Training Centers build upon and take advantage of the experience and leadership of the National Security Education Program and the Defense Language Institute.

(f) EVALUATION.—The Secretary of Defense shall evaluate each Language Training Center in order to assess the cost and the effectiveness of the pilot program, including the following:

(1) The success of the Language Training Center in providing critical and strategic language capabilities to members and Department of Defense employees.

(2) The ability of the Language Training Center to create foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap;

(g) REPORT TO CONGRESS.—Not later than December 31, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program. The report shall include the following:

(1) A description of each Language Training Center.

(2) An assessment of the effectiveness and the cost of the pilot program taken to create the foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap.

(3) The success of each Language Training Center to provide critical and strategic language capabilities to members and Department of Defense employees.

(4) Recommendations as to whether the pilot programs should be continued, and any modifications that may be necessary to continue the program.

SEC. 535. USE OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.

(a) ADDITIONAL ELEMENT WITHIN SCHOLARSHIP PROGRAM.—Section 2121(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) by striking ''in the various health professions'' and inserting ''(A) in the various health professions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces''; and

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

''(2) Under the program of a military department, the Secretary of that military department shall allocate a portion of the total number of scholarships to members of the program described in paragraph (1)(B) for the purpose of assisting such members to pursue a degree at the masters and doctoral level in any of the following disciplines:

''(A) Social work.

''(B) Clinical psychology.

''(C) Psychiatry.

''(D) Other disciplines that contribute to mental health care programs in that military department.''.

(b) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—Section 2124 of such title is amended—

(1) by striking ''The number'' and inserting ''(a) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—The number'';

(2) by striking ''6,000'' and inserting ''6,300''; and

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

''(b) MENTAL HEALTH PROFESSIONALS.—Of the number of persons designated as members of the program at any time, 300 may be members of the program described in section 2121(a)(1)(B) of this title.''.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $20,000,000 shall be available to cover the additional costs incurred to implement the amendments made by this section.

SEC. 536. ESTABLISHMENT OF JUNIOR RESERVE OFFICER'S TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In addition to units of the Junior Reserve Officers' Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each military department may carry out a pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the Corps who, notwithstanding the limitation in subsection (b)(1), are in a grade above the sixth grade.

''(2) A unit of the Junior Reserve Officers' Training Corps established and supported under the pilot program must meet the requirements of this section, except—

''(A) as provided in paragraph (1) with respect to the grades in which students are enrolled; and

''(B) that the Secretary of the military department concerned may authorize a course of military instruction of not less than two academic years' duration, notwithstanding subsection (b)(3).

''(3) The Secretary of the military department concerned shall conduct a review of the pilot program. The review shall include an evaluation of what impacts, if any, the pilot program may have on the operation of the Junior Reserve Officers' Training Corps in secondary educational institutions.''.

Subtitle E—Defense Dependents' Education

SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 552. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking ''6,500'' and inserting ''5,000''.

SEC. 553. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) PERMANENT ENROLLMENT AUTHORITY.—Subsection (a)(2) of section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended by striking '', and only through the 2010-2011 school year''.

(b) COMBATANT COMMANDER ADVICE AND ASSISTANCE.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: ''The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.''.

Subtitle F—Missing or Deceased Persons

SEC. 561. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF NEW SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—Section 1509 of title 10, United States Code, is amended to read as follows:

''§ 1509. Program to resolve preenactment missing person cases

''(a) PROGRAM REQUIRED; COVERED CONFLICTS.—The Secretary of Defense shall implement a comprehensive, coordinated, integrated, and fully resourced program to account for persons described in subparagraph (A) or (B) of section 1513(1) of this title who are unaccounted for from the following conflicts:

''(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the Armed Forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 624; 10 U.S.C. 1501 note).

''(2) The Cold War during the period beginning on September 2, 1945, and ending on August 21, 1991.

''(3) The Korean War during the period beginning on June 27, 1950, and ending on January 31, 1955.

''(4) The Indochina War era during the period beginning on July 8, 1959, and ending on May 15, 1975.

''(5) The Persian Gulf War during the period beginning on August 2, 1990, and ending on February 28, 1991.

''(6) Such other conflicts in which members of the armed forces served as the Secretary of Defense may designate.

''(b) IMPLEMENTATION PROCESS.—(1) The Secretary of Defense shall implement the program within the Department of Defense POW/MIA accounting community.

''(2) For purposes of paragraph (1), the term 'POW/MIA accounting community' means—

''(A) The Defense Prisoner of War/Missing Personnel Office (DPMO).

''(B) The Joint POW/MIA Accounting Command (JPAC).

''(C) The Armed Forces DNA Identification Laboratory (AFDIL).

''(D) The Life Sciences Equipment Laboratory of the Air Force (LSEL).

''(E) The casualty and mortuary affairs offices of the military departments.

''(F) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for, such as the Stony Beach Program.

''(c) TREATMENT AS MISSING PERSONS.—Each unaccounted for person covered by subsection (a) shall be considered to be a missing person for purposes of the applicability of other provisions of this chapter to the person.

''(d) ESTABLISHMENT OF PERSONNEL FILES.—(1) The Secretary of Defense shall ensure that a personnel file is established and maintained for each person covered by subsection (a) if the Secretary—

''(A) possesses any information relevant to the status of the person; or

''(B) receives any new information regarding the missing person as provided in subsection (d).

''(2) The Secretary of Defense shall ensure that each file established under this subsection contains all relevant information pertaining to a person covered by subsection (a) and is readily accessible to all elements of the department, the combatant commands, and the armed forces involved in the effort to account for the person.

''(3) Each file established under this subsection shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person otherwise subject to such section.

''(e) REVIEW OF STATUS REQUIREMENTS.—(1) If new information (as described in paragraph (3)) is found or received that may be related to one or more unaccounted for persons covered by subsection (a), whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person, that information shall be provided to the Secretary of Defense.

''(2) Upon receipt of new information under paragraph (1), the Secretary shall ensure that—

''(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this title, relating to addition of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

''(B) the information is treated under paragraph (3) of subsection (c) and subsection (d) of such section, relating to a board review under such section, in the same manner as information received under paragraph (1) of such subsection (c).

''(3) For purposes of this subsection, new information is information that is credible and that—

''(A) is found or received after November 18, 1997, by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

''(B) is identified after November 18, 1997, in records of the United States as information that could be relevant to the case of one or more unaccounted for persons covered by subsection (a).

''(f) COORDINATION REQUIREMENTS.—(1) In establishing and carrying out the program, the Secretary of Defense shall coordinate with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the combatant commanders.

''(2) In carrying out the program, the Secretary of Defense shall establish close coordination with the Department of State, the Central Intelligence Agency, and the National Security Council to enhance the ability of the Department of Defense POW/MIA accounting community to account for persons covered by subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new section:

''1509. Program to resolve preenactment missing person cases.''.

(c) CONFORMING AMENDMENT.—Section 1513(1) of such title is amended in the matter after subparagraph (B) by striking ''section 1509(b) of this title who is required by section 1509(a)(1) of this title'' and inserting ''subsection (a) of section 1509 of this title who is required by subsection (b) of such section''.

(d) IMPLEMENTATION.—

(1) PRIORITY.—A priority of the program required by section 1509 of title 10, United States Code, as amended by subsection (a), to resolve missing person cases arising before the enactment of chapter 76 of such title by section 569 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 336) shall be the return of missing persons to United States control alive.

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United

States Code, shall take such measures as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and combatant commanders to account for missing persons, as defined by section 1513(3)(B) of such title. Such measures shall include fully funding, manning, and resourcing the Department of Defense-wide effort to ensure that, at a minimum—

(A) 200 missing persons are accounted for under the program annually beginning with fiscal year 2015; and

(B) 350 missing persons are accounted for under the program annually beginning with fiscal year 2020.

SEC. 562. CLARIFICATION OF GUIDELINES REGARDING RETURN OF REMAINS AND MEDIA ACCESS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS AT DOVER AIR FORCE BASE.

(a) PROMPT RETURN.—The remains of a deceased member of the Armed Forces shall be recovered from the theater of combat operations and returned to the United States via the Dover Port Mortuary without delay unless very specific extenuating circumstances presented by the person designated pursuant to section 1482(c) of title 10, United States Code, to direct disposition of the remains of the decedent (in this section referred to as the ''primary next of kin'') dictate otherwise and can reasonably be accommodated by the Department.

(b) MEDIA ACCESS.—

(1) DECISION OF PRIMARY NEXT OF KIN.—The primary next of kin of a deceased member of the Armed Forces shall make the family decision regarding media access at ceremonies for the dignified transfer of the remains of the decedent at Dover Air Force Base. The option to allow media access shall be briefed to the primary next of kin at the time of initial notification or as soon as practicable thereafter. Media access to dignified transfers shall only be permitted with the approval of the primary next of kin. Media contact, filming or recording of family members shall be permitted only if specifically requested by the primary next of kin.

(2) RELATION TO CURRENT DOD CASUALTY INFORMATION POLICY.—Media access approved by the primary next of kin shall waive the Department of Defense policy on 24-hour delay in release of casualty information to the media and general public for that specific case.

(3) MEMBER PREFERENCE.—The Secretary of Defense shall develop a long-term plan to obtain the preference of members of the Armed Forces regarding media access at ceremonies for the dignified transfer of the remains of the member if they ever become a casualty.

(c) TRAVEL AND TRANSPORTATION ALLOWANCE.—The Secretary of a military department shall provide the primary next of kin and two additional family members of a deceased member of the Armed Forces with travel to, and from, Dover Air Force Base via Invitational Travel Authorizations to attend the dignified transfer ceremony. The Secretary may include additional family members on a case-by-case basis. At the discretion of the Secretary, and at the request of the primary next of kin, the service casualty assistance officer or family liaison officer may escort and accompany the primary next of kin to the dignified transfer ceremony.

(d) EFFECTIVE DATE.—This section shall take effect one year after the date of the enactment of this Act.

Subtitle G—Decorations and Awards

SEC. 571. AWARD OF VIETNAM SERVICE MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the application of an individual who is an eligible veteran, award that individual the Vietnam Service Medal, notwithstanding any otherwise applicable requirements for the award of that medal. Any such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual's participation in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term ''eligible veteran'' means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KOHO'OHANOHANO FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Koho'ohanohano for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Private First Class Anthony T. Koho'ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was originally awarded the distinguished-service cross.

SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former Captain Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.

SEC. 574. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former to former Sergeant First William T. Miles, Jr., of the United States Army for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Sergeant First Class William T. Miles, Jr,. as a member of United States Special Forces from June 18, 1951, to July 6, 1951, during the Korean War, when he fought a delaying action against enemy forces in order to allow other members of his squad to escape an ambush.

Subtitle H—Military Families

SEC. 581. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.

(a) COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(b) ELIGIBLE MILITARY SPOUSES.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

(2) EXCLUSIONS.—Reimbursement may not be provided with respect to the following persons:

(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

(B) A person who is also a member of the Armed Forces on active duty.

(C) A person who is a retired member of the Armed Forces.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''authorized costs'' includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term ''internship'' means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) REPORTING REQUIREMENT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

SEC. 582. REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.

(a) ASSESSMENT.—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled ''Military Personnel: Progress Made in Implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed'' (GAO-06-540).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

SEC. 583. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING TERMINATION OR SUSPENSION OF SERVICE CONTRACTS AND EFFECT OF VIOLATION OF INTEREST RATE LIMITATION.

(a) TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

"SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.

''(a) TERMINATION OR SUSPENSION BY SERVICEMEMBER.—A servicemember who is party to or enters into a contract described in subsection (c) may terminate or suspend, at the servicemember's option, the contract at any time after the date of the servicemember's military orders, as described in subsection (c).

''(b) SPECIAL RULES.—

''(1) A suspension under subsection (a) of a contract by a servicemember shall continue for the length of the servicemember's deployment pursuant to the servicemember's military orders.

''(2) A service provider under a contract suspended or terminated under subsection (a) by a servicemember may not impose a suspension fee or early termination fee in connection with the suspension or termination of the contract, other than a nominal fee for the suspension; except that the service provider may impose a reasonable fee for any equipment remaining on the premises of the servicemember during the period of the suspension. The servicemember may defer, without penalty, payment of such a nominal fee or reasonable fee for the length of the servicemember's deployment pursuant to the servicemember's military orders.

''(3) In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the servicemember, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the servicemember had before the servicemember suspended the contract.

''(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service, telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the servicemember enters into the contract and thereafter receives military orders—

''(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

''(2) for a change of permanent station to a location that does not support the contract.

''(d) MANNER OF TERMINATION OR SUSPENSION.—

''(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the servicemember of written notice of such termination or suspension and a copy of the servicemember's military orders to the other party to the contract (or to that party's grantee or agent).

''(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

''(A) by hand delivery;

''(B) by private business carrier;

''(C) by facsimile; or

''(D) by placing the written notice and a copy of the servicemember's military orders in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the party to be notified (or that party's grantee or agent), and depositing the envelope in the United States mails.

''(e) DATE OF CONTRACT TERMINATION OR SUSPENSION.—Termination or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

''(f) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension of the contract shall be paid or performed by the servicemember.

''(g) FEES PAID IN ADVANCE.—A fee or amount paid in advance for a period after the effective date of the termination of the contract shall be refunded to the servicemember by the other party (or that party's grantee or agent) within 60 days of the effective date of the termination of the contract.

''(h) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

''(i) CRIMINAL PENALTY.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

''(j) PRIVATE RIGHT OF ACTION.—

''(1) IN GENERAL.—A servicemember harmed by a violation of this section may in a civil action—

''(A) obtain any appropriate equitable relief with respect to the violation; and

''(B) recover an amount equal to three times the damages sustained as a result of the violation.

''(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

''(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.

''(k) DEFINITIONS.—In this section:

''(1) MULTICHANNEL VIDEO PROGRAMMING SERVICE.—The term 'multichannel video programming service' means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

''(2) INTERNET ACCESS SERVICE.—The term 'Internet access service' has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

''(3) CELLULAR TELEPHONE SERVICE.—The term 'cellular telephone service' means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

''(4) TELEPHONE EXCHANGE SERVICE.—The term 'telephone exchange service' has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 305A and inserting the following new item:

''Sec. 305A. Termination or suspension of service contracts.''.

(c) VIOLATION OF INTEREST RATE LIMITATION.—Section 207 of such Act is amended—

(1) by amending subsection (e) to read as follows:

''(e) CRIMINAL PENALTY.—

''(1) IN GENERAL.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

''(2) DETERMINATION OF NUMBER OF VIOLATIONS.—The court shall count as a separate violation each obligation or liability of a servicemember with respect to which—

''(A) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

''(B) the creditor fails to act in accordance with subsection (a).'';

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

''(f) RIGHTS OF SERVICEMEMBERS.—

''(1) PRIVATE RIGHT OF ACTION .—A servicemember harmed by a violation of this section may in a civil action—

''(A) obtain any appropriate equitable relief with respect to the violation; and

''(B) recover an amount equal to three times the damages sustained as a result of the violation.

''(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

''(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.''; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by inserting ''and (f)'' after ''subsection (e)''.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a contract entered into on or after the date of the enactment of this Act.

SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

''(a) RESTRICTION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember is filed, no court may consider the absence of the servicemember by reason of deployment, or possibility of deployment, in determining the best interest of the child.

''(d) NO FEDERAL RIGHT OF ACTION.—Nothing in this section shall create a Federal right of action.

''(e) PREEMPTION.—In any case where State or Federal law applicable to a child custody proceeding under State or Federal law provides a higher standard of protection to the rights of the parent who is a servicemember than the rights provided under this section, the State or Federal court shall apply the State or Federal standard.

''(f) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by

adding at the end of the items relating to title II the following new item:

''208. Child custody protection.''.

SEC. 585. DEFINITIONS IN FAMILY AND MEDICAL LEAVE ACT OF 1993 RELATED TO ACTIVE DUTY, SERVICEMEMBERS, AND RELATED MATTERS.

(a) DEFINITION OF COVERED ACTIVE DUTY.—

(1) DEFINITION.—Paragraph (14) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(A) by striking all that precedes ''under a call'' and inserting the following:

''(14) COVERED ACTIVE DUTY.—The term 'covered active duty' means—

''(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

''(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country''; and

(B) by striking ''101(a)(13)(B)'' and inserting ''101(a)(13)''.

(2) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(A) in subsection (a)(1)(E), by striking ''active duty'' each place it appears and inserting ''covered active duty''; and

(B) in subsection (e)(3)—

(i) in the paragraph heading, by striking ''ACTIVE DUTY'' and inserting ''COVERED ACTIVE DUTY''; and

(ii) by striking ''active duty'' each place it appears and inserting ''covered active duty''.

(3) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking ''ACTIVE DUTY'' both places it appears and inserting ''COVERED ACTIVE DUTY''.

(b) DEFINITION OF COVERED SERVICEMEMBER.—Section 101 of the Family and Medical Leave Act of 1993 is further amended by striking paragraph (16) and inserting the following new paragraph:

''(16) COVERED SERVICEMEMBER.—The term 'covered servicemember' means—

''(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

''(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.''.

(c) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 101 of the Family and Medical Leave Act of 1993 is further amended by striking paragraph (19) and inserting the following new paragraphs:

''(19) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

''(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

''(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (16)(B), means an injury or illness incurred by the member in line of duty on covered active duty in the Armed Forces, that manifested itself after the member became a veteran, and that may have rendered the member medically unfit to perform the duties of the member's office, grade, rank, or rating on the date the injury or illness was incurred if the injury or illness had manifested itself on that date.

''(20) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.''.

(d) TECHNICAL AMENDMENT.—Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking ''or parent'' and inserting ''parent, or next of kin (for leave taken under subsection (a)(3))''.

(e) EFFECTIVE DATE AND REGULATIONS.—The amendments made by this section shall take effect on the date of the enactment of this Act. Not later than 120 days after such date, the Secretary of Labor shall issue direct final conforming regulations solely to implement such amendments.

Subtitle I—Other Matters

SEC. 591. NAVY GRANTS TO NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:

''§ 7541b. Authority to make grants to Naval Sea Cadet Corps

''Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of the Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7541a the following new item:

''7541b. Authority to make grants to Naval Sea Cadet Corps.''.

SEC. 592. IMPROVED RESPONSE AND INVESTIGATION OF ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing a review of the capacity of each service of the Armed Forces to investigate and adjudicate allegations of sexual assault to determine whether there are any barriers that negatively affect the ability of that service to facilitate the investigation and adjudication of such allegations to the full extent of the Uniform Code of Military Justice.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include a review of the following:

(A) The command processes of each of the Armed Forces for handling allegations of sexual assault (including command guidance, standing orders, and related matters), the staff judge advocate structure of each Armed Force for cases of sexual assault, and the personnel and budget resources allocated to handle allegations of sexual assault.

(B) The extent to which command decisions regarding the disposition of cases properly direct cases to the most-appropriate venue for adjudication.

(C) The effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(D) The capacity to investigate and adjudicate sexual assault cases in combat zones.

(E) The recommendations of the Defense Task Force on Sexual Assault in the Military regarding investigation and adjudication of sexual assault.

(b) PREVENTION.—Not later than 180 days after the dates of the enactment of this Act, the Secretary of Defense shall develop and submit to the congressional defense committees a sexual assault prevention program, which shall include, at minimum, the following components:

(1) Action plans for reducing the number of sexual assaults, with timelines for implementation of the plans, development tools, and a comprehensive evaluation process.

(2) A mechanism to measure the effectiveness of the program, to include outcome measurement and metrics.

(3) Training programs for commanders and senior enlisted leaders, including pre-command courses.

(4) The budget necessary to permit full implementation of the program.

(c) SEXUAL ASSAULT FORENSIC EXAMS.—

(1) AVAILABILITY OF SEXUAL ASSAULT FORENSIC EXAMS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the availability of sexual assault forensic examinations in combat zones. The report shall include, at a minimum, the following:

(A) The current availability of sexual assault forensic examinations in combat zones.

(B) The barriers to providing sexual assault forensic examinations at all echelons of care in combat zones.

(C) Any legislative actions required to improve the availability of sexual assault forensic examinations in combat zones.

(2) TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-324; 120 Stat. 2279).

(d) MILITARY PROTECTIVE ORDERS.—

(1) COLLECTION OF STATISTICAL INFORMATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall require that sexual assault statistics collected by the Department of Defense include information on whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault. The Secretary shall include such information in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

(2) INFORMATION TO MEMBERS.—The Secretary of Defense shall ensure that, when a military protective order is issued to protect a member of the Armed Forces, the member is informed of the right of the member to request a base transfer from the command.

SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY TO INCREASE DOD SHARE OF PROGRAM.—Section 509(d)(1) of title 32, United States Code, is amended by striking ''60 percent of the costs'' and inserting ''75 percent of the costs''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.

Sec. 602. Special monthly compensation allowance for members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.

Sec. 603. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.

Sec. 604. Report on housing standards used to determine basic allowance for housing.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.

Sec. 616. One-year extension of authorities relating to payment of referral bonuses.

Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.

Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States.

Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members for duration of inpatient treatment.

Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.

Sec. 634. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.

Sec. 642. Election to receive retired pay for nonregular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.

Sec. 652. Limitation on Department of Defense entities offering personal information services to members and their dependents.

Sec. 653. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.

Sec. 662. Army authority to provide additional recruitment incentives.

Sec. 663. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.

Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. SPECIAL MONTHLY COMPENSATION ALLOWANCE FOR MEMBERS WITH COMBAT-RELATED CATASTROPHIC INJURIES OR ILLNESSES PENDING THEIR RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability

''(a) COMPENSATION AUTHORIZED.—(1) The Secretary concerned may pay to any member of the uniformed services described in paragraph (2) a special monthly compensation in an amount determined under subsection (b).

''(2) Subject to paragraph (3), a member eligible for the compensation authorized by paragraph (1) is a member—

''(A) who has a combat-related catastrophic injury or illness; and

''(B) who has been certified by a licensed physician as being in need of assistance from another person to perform the personal functions required in everyday living; and

''(3) The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) may establish additional eligibility criteria in the regulations required by subsection (e).

''(b) AUTHORIZED AMOUNT OF COMPENSATION.—(1) The amount of the special monthly compensation authorized by subsection (a) shall be determined under criteria prescribed in the regulations required by subsection (e), except that the amount may not exceed the amount of the aid and attendance allowance authorized by section 1114(r) of title 38 for veterans in need of regular aid and attendance.

''(2) In determining the amount of the special monthly compensation to be provided to a member, the Secretary concerned shall consider the extent to which—

''(A) home health care and related services are being provided to the member by the Government; and

''(B) aid and attendance services are being provided by family and friends of the member who may be compensated with funds provided through the special monthly compensation authorized by this section.

''(c) TERMINATION.—The eligibility of a member to receive special monthly compensation under subsection (a) terminates on the earlier of the following:

''(1) The first month following the end of the 90-day period beginning on the date of the separation or retirement of the member.

''(2) The first month beginning after the death of the member.

''(3) The first month beginning after the date on which the member is determined to be no longer afflicted with a catastrophic injury or illness.

''(d) DEFINITIONS.—In this section:

''(1) The term 'catastrophic injury or illness' means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

''(A) personal or mechanical assistance to leave home or bed; or

''(B) constant supervision to avoid physical harm to self or others.

''(2) The term 'combat-related', with respect to a catastrophic injury or illness, means a wound, injury, or illness for which the member involved was awarded the Purple Heart or that was incurred as described in section 1413a(e)(2) of title 10.

''(e) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.''.

SEC. 603. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) IN GENERAL.—Section 907 of title 37, United States Code, is amended to read as follows:

''§ 907. Members appointed or reappointed as officers: no reduction in pay and allowances

''(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

''(1) the pay and allowances to which the officer is entitled as an officer; or

''(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

''(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

''(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

''(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered in determining the amount of the pay of a grade formerly held by an officer.

''(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

''(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

''(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

''907. Members appointed or reappointed as officers: no reduction in pay and allowances.''.

SEC. 604. REPORT ON HOUSING STANDARDS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the housing standards used to determine the monthly rates of basic allowance for housing under section 403 of title 37, United States Code; and

(2) such recommended changes to the standards, including an estimate of the cost of each recommended change, as the Secretary considers appropriate.

(b) ELEMENTS OF REVIEW.—The Secretary shall consider whether the housing standards are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grades throughout the rank structure.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of chapter 5 of title 37, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2009'' and inserting ''December 31, 2010'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking ''paragraph (3)(B)'' and inserting ''paragraph (4)(B)'';

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting ''SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—''; and

(2) by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

''(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

''(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

''(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

''(i) the father or mother or one or more siblings—

''(I) served in the Armed Forces; and

''(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

''(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.''.

SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''AND SPECIAL PAY AMOUNT'' in the subsection heading; and

(B) by striking ''at the rate of $225 for any month'' in the matter preceding paragraph (1) and inserting ''under subsection (b) for any month or portion of a month'';

(2) in subsection (c), by striking paragraph (3);

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(4) by inserting after subsection (a) the following new subsection:

''(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The special pay authorized by subsection (a) may not exceed $225 a month.

''(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

(1) by striking subsections (c) and (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) METHOD OF PAYMENT; PRORATION.—

''(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

''(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.''.

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: ''If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.''.

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

''(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $1,000 a month.

''(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received by the member under section 206 of this title for inactive-duty training.''.

(e) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to months beginning 90 or more days after the date of the enactment of this Act.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting ''(1)'' after ''(a)''; and

(4) by adding at the end the following new paragraph:

''(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

''(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

''(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking ''his dependents'' and inserting ''a dependent of the member'';

(2) by striking ''him'' and inserting ''the member'';

(3) by striking ''his)'' and inserting ''the member)'';

(4) by striking ''his new'' and inserting ''the member's new''; and

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking ''clauses (1) and (2)'' and inserting ''subparagraphs (A) and (B)''.

(c) EFFECTIVE DATE.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''family members of a member described in paragraph (2)'' and inserting ''individuals who, with respect to a member described in paragraph (2), are designated individuals for that member'';

(B) by striking ''that the presence of the family member'' and inserting ''that the presence of the designated individual''; and

(C) by striking ''of family members'' and inserting ''of designated individuals''; and

(2) by adding at the end the following new paragraph:

''(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.''.

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—Subsection (b) of such section is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) In this section, the term 'designated individual', with respect to a member, means—

''(A) an individual designated by the member for the purposes of this section; or

''(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence would aid and support the health and welfare of the member during the duration of the member's inpatient treatment.

''(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.''.

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of section (a)(2) of such section is amended—

(A) in clause (i), by striking ''in or outside the United States''; and

(B) in clause (ii), by striking ''in the United States''.

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting ''seriously wounded,'' after ''(i) is''; and

(B) in clause (ii)—

(i) by striking ''an injury'' and inserting ''a wound or an injury''; and

(ii) by striking ''that injury'' and inserting ''that wound or injury''.

(d) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section is amended to read as follows:

''(3)(A) Not more than a total of three round trips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who are the designated individuals of a member during that period.

''(B) If the Secretary concerned has waived the limitation in paragraph (1) on the number of designated individuals for a member, then for any 60-day period during which the waiver is in effect, the limitation in subparagraph (A) shall be adjusted accordingly.

''(C) During any period during which there is in effect a non-medical attendant designation for a member, not more than a total of two round trips may be provided under paragraph (1) in any 60-day period at Government expense until a non-medical attendant is no longer designated or that designation transfers to another individual, in which case during the transfer period three round trips may be provided.''.

(e) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended——

(1) in subsection (a), by inserting ''TRAVEL AND TRANSPORTATION AUTHORIZED.—'' after ''(a)'' ;

(2) in subsection (b), by inserting ''DEFINITIONS.—'' after ''(b)'';

(3) in subsection (c)—

(A) by inserting ''ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—'' after ''(c)'' ; and

(B) in paragraph (1), by striking ''family member'' and inserting ''designated individual''; and

(4) in subsection (d), by inserting ''METHOD OF TRANSPORTATION AUTHORIZED.—'' after ''(d)''.

(f) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411h and inserting the following new item:

''411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.''.

(g) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Paragraph (4) of section 1602 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended to read as follows:

''(4) ELIGIBLE FAMILY MEMBER.—(A) The term 'eligible family member' means a family member who is on invitational travel orders or serving as a non-medical attendee while caring for a recovering service member for more than 45 days during a one-year period.

''(B) For purposes of subparagraph (A), the term 'family member', with respect to a recovering service member, means the following:

''(i) The member's spouse.

''(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

''(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

''(iv) Siblings of the member. Such term includes a person related to the member as described in clauses (i), (ii), (iii), or (iv) who is also a member of the uniformed services.''.

(h) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

''§ 411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

''(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member's health and welfare.

''(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

''(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

''(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

''(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

''(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or 'seriously wounded, ill, or injured'; and

''(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

''(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

''(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

''(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(4) The transportation authorized by subsection (a) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(5) An allowance payable under this subsection may be paid in advance.

''(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411j the following new item:

''411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

Pay Grade	Without Dependents	With Dependents
E–9	13,500	15,500
E–8	12,500	14,500
E–7	11,500	13,500
E–6	8,500	11,500
E–5	7,500	9,500''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $31,000,000 shall be available to cover the additional costs incurred to implement the amendment made by subsection (a).

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking ''Unless'' and inserting ''(a) GRADE ON TRANSFER.—Unless''; and

(2) by adding at the end the following new subsection:

''(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

''(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

''(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

''(B) completes at least six months of service in such position; and

''(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.''.

(c) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 642. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

''(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

''(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or

867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

''(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

''(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

''(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

''(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.''.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

''(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and''.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under section 12731(f) of this title''; and

(2) in paragraph (2)(A), by striking ''attains 60 years of age'' and inserting ''attains the eligibility age applicable to the person under such section''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

''§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

''12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.''.

(e) RETROACTIVE APPLICABILITY.—The amendments made by this section shall take effect as of January 1, 2008.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2491a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (as so redesignated)—

(A) by inserting ''REGULATIONS.—'' before ''The Secretary''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''; and

(2) by inserting after paragraph (1) of subsection (b) the following new paragraph:

''(2) Subsection (a) does not apply to the purchase, operation, or maintenance of equipment intended to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).''.

SEC. 652. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.

(a) IMPOSITION OF LIMITATION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

''§ 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

''(a) LIMITATION.—Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

''(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of Defense determines that—

''(1) a private sector vendor is not available to provide the personal information services at specific locations; or

''(2) the interests of the user population would be best served by allowing the Government to provide such services.

''(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term 'personal information services' means the provision of Internet, telephone, or television services to consumers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2492 the following new item:

''2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.''.

(c) EFFECT ON EXISTING CONTRACTS.—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act.

SEC. 653. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement, effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110–116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

(b) EVALUATION REQUIREMENTS.—As part of the report, the Comptroller General shall specifically evaluate the following:

(1) The rationale for and validity of the concerns of nonappropriated funds activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcohol resale prices.

(2) The justification for the increase in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of provision of law referred to in subsection (a).

(4) The potential cost savings in transportation costs, including use of second destination transportation funds, accruing from the purchase of alcoholic beverages from local distributors on Guam.

(5) The ability of local distributors on Guam to meet demands for stocks of certain alcoholic beverages in the event that the local purchase requirement became permanent for Guam.

(6) The consistency in application of the alcohol resale requirement for nonappropriated fund activities on military installations with regards to Department of Defense Instruction 1330.09 (or any successor to that instruction) and the methods used to determine the resale price of alcoholic beverages.

Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.

(a) MAXIMUM MONTHLY PERCENTAGE OF MEMBER'S PAY AUTHORIZED FOR DEDUCTION.—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking ''20 percent'' and inserting ''10 percent''.

(b) CONSULTATION REGARDING DEDUCTION OR REPAYMENT TERMS.—Such paragraph is further amended—

(1) by inserting ''(A)'' after ''(3)''; and

(2) by adding at the end the following new subparagraph:

''(B) In all cases described in subparagraph (A), the Secretary concerned shall consult with the member regarding the repayment rate to be imposed under such subparagraph to recover the indebtedness, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.''.

(c) DELAY IN INSTITUTING COLLECTIONS FROM WOUNDED OR INJURED MEMBERS.—Paragraph (4) of such subsection is amended to read as follows:

''(4)(A) If a member of the uniformed services, while in the line of duty, is injured or wounded by hostile fire, explosion of a hostile mine, or any other hostile action, or otherwise incurs a wound, injury, or illness in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

''(i) the member is notified of the overpayment; and

''(ii) the later of the following occurs:

''(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

''(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

''(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.''.

(d) FIVE-YEAR DEADLINE ON SEEKING REPAYMENT.—Such subsection is further amended by adding at the end the following new paragraph:

''(5) The Secretary concerned may not deduct from the pay of a member of the uniformed services or otherwise recover, seek to recover, or assist in the recovery from a member or former member any overpayment of pay or allowances made to the member through no fault of the member unless the Secretary notifies the member of the indebtedness before the end of the five-year period beginning on the date on which the overpayment was made. If the notice is not provided before the end of such period, the Secretary concerned shall cancel the indebtedness of the member to the United States.''.

(e) EXPANDED DISCRETION REGARDING REMISSION OR CANCELLATION OF INDEBTEDNESS.—

(1) ARMY.—Section 4837(a) of title 10, United States Code, is amended by striking '', but only if the Secretary considers such action to be in

the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(2) NAVAL SERVICE.—Section 6161(a) of such title is amended by striking '', but only if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(3) AIR FORCE.—Section 9837(a) of such title is amended by striking '', but only if the Secretary considers such action to be in the best interest of the United States.'' and inserting ''if the Secretary determines that the person—

''(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person's annual income; or

''(2) would suffer an undue hardship in repaying the indebtedness.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

SEC. 662. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

(a) EXTENSION OF AUTHORITY.—Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2012''.

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (e) of such section is amended by inserting ''at the same time'' after ''provided''.

SEC. 663. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) FORM OF PAYMENT.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) DEFINITIONS.—In this section:

(1) The term ''Post-Deployment/Mobilization Respite Absence program'' means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term ''Secretary concerned'' has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.

It is the sense of Congress that members of the Armed Forces and their families and military retirees deserve ongoing recognition and support for their service and sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcoming within those military personnel programs that incur mandatory spending obligations.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 702. Chiropractic health care for members on active duty.
Sec. 703. Expansion of survivor eligibility under TRICARE dental program.
Sec. 704. TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a nonregular retirement but are not yet age 60.
Sec. 705. Cooperative health care agreements between military installations and non-military health care systems.
Sec. 706. Health care for members of the reserve components.
Sec. 707. National casualty care research center.

Subtitle B—Reports

Sec. 711. Report on post-traumatic stress disorder efforts.
Sec. 712. Report on the feasibility of TRICARE Prime in certain commonwealths and territories of the United States.
Sec. 713. Report on the health care needs of military family members.
Sec. 714. Report on stipends for members of reserve components for health care for certain dependents.
Sec. 715. Report on the required number of military mental health providers.

Subtitle A—Improvements to Health Benefits

SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) PROHIBITION.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2007.

(b) RESTORATION OF CERTAIN POSITIONS TO MILITARY POSITIONS.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that may be filled only by a member of the Armed Forces who is a health professional.

(c) DEFINITIONS.—In this section:

(1) The term ''military medical or dental position'' means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.

(2) The term ''civilian medical or dental position'' means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term ''conversion'', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) REPEAL.—Section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.

(a) REQUIREMENT FOR CHIROPRACTIC CARE.—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) DEMONSTRATION PROJECTS.—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) DEFINITIONS.—In this section:

(1) The term ''chiropractic services''—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management, and therapeutic services for the treatment of a patient's health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term ''doctor of chiropractic'' means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.

SEC. 703. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which such dependent attains 21 years of age.

''(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which such dependent attains 23 years of age.''.

SEC. 704. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

''§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

''(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

''(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

''(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

''(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components covered under this section.

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

''(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(2) The term 'TRICARE Standard' means—

''(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

''(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

''1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.''.

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.

SEC. 705. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) AUTHORITY.—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) REQUIREMENTS.—In establishing such agreements, the Secretary shall—

(1) consult with—

(A) the Secretaries of the military departments;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) ANNUAL REPORTS.—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

SEC. 706. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Subsection (d) of section 1074 of title 10, United States Code, is amended to read as follows:

''(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued or covered by a delayed-effective-date active-duty order or an official notification shall be treated as being on active duty for a period of more than 30 days beginning on the later of the following dates:

''(A) The earlier of the date that is—

''(i) the date of the issuance of such order; or

''(ii) the date of the issuance of such official notification.

''(B) The date that is 180 days before the date on which the period of active duty is to commence under such order or official notification for that member.

''(2) In this subsection:

''(A) The term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order

''(B) The term 'official notification' means a memorandum from the Secretary concerned that notifies a unit or a member of a reserve component of the armed forces that such unit or member shall receive a delayed-effective-date active-duty order.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to a delayed-effective-date active-duty order or official notification issued on or after the date of the enactment of this Act.

SEC. 707. NATIONAL CASUALTY CARE RESEARCH CENTER.

(a) DESIGNATION.—Not later than October 1, 2010, the Secretary of Defense shall designate a center to be known as the ''National Casualty Care Research Center'' (in this section referred to as the ''Center''), which shall consist of the program known as combat casualty care of the Army Medical Research and Materiel Command.

(b) DIRECTOR.—The Secretary shall appoint a director of the Center.

(c) ACTIVITIES OF THE CENTER.—In addition to other functions performed by the combat casualty care program, the Center shall—

(1) provide a public-private partnership for funding clinical trials and clinical research in combat injury;

(2) integrate basic and clinical research from both military and civilian populations to accelerate improvements to trauma care;

(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research strategies and measure improvements in outcomes;

(4) fund the full range of injury research and evaluation, including—

(A) basic, translational, and clinical research;

(B) point of injury and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) rehabilitation and reintegration into society; and

(5) coordinate the collaboration of military and civilian institutions conducting trauma research.

(d) AUTHORIZATION.—In addition to any other funds authorized to be appropriated for the combat casualty care program of the Army Medical Research and Materiel Command, there is hereby authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2010 for the purpose of carrying out activities under this section.

Subtitle B—Reports

SEC. 711. REPORT ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) REPORT REQUIRED.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees a report on the treatment of post-traumatic stress disorder. The report shall include the following:

(1) A list of each program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term ''success'' and a discussion of the process used to quantify such rates);

(B) the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—

(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region atrophy and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(D) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:

(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the Secretary of Defense considers appropriate.

(4) The respective annual expenditure by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services; and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.

(7) Any other matters the Secretaries consider relevant.

(b) UPDATED REPORT REQUIRED.—Not later than December 31, 2012, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees an update of the report required by subsection (a).

(c) APPROPRIATE COMMITTEES DEFINED.—In this section, the term ''appropriate committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 712. REPORT ON THE FEASIBILITY OF TRICARE PRIME IN CERTAIN COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study examining the feasibility and cost-effectiveness of offering TRICARE Prime in each of the following locations:

(1) American Samoa.

(2) Guam.

(3) The Commonwealth of the Northern Mariana Islands.

(4) The Commonwealth of Puerto Rico.

(5) The Virgin Islands.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study.

(c) TRICARE PRIME DEFINED.—In this section, the term ''TRICARE Prime'' has the meaning given that term in section 1097a(f)(1) of title 10, United States Code.

SEC. 713. REPORT ON THE HEALTH CARE NEEDS OF MILITARY FAMILY MEMBERS.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(b) PILOT PROGRAM.—

(1) ELEMENTS.—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental heath care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) FINAL REPORT.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

SEC. 714. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note). The report shall include—

(1) the number of stipends paid;

(2) the amount of the average stipend; and

(3) the number of members who received such stipends.

SEC. 715. REPORT ON THE REQUIRED NUMBER OF MILITARY MENTAL HEALTH PROVIDERS.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate number of military mental health providers required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:

(1) An evaluation of the recommendation titled ''Ensure an Adequate Supply of Uniformed Providers'' made by the Department of Defense Task Force on Mental Health established by section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348).

(2) The criteria and models used to determine the appropriate number of military mental health providers.

(3) A plan for how the Secretary of Defense will achieve the appropriate number of military mental health providers, including timelines, budgets, and any additional legislative authority the Secretary determines is required for such plan.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; Report.

Sec. 802. Assessment of improvements in service contracting.

Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.

Sec. 804. Demonstration authority for alternative acquisition process for defense information technology programs.

Sec. 805. Limitation on performance of product support integrator functions.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Revision of Defense Supplement relating to payment of costs prior to definitization.

Sec. 812. Revisions to definitions relating to contracts in Iraq and Afghanistan.

Sec. 813. Amendment to notification requirements for awards of single source task or delivery orders.
Sec. 814. Clarification of uniform suspension and debarment requirement.
Sec. 815. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 816. Revision to definitions of major defense acquisition program and major automated information system.
Sec. 817. Small Arms Production Industrial Base.
Sec. 818. Publication of justification for bundling of contracts of the Department of Defense.
Sec. 819. Contract authority for advanced component development or prototype units.

Subtitle C—Other Matters

Sec. 821. Enhanced expedited hiring authority for defense acquisition workforce positions.
Sec. 822. Acquisition Workforce Development Fund amendments.
Sec. 823. Reports to Congress on full deployment decisions for major automated information system programs.
Sec. 824. Requirement for Secretary of Defense to deny award and incentive fees to companies found to jeopardize health or safety of Government personnel.
Sec. 825. Authorization for actions to correct the industrial resource shortfall for high-purity beryllium metal in amounts not in excess of $85,000,000.
Sec. 826. Review of post employment restrictions applicable to the Department of Defense.
Sec. 827. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.
Sec. 828. Findings and report on the usage of rare earth materials in the defense supply chain.
Sec. 829. Furniture standards.

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used only by personnel that ship goods, or provide support for shipping goods, for military forces, police, or other security personnel of Afghanistan, or for military or civilian personnel of the United States, United States allies, or Coalition partners operating in military or stability operations in Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(c) PRODUCTS, SERVICES, AND SOURCES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(3) A source is from a country along a major route of supply to Afghanistan if it—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(d) COVERED COUNTRY DEFINED.—In this section, the term ''covered country'' means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(f) TERMINATION OF AUTHORITY.—The Secretary of Defense may not exercise the authority provided in subsection (a) on and after the date occurring 18 months after the date of the enactment of this Act.

(g) REPORT ON AUTHORITY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A description of the products and services acquired using the authority.

(3) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

(4) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).

(5) Any recommended modifications to the authority.

SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for an independent assessment of improvements in the procurement and oversight of services by the Department of Defense. The assessment shall be conducted by a federally funded research and development center selected by the Under Secretary.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) A determination of whether effective standards to measure performance have been developed.

(4) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(5) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(6) A determination of whether the performance savings goals required by section 802 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2330 note) are being achieved.

(7) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(8) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(9) Such other related matters as the Under Secretary considers appropriate.

(c) REPORT.—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.

SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.

(a) CODIFICATION OF REQUIREMENT FOR SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 235. Procurement of contract services: specification of amounts requested in budget

''(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the President, as a part of the defense budget materials for a fiscal year, information described in subsection (b) with respect to the procurement of contract services.

''(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly and separately identify—

''(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity;

''(2) the amount requested for each type of service to be provided; and

''(3) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

''(c) DEFINITIONS.—In this section:

''(1) The term 'contract services'—

''(A) means services from contractors; but

''(B) excludes services relating to research and development and services relating to military construction.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to the President by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''235. Procurement of contract services: specification of amounts requested in budget''.

(3) REPEAL OF SUPERSEDED PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 221 note) is repealed.

(b) CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after ''plan'' the following: ''and a contracts services requirements approval process''.

SEC. 804. DEMONSTRATION AUTHORITY FOR ALTERNATIVE ACQUISITION PROCESS FOR DEFENSE INFORMATION TECHNOLOGY PROGRAMS.

(a) AUTHORITY.—The Secretary of Defense may designate up to 10 information technology programs annually to be included in a demonstration of an alternative acquisition process for rapidly acquiring information technology capabilities. In designating the programs, the Secretary may select any information technology program in any of the military departments or Defense Agencies that has received milestone A approval, but has not yet received milestone B approval.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a), including a process for measuring the effectiveness of the alternative acquisition process to be demonstrated. The Secretary of Defense shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) REQUIREMENT TO PAY FULL COST IN YEAR OF DELIVERY.—No contract to acquire an information technology system may be entered into using the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(d) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under the authority under subsection (a) during the preceding year. Each report shall include, at a minimum, the following:

(1) A description of each information technology program in the demonstration, including goals, funding, and military department or Defense Agency sponsors.

(2) A description of the methods for measuring the effectiveness of the alternative acquisition process for each information technology program in the demonstration.

(3) Identification of any significant systemic or process issues impeding the effectiveness of the alternative acquisition process.

(e) PERIOD OF AUTHORITY.—The authority under subsection (a) shall be in effect during each of fiscal years 2010 through 2015.

SEC. 805. LIMITATION ON PERFORMANCE OF PRODUCT SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2410r. Contractor sustainment support arrangements: limitation on product support integrator functions

''(a) LIMITATION.—A product support integrator function for a covered major system may be performed only by a member of the armed forces or an employee of the Department of Defense.

''(b) DEFINITIONS.—In this section:

''(1) The term 'product support integrator function' means the function of integrating all sources of support for a major system, both public and private, and includes the integration of sustainment support arrangements at the level of the program office responsible for sustainment of such system.

''(2) The term 'covered major system' means a major system for which a sustainment support arrangement is employed.

''(3) The term 'sustainment support arrangement' means a contract, task order, or other contractual arrangement for the integration of sustainment or logistics support such as materiel management, configuration management, data management, supply, distribution, repair, overhaul, product improvement, calibration, maintenance, readiness, reliability, availability, mean down time, customer wait time, foot print reduction, reduced ownership costs and other tasks normally performed as part of the logistics support required for a major system. The term includes any of the following arrangements:

''(A) Contractor performance-based logistics.

''(B) Contractor sustainment support.

''(C) Contractor logistics support.

''(D) Contractor life cycle product support.

''(E) Contractor weapons system product support.

''(3) The term 'major system' means that combination of elements that will function together to produce the capabilities required to fulfill a mission need as defined in section 2302(d) this title.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2410q the following new item:

''2410r. Contractor sustainment support arrangements: limitation on product support integrator functions.''.

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 2010.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PRIOR TO DEFINITIZATION.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to require that, if a clause relating to payment of costs prior to definitization of costs is included in a contract of the Department of Defense, the clause shall apply—

(1) to the contract regardless of the type of contract; and

(2) to each contractual action pursuant to the contract.

(b) CONTRACTUAL ACTION.—In this section, the term ''contractual action'' includes a task order or delivery order.

SEC. 812. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or a task order or delivery order at any tier issued under such a contract'' and inserting ''a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement'';

(2) by striking in the parenthetical ''or task order or delivery order'' and inserting ''task order, delivery order, grant, or cooperative agreement'';

(3) by striking ''or task or delivery order'' after the parenthetical and inserting ''task order, delivery order, grant, or cooperative agreement''; and

(4) by striking ''14 days'' and inserting ''30 days''.

(b) REVISION TO DEFINITION OF COVERED CONTRACT.—Section 864(a)(3) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

(3) by adding at the end the following new subparagraphs:

''(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

''(E) a cooperative agreement for the performance of services in such an area of combat operations.''.

(c) REVISION TO DEFINITION OF CONTRACTOR.—Paragraph (4) of section 864(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

''(4) CONTRACTOR.—The term 'contractor', with respect to a covered contract, means—

''(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

''(B) in the case of a covered contract that is a grant, the grantee; and

''(C) in the case of a covered contract that is a cooperative agreement, the recipient.''.

(d) REVISION IN VALUE OF CONTRACTS COVERED BY CERTAIN REPORT.—Section 1248(c)(1)(B) of such Act (Public Law 110–181; 122 Stat. 400) is amended by striking ''$25,000'' and inserting ''$100,000''.

SEC. 813. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:

''(B) The head of the agency shall notify the congressional defense committees within 30 days after any determination under clause (i), (ii), (iii), or (iv) of subparagraph (A).''.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—Any notification provided under subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, as amended by subsection (a), shall also be provided to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate if the source of funds for the task or delivery order contract concerned is the National Intelligence Program or the Military Intelligence Program.

SEC. 814. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.

Section 2455(a) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by inserting ''at any level, including subcontracts at any tier,'' in the second sentence after ''any procurement or nonprocurement activity''.

SEC. 815. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (Division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226) is amended in subsection (e) by striking ''2010'' and inserting ''2012''.

SEC. 816. REVISION TO DEFINITIONS OF MAJOR DEFENSE ACQUISITION PROGRAM AND MAJOR AUTOMATED INFORMATION SYSTEM.

(a) MAJOR DEFENSE ACQUISITION PROGRAM.—Section 2430 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) In the case of a Department of Defense acquisition program that, by reason of paragraph (2) of section 2445a(a) of this title, is a major automated information system program under chapter 144A of this title and that, by reason of paragraph (2) of subsection (a), is a major defense acquisition program under this

chapter, the Secretary of Defense may designate that program to be treated only as a major automated information system program or to be treated only as a major defense acquisition program.''.

(b) MAJOR AUTOMATED INFORMATION SYSTEM.—Section 2445a(a) of such title is amended by inserting ''that is not a highly sensitive classified program (as determined by the Secretary of Defense)'' after ''(either as a product or service)''.

SEC. 817. SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473 of title 10, United States Code, is amended—

(1) by amending subsection (c) to read as follows:

''(c) SMALL ARMS PRODUCTION INDUSTRIAL BASE.—In this section, the term 'small arms production industrial base' means the persons and organizations that are engaged in the production or maintenance of small arms within the United States.''; and

(2) in subsection (d), by adding at the end the following new paragraph:

''(6) Pistols.''.

SEC. 818. PUBLICATION OF JUSTIFICATION FOR BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PUBLISH JUSTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish the justification required by paragraph (f) of subpart 7.107 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) 30 days prior to the release of a solicitation for such acquisition.

(b) COVERED ACQUISITION DEFINED.—In this section, the term ''covered acquisition'' means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(c) CONSTRUCTION.—(1) Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the justification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or executive order.

(3) Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise authorized under any other requirement of law or regulation.

SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract option for—

(1) the provision of advanced component development and prototype of technology developed in the initial underlying contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the initial competed research contract.

(b) DELIVERY.—A contract option as described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items. Such contract option may have a value only up to three times the value of the base contract ceiling and any subsequent development or procurement must be subject to the terms of section 2304 of title 10, United States Code.

(c) TERM.—A contract option as described in subsection (a)(1) shall be for a term of not more than 12 months.

(d) USE OF AUTHORITY.—Each military department may use the authority provided in subsection (a) to exercise a contract option described in that subsection up to four times a year, and the Secretary of Defense may approve up to an additional four total options a year for projects supported by agencies of the Department of Defense, until September 30, 2014.

(e) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by subsection (a) not later than March 1, 2014. The report shall, at a minimum, describe—

(1) the number of times the contract options were exercised under such authority and the scope of each such option;

(2) the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;

(3) the extent to which such authority increased competition and improved technology transition; and

(4) any recommendations regarding the modification or extension of such authority.

Subtitle C—Other Matters

SEC. 821. ENHANCED EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) IN GENERAL.—Section 1705(h)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''acquisition positions within the Department of Defense as shortage category positions'' and inserting ''acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need''; and

(2) in subparagraph (B), by striking ''highly''.

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking ''United States Code,'' in the matter preceding subparagraph (A).

SEC. 822. ACQUISITION WORKFORCE DEVELOPMENT FUND AMENDMENTS.

(a) REVISIONS TO CREDITS TO FUND.—

(1) REMITTANCE BY FISCAL YEAR INSTEAD OF QUARTER.—Subparagraph (B) of section 1705(d)(2) of title 10, United States Code, is amended—

(A) in the first sentence, by striking ''the third fiscal year quarter'' and all that follows through ''thereafter'' and inserting ''each fiscal year''; and

(B) by striking ''quarter'' before ''for services''.

(2) AUTHORITY TO SUSPEND REMITTANCE REQUIREMENT.—Section 1705(d)(2) of such title is further amended by adding at the end the following new subparagraph:

''(E) The Secretary of Defense may suspend the requirement to remit amounts under subparagraph (B), or reduce the amount required to be remitted under that subparagraph, for fiscal year 2010 or any subsequent fiscal year for which amounts appropriated to the Fund are in excess of the amount specified for that fiscal year in subparagraph (D).''.

(b) REVISION TO EMPLOYEES COVERED BY PROHIBITION OF PAYMENT OF BASE SALARY.—Paragraph (5) of section 1705(e) of such title is amended by striking ''who was an employee of the Department as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008'' and inserting ''who, as of January 28, 2008, was an employee of the Department serving in a position in the acquisition workforce''.

(c) TECHNICAL AMENDMENTS.—Section 1705 of such title is further amended—

(1) in subsection (a), by inserting ''Development'' after ''Workforce''; and

(2) in subsection (f), by striking ''beginning with fiscal year 2008'' in the matter preceding paragraph (1).

SEC. 823. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is amended by striking '', initial operational capability, and full operational capability'' and inserting ''and full deployment decision''.

(b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended by striking ''initial operational capability'' and inserting ''a full deployment decision''.

SEC. 824. REQUIREMENT FOR SECRETARY OF DEFENSE TO DENY AWARD AND INCENTIVE FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

(a) REQUIREMENT TO DENY AWARD AND INCENTIVE FEES.—

(1) PRIME CONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any defense contractor—

(A) that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(B) that awarded a subcontract under a covered contract to a subcontractor that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of the subcontract to have caused serious injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety of such personnel, but only to the extent that the defense contractor has been determined (through such a proceeding that results in such a disposition) that the defense contractor is also liable for such actions of the subcontractor.

(2) SUBCONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any subcontractor under a covered contract that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel.

(b) DETERMINATION OF DEBARMENT.—Not later than 90 days after a determination pursuant to subsection (a)(1) has been made, the Secretary shall determine whether the defense contractor should be debarred from contracting with the Department of Defense.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in this subsection are as follows:

(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of $5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to

any of the outcomes specified in paragraph (1), (2), or (3).

(d) WAIVER.—The prohibition required by subsection (a) may be waived by the Secretary of Defense on a case-by-case basis if the Secretary finds that the prohibition would jeopardize national security. The Secretary shall notify the congressional defense committees of any exercise of the waiver authority under this subsection.

(e) DEFINITIONS.—In this section:

(1) The term ''defense contractor'' means a company awarded a covered contract.

(2) The term ''covered contract'' means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term ''serious bodily injury'' means a grievous physical harm that results in a permanent disability.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the prohibition required by subsection (a) and shall establish in such regulations—

(1) that the prohibition applies only to award and incentive fees under the covered contract concerned;

(2) the extent of the award and incentive fees covered by the prohibition, but shall include, at a minimum, all award and incentive fees associated with the performance of the covered contract in the year in which the serious bodily injury or death resulting in a disposition listed in subsection (c) occurred; and

(3) mechanisms for recovery by or repayment to the Government of award and incentive fees paid to a contractor or subcontractor under a covered contract prior to the determination.

(g) EFFECTIVE DATE.—The prohibition required by subsection (a) shall apply to covered contracts awarded on or after the date occurring 180 days after the date of the enactment of this Act.

SEC. 825. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL IN AMOUNTS NOT IN EXCESS OF $85,000,000.

With respect to actions by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting ''$85,000,000'' for ''$50,000,000''.

SEC. 826. REVIEW OF POST EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REVIEW REQUIRED.—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) MATTERS CONSIDERED.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restriction and conflicts of interest in interactions with former personnel of the Department;

(5) adequately address personnel performing duties in acquisition-related activities that are not covered by current restrictions relating to private sector employment following employment with the Department of Defense and procurement integrity, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation; and

(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(c) COMPLETION OF THE REVIEW.—The Panel shall complete the review required by subsection (a) not later than one year after the date of the enactment of this Act.

(d) REPORT TO COMMITTEES ON ARMED SERVICES.—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary of Defense, including recommended legislative or regulatory changes, resulting from the review.

(e) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.—

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

''(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States. Competitive procedures shall be used in selecting the United States producer of the decorations.

''(b) HERALDIC QUALITY CONTROL.—No certificate of authority (contained in part 507 of title 32, Code of Federal Regulations) for the manufacture and sale of any item reference in subsection (a) by the Institute of Heraldry, the Navy Clothing and Textile Research Facility, or the Marine Corps Combat Equipment and Support Systems for quality control and specifications purposes shall be permitted unless these items are from domestic material manufactured in the United States.

''(c) EXCEPTION.—Subsections (a) and (b) do not apply to the extent that the Secretary of Defense determines that a satisfactory quality and sufficient quantity of an item covered by subsection (a) and produced in the United States cannot be procured at a reasonable cost.

''(d) UNITED STATES DEFINED.—In this section, the term 'United States' includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.''.

(c) CONFORMING AMENDMENT.—Section 2533a(b)(1) of such title is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(F) military decorations, ribbons, badges, medals, insignia, and other uniform accouterments.''.

SEC. 828. FINDINGS AND REPORT ON THE USAGE OF RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) FINDINGS.—Regarding the availability of rare earth materials and components containing rare earth materials in the defense supply chain Congress finds—

(1) it is necessary, to the maximum extent practicable, to ensure the uninterrupted supply of strategic materials critical to national security, including rare earth materials and other items covered under section 2533b of title 10, United States Code, to support the defense supply-chain, particularly when many of those materials are supplied by primary producers in unreliable foreign nations;

(2) many less common metals, including rare earths and thorium, are critical to modern technologies, including numerous defense critical technologies and these technologies cannot be built without the use of these metals and materials produced from them and therefore could qualify as strategic materials, critical to national security, in which case the Strategic Materials Protection Board should recommend a strategy to the President to ensure the domestic availability of these materials; and

(3) there is a need to identify the strategic value placed on rare earth materials by foreign nations (including China), and the Department of Defense's supply-chain vulnerability related to rare earths and end items containing rare earths.

(b) REPORT REQUIRED.—Not later than April 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the usage of rare earth materials in the supply chain of the Department of Defense.

(c) OBJECTIVES OF REPORT.—The objectives of the report required by subsection (b) shall be to determine the availability of rare earth materials, including ores, semi-finished rare earth products, components containing rare-earth materials, and other uses of rare earths by the Department of Defense in its weapon systems. The following items shall be considered:

(1) An analysis of past procurements and attempted procurements by foreign governments or government- controlled entities, including mines and mineral rights, of rare-earth resources outside such nation's territorial boundaries.

(2) An analysis of the worldwide availability of rare earths, such as samarium, neodymium, thorium and lanthanum, including current and potential domestic sources for use in defense systems, including a projected analysis of projected availability of these materials in the export market.

(3) A determination as to which defense systems are currently dependent on rare earths

supplied by nondomestic sources, particularly neodymium iron boron magnets.

(d) RARE EARTH DEFINED.—In this section, the term ''rare earth'' means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

SEC. 829. FURNITURE STANDARDS.

All Department of Defense purchases of furniture in the United States and its territories made from Department of Defense funds, including under design-build contracts, must meet the same quality standards as specified by the General Services Administration schedule program and the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Role of commander of special operations command regarding personnel management policy and plans affecting special operations forces.

Sec. 902. Special operations activities.

Sec. 903. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.

Sec. 904. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.

Sec. 905. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

Sec. 906. Requirement for Director of Operational Energy Plans and Programs to report directly to Secretary of Defense.

Sec. 907. Increased flexibility for Combatant Commander Initiative Fund.

Sec. 908. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.

Sec. 909. Recommendations to Congress by members of Joint Chiefs of Staff.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.

Sec. 912. Converting the space surveillance network pilot program to a permanent program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Joint Program Office for Cyber Operations Capabilities.

Sec. 932. Defense Integrated Military Human Resources System Transition Council.

Sec. 933. Department of Defense School of Nursing revisions.

Sec. 934. Report on special operations command organization, manning, and management.

Sec. 935. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.

Subtitle A—Department of Defense Management

SEC. 901. ROLE OF COMMANDER OF SPECIAL OPERATIONS COMMAND REGARDING PERSONNEL MANAGEMENT POLICY AND PLANS AFFECTING SPECIAL OPERATIONS FORCES.

Section 167(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking subparagraph (J); and

(2) inserting at the end the following new paragraph:

''(5)(A) The Secretaries of the military departments shall coordinate with the commander of the special operations command regarding personnel management policy and plans as such policy and plans relate to the following:

''(i) Accessions, assignments, and command selection for special operations forces.

''(ii) Compensation, promotions, retention, professional development, and training of members of special operations forces.

''(iii) Readiness as it relates to manning guidance and priority of fill for units of the special operations forces.

''(B) The coordination required by subparagraph (A) shall be conducted in such a manner so as not to interfere with the authorities of the Secretary concerned regarding personnel management policy and plans.''.

SEC. 902. SPECIAL OPERATIONS ACTIVITIES.

Section 167(j) of title 10, United States Code, is amended by striking paragraphs (1) through (10) and inserting the following new paragraphs:

''(1) Special reconnaissance.

''(2) Unconventional warfare.

''(3) Foreign internal defense.

''(4) Civil affairs operations.

''(5) Counterterrorism.

''(6) Psychological operations.

''(7) Information operations.

''(8) Counter proliferation of weapons of mass destruction.

''(9) Security force assistance.

''(10) Counterinsurgency operations.

''(11) Such other activities as may be specified by the President or the Secretary of Defense.''.

SEC. 903. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

''CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(B) The heading of chapter 507 of such title is amended to read as follows:

''CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS''.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to be a reference to that officer as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 904. AUTHORITY TO ALLOW PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2167 the following new section:

''§2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction

''(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate certification or diploma.

''(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains eligible for such instruction only so long as that person remains employed by an eligible private sector firm.

''(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

''(1) the curriculum in which private sector employees may be enrolled under this section is not readily available through other schools; and

''(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense.

''(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

''(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

''(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:

''2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.''.

SEC. 905. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) ORGANIZATIONAL CHARTS.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) POSITIONS FILLED BY SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(4) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term ''senior position'' means a position fill by a member of the senior executive service or a position on the Executive Schedule established pursuant to title 5, United States Code.

(2) SENIOR PERSONNEL.—The term ''senior personnel'' means personnel who are members of the senior executive service or who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code.

SEC. 906. REQUIREMENT FOR DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS TO REPORT DIRECTLY TO SECRETARY OF DEFENSE.

Paragraph (2) of section 139b(c) of title 10, United States Code, is amended to read as follows:

''(2) The Director shall report directly to the Secretary of Defense.''.

SEC. 907. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 166a(e)(1) of title 10, United States Code, is amended—

(1) by striking ''$10,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$15,000'' and inserting ''the investment unit cost threshold in effect under section 2245a of this title''.

(b) COORDINATION WITH SECRETARY OF STATE.—Paragraph (6) of section 166a(b) of such title is amended by inserting after ''assistance,'' the following: ''in coordination with the Secretary of State,''.

SEC. 908. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) REPEAL OF REQUIREMENT FOR POSITION.—

(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken until the expiration of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term ''covered action'' means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 909. RECOMMENDATIONS TO CONGRESS BY MEMBERS OF JOINT CHIEFS OF STAFF.

Section 151(f) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''After first''; and

(2) by adding at the end the following new paragraph:

''(2) The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advisers, shall provide advice to Congress on a particular matter when Congress requests such advice.''.

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.

(a) STRATEGY.—

(1) REQUIREMENTS.—Paragraph (2) of section 2272(a) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) The process for transitioning space science and technology programs to new or existing space acquisition programs.''.

(2) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

''(5) The Secretary of Defense shall annually submit the strategy developed under paragraph (1) to the congressional defense committees on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code.''.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGY.—

(1) REVIEW.—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense submits the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. CONVERTING THE SPACE SURVEILLANCE NETWORK PILOT PROGRAM TO A PERMANENT PROGRAM.

Section 2274 of title 10, United States Code, is amended—

(1) in the heading, by striking ''PILOT'';

(2) in subsection (a)—

(A) in the heading, by striking ''PILOT''; and

(B) by striking ''a pilot program to determine the feasibility and desirability of providing'' and inserting ''a program to provide'';

(3) in subsection (b) in the matter preceding paragraph (1), by striking ''such a pilot program'' and inserting ''the program'';

(4) in subsection (c) in the matter preceding paragraph (1), by striking ''pilot'';

(5) in subsection (d) in the matter preceding paragraph (1), by striking ''pilot'';

(6) in subsection (h), by striking ''pilot''; and

(7) by striking subsection (i).

Subtitle C—Intelligence-Related Matters

SEC. 921. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle D—Other Matters

SEC. 931. JOINT PROGRAM OFFICE FOR CYBER OPERATIONS CAPABILITIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a Joint Program Office for Cyber Operations Capabilities to assist the Under Secretary of Defense for Acquisition, Technology, and Logistics in improving the development of specific leap-ahead capabilities, including manpower development, tactics, and technologies, for the military departments, the Defense Agencies, and the combatant commands.

(b) DIRECTOR.—The Joint Program Office for Cyber Operations Capabilities (in this section referred to as the ''JPO–COC'') shall be headed by a Director, who shall be appointed by the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, the Under Secretary of Defense for Intelligence, and the commander of United States Strategic Command. The Director shall be selected from among individuals with significant technical and management expertise in information technology system development, and shall serve for three years.

(c) SUPERVISION.—The Director shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Assistant Secretary of Defense for Networks and Information Integration may provide policy guidance to the Director on issues within the Director's areas of responsibilities.

(d) RESPONSIBILITIES.—The JPO-COC shall be responsible for the following:

(1) Coordinating cyber operations capabilities, both offensive and defensive, between the military departments, Defense Agencies, and combatant commands in order to identify and prioritize joint capability gaps.

(2) Developing advanced, leap-ahead capabilities to address joint capability gaps.

(3) Establishing a nation level, joint, interagency cyber exercise, similar to the exercise known as Eligible Receiver, that would occur at least biennially, and, to the extent possible, that would include participants from industry, critical infrastructure sector providers, international militaries, and non-governmental organizations.

(4) Such other responsibilities as the Under Secretary determines are appropriate.

(e) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on all of the activities of the JPO-COC during the preceding year.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM TRANSITION COUNCIL.

(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System Transition Council (in this section referred to as the ''Council'') to provide advice to the Secretary of Defense and the Secretaries of the military departments on implementing the defense integrated military human resources system (in this section referred to as the ''DIMHRS'') throughout the Department of Defense, including within each military department.

(b) COMPOSITION.—The Council shall include the following members:

(1) The Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral.

(4) One civilian employee of the National Guard Bureau who occupies a position of responsibility and receives compensation comparable to a lieutenant general or vice admiral.

(5) Such other individuals as may be designated by the Secretary of Defense.

(c) MEETINGS.—The Council shall meet not less than once a quarter, or more often as specified by the Secretary of Defense.

(d) DUTIES.—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, or budgetary issues impeding transition of DIMHRS to the military departments.

(2) Coordination of implementation of DIMHRS within each military department to ensure interoperability between and among the Department of Defense as a whole and each military department.

(3) Such other responsibilities as the Secretary of Defense determines are appropriate.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2014, the Council shall submit to the congressional defense committees an annual report on the progress of DIMHRS transition.

(2) The report shall include descriptions of the following:

(A) The status of implementation of DIMHRS among the military departments.

(B) A description of the testing and evaluation activities of DIMHRS as implemented throughout the Department of Defense, as well as any such activities developed by the military departments to extend DIMHRS to the departments.

(C) Plans for the decommissioning of human resources systems within the Department of Defense and military department that are being replaced by DIMHRS, including—

(i) systems to be phased out; and

(ii) plans for the remaining legacy systems to be phased out.

(D) Funding and resources from the military departments devoted to the development of department-specific plans to augment and extend the DIMHRS within each department.

SEC. 933. DEPARTMENT OF DEFENSE SCHOOL OF NURSING REVISIONS.

(a) SCHOOL OF NURSING.—

(1) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

''§2169. School of Nursing

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a School of Nursing, not later than July 1, 2011. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2013, not less than 50 in the second class, and not less than 100 annually thereafter.

''(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

''(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2169. School of Nursing.''.

(b) CONFORMING AMENDMENTS.—Section 2117 of title 10, United States Code, and the item relating to such section in the table of chapters at the beginning of chapter 104 of such title, are repealed.

SEC. 934. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.

(a) REPORT REQUIRED.—The commander of the special operations command shall prepare a report, in accordance with this section, on the organization, manning, and management of the command.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength levels at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that special operations command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army special operations command.

(6) A plan to sustain the cultural engagement group of special operations command central.

(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between special operations command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to special operations command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for special operations command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Center for Special Operations Interagency Task Force process.

(c) REPORT.—The report required by subsection (a) shall be submitted not later than March 15, 2010, to the congressional defense committees.

SEC. 935. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) MATTERS TO BE ADDRESSED.—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense.

(3) The types of recruitment and retention incentives available to members of the Armed Forces and civilian employees of the Department of Defense.

(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(c) CYBER OPERATIONS PERSONNEL DEFINED.—In this section, the term ''cyber operations personnel'' refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Incorporation of funding decisions into law.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

Sec. 1011. One-year extension of Department of Defense counter-drug authorities and requirements.
Sec. 1012. Joint task forces support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1013. Border coordination centers in Afghanistan and Pakistan.
Sec. 1014. Comptroller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

Sec. 1021. Operational procedures for experimental military prototypes.
Sec. 1022. Temporary reduction in minimum number of operational aircraft carriers.
Sec. 1023. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1024. Charter for the National Reconnaissance Office.

Subtitle D—Studies and Reports

Sec. 1031. Report on statutory compliance of the report on the 2009 quadrennial defense review.
Sec. 1032. Report on the force structure findings of the 2009 quadrennial defense review.
Sec. 1033. Sense of Congress and amendment relating to quadrennial defense review.
Sec. 1034. Strategic review of basing plans for United States European Command.
Sec. 1035. National Defense Panel.
Sec. 1036. Report required on notification of detainees of rights under Miranda v. Arizona.
Sec. 1037. Annual report on the electronic warfare strategy of the Department of Defense.
Sec. 1038. Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operations.

Subtitle E—Other Matters

Sec. 1041. Prohibition relating to propaganda.
Sec. 1042. Extension of certain authority for making rewards for combating terrorism.
Sec. 1043. Technical and clerical amendments.
Sec. 1044. Repeal of pilot program on commercial fee-for-service air refueling support for the Air Force.
Sec. 1045. Extension of sunset for congressional commission on the strategic posture of the United States.
Sec. 1046. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
Sec. 1047. Combat air forces restructuring.
Sec. 1048. Sense of Congress honoring the Honorable Ellen O. Tauscher.
Sec. 1049. Sense of Congress concerning the disposition of Submarine NR-1.
Sec. 1050. Compliance with requirement for plan on the disposition of detainees at Naval Station, Guantanamo Bay, Cuba.
Sec. 1051. Sense of Congress regarding carrier air wing force structure.
Sec. 1052. Sense of Congress on Department of Defense financial improvement and audit readiness; plan.
Sec. 1053. Justice for victims of torture and terrorism.
Sec. 1054. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs of the United States.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATIONS.—Except as provided in paragraphs (3) and (4), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(4) EXCEPTION FOR TRANSFERS FOR HEALTH INFORMATION MANAGEMENT AND INFORMATION TECHNOLOGY SYSTEMS.—A transfer of funds from the Office of the Secretary of Defense for the support of the Department of Defense Health Information Management and Information Technology systems shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF FUNDING DECISIONS INTO LAW.

(a) AMOUNTS SPECIFIED IN COMMITTEE REPORT ARE AUTHORIZED BY LAW.—Wherever a funding table in the report of the Committee on Armed Services of the House of Representatives to accompany the bill H.R. 2647 of the 111th Congress specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law to be carried out to the same extent as if included in the text of this Act, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount incorporated into the Act by this section shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex to the report referred to in subsection (a).

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in the report referred to in subsection (a) shall supersede the requirements of this section.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

SEC. 1011. ONE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE COUNTER-DRUG AUTHORITIES AND REQUIREMENTS.

(a) REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.—Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''April 15, 2006'' and all that follows through ''February 15, 2009'' and inserting ''February 15, 2010''.

(b) UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.—Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

(1) in subsection (a), by striking ''2009'' and inserting ''2010''; and

(2) in subsection (c), by striking ''2009'' and inserting ''2010''.

(c) SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.—Section 1033(a)(2) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1024(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking ''2009'' and inserting ''2010''.

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking ''2009'' and inserting ''2010''.

SEC. 1013. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) PROHIBITION ON USE OF COUNTER-NARCOTIC ASSISTANCE FOR BORDER COORDINATION CENTERS.—

(1) PROHIBITION.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) LIMITATION ON ESTABLISHMENT OF ADDITIONAL CENTERS.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command–East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(1) the area of operations of Regional Command–South in the Islamic Republic of Afghanistan; or

(2) Baluchistan in the Islamic Republic of Pakistan.

(c) BORDER COORDINATION CENTER DEFINED.—In this section, the term ''border coordination center'' means multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

SEC. 1014. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

(b) ELEMENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evaluation system for the counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. OPERATIONAL PROCEDURES FOR EXPERIMENTAL MILITARY PROTOTYPES.

(a) IN GENERAL.—For the purposes of conducting test and evaluation of experimental military prototypes, including major systems, as defined in section 2302 of title 10, United States Code, that have been substantially modified for testing with the goal of developing new technology for increasing the capability, capacity, efficiency, or reliability of such systems, and for stimulating innovation in research and development to improve equipment or system capability, the senior military officer of each military service, in consultation with the senior acquisition executive of each military department, shall develop and prescribe guidance to enable an expedited process for the documentation and approval of deviations from standardized operating instructions and procedures for systems and equipment that have been substantially modified for the purpose of research, development, or testing. The guidance shall—

(1) provide for appropriate consideration of the safety of personnel conducting such tests and evaluations;

(2) ensure that, prior to the approval of any such deviation, sufficient engineering and risk management analysis has been completed by a competent technical authority to provide a reasonable basis for determining that the proposed deviation will not result in an unreasonable risk of liability to the United States;

(3) provide full and fair opportunity for all contractors, including non-traditional defense contractors, who have developed or proposed promising technologies, to test and evaluate experimental military prototypes in a manner that—

(A) allows both the contractor and the military service to assess the full potential of the technology prior to the establishment of a formal acquisition program; and

(B) does not unduly restrict the operating envelope, environment, or conditions approved for use during test and evaluation on the basis of existing operating instructions and procedures developed for sustained operations of proven military hardware, but does ensure that deviations from existing operating instructions and procedures have been subjected to appropriate technical review consistent with any modifications made to the system or equipment; and

(4) ensure that documentation and approval of such deviations—

(A) can be accomplished in a transparent, cost-effective, and expeditious manner, generally within the period of performance of the contract for the development of the experimental military prototype;

(B) address the use of a major system as an experimental military prototype by a contractor, and the conduct of test and evaluation of such system by the contractor; and

(C) identify the scope of test and evaluation to be conducted under such deviation, the responsibilities of the parties conducting the test and evaluation, including the assumption of liability, and the responsibility for disposal of the experimental military prototype or, as appropriate, the return of a major system to its original condition.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of each military department shall submit to the congressional defense committees a report documenting the guidance developed in accordance with subsection (a) and describing how such guidance fulfills the objectives under paragraphs (1) through (4) of such subsection.

(c) ONE TIME AUTHORITY TO CONVEY.—

(1) IN GENERAL.—In advance of the development of a process required by subsection (a), the Secretary of the Navy is authorized to convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as ''transferee''), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number 163283), also known as the X-49A aircraft, and associated components and test equipment, previously specified as Government furnished equipment in contract N00019-00-C-0284. The conveyance shall be made by means of a deed of gift

(2) CONDITIONS.—The conveyance under paragraph (1) may only be made under the following conditions:

(A) The aircraft shall be conveyed in its current, ''as is'' condition.

(B) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(C) The conveyance shall be made at no cost to the United States. Any costs associated with the conveyance shall be borne by the transferee.

(D) The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States, except that such terms and conditions shall include, at a minimum—

(i) a provision stipulating that the conveyance of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of vectored thrust ducted propeller (VTDP) technology and that all items referenced in paragraph (1) will transfer back to the United States Navy, at no cost to the United States, in the event that the X-49A aircraft is utilized for any other purpose; and

(ii) a provision providing the Government the right to procure the vectored thrust ducted propeller (VTDP) technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(E) Upon such conveyance, the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SEC. 1022. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) TEMPORARY WAIVER.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN-65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN-78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—During the fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that could result due to a temporary reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN-65).

(2) REPORT TO CONGRESS.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President's budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

SEC. 1023. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—The Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense for fiscal year 2010 or any subsequent fiscal year to release or transfer any individual described in subsection (d) to the United States, its territories, or possessions, until 120 days after the President has submitted to the congressional defense committees the plan described in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan on the disposition of each individual described in subsection (d). Such plan shall include—

(1) an assessment of the risk that the individual described in subsection (d) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) a plan to mitigate any risks described in paragraph (1) should the proposed disposition required by paragraph (2) include the release or transfer to the United States, its territories, or possessions of any such individual; and

(4) a summary of the consultation required in subsection (c).

(c) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (b) includes a release or transfer to that State, District of Columbia, or territory or possession.

(d) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense, or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1024. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence and defense committees a revised charter for the National Reconnaissance Office (hereinafter in this section referred to as the ''NRO''). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The provision of NRO participation in the development and generation of requirements and acquisition.

(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

Subtitle D—Studies and Reports

SEC. 1031. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of subsection (d) of section 118 of title 10, United States Code.

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report addressing the areas of deviation not later than 30 days after the submission of the report by the Comptroller General required by paragraph (1).

SEC. 1032. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term ''major military capabilities'' includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SEC. 1033. SENSE OF CONGRESS AND AMENDMENT RELATING TO QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a strategy process that necessarily produces budget plans; however, budget pressures should not determine or limit its outcomes.

(b) RELATIONSHIP OF QDR TO BUDGET.—Section 118(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new paragraph:

''(2) The existence of the quadrennial defense review does not exempt the President or the Department of Defense from fulfilling its annual legal obligations to submit to Congress a budget and all legally required supporting documentation.''.

SEC. 1034. STRATEGIC REVIEW OF BASING PLANS FOR UNITED STATES EUROPEAN COMMAND.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the appropriate congressional committees a report on the plan for basing of forces in the European theater, containing a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan satisfies the commitments undertaken by the United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(3) how the plan addresses the current security environment in Europe, including United States participation in theater cooperation activities;

(4) how the plan contributes to peace and stability in Europe; and

(5) the impact that a permanent change in the basing of a unit currently assigned to United States European Command would have on the matters described in paragraphs (1) through (4).

(b) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the continental United States as of the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) UNIT.—The term ''unit'' has the meaning determined by the Secretary of Defense for purposes of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1035. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel''). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Two by the ranking member of the Committee on Armed Services of the Senate.

(5) Two by the Secretary of Defense.

(c) CO-CHAIRS OF THE PANEL.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this subsection referred to as the ''2009 QDR''), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks of the report of the 2009 QDR, with particular attention paid to the risks described in that report;

(3) submit to the congressional defense committees and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment under paragraph (3); and

(5) provide to Congress and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING.—

(1) The Panel shall hold its first meeting no later than 30 days after the date as of which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(2) If the Secretary of Defense has not made the Secretary's appointments to the Panel under subsection (b)(5) by the date of the first meeting pursuant to paragraph (1), the Panel shall convene with the remaining members.

(g) REPORTS.—

(1) Not later than April 15, 2010, the Panel shall submit an interim report on its findings to the congressional defense committees and to the Secretary of Defense.

(2) Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the congressional defense committees and to the Secretary of Defense.

(3) Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the committees referred to in paragraph (2) the Secretary's comments on the Panel's final report under that paragraph.

(h) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC SUPPORT.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) PERSONNEL MATTERS.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL EXPENSES.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

(l) TERMINATION.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).

SEC. 1036. REPORT REQUIRED ON NOTIFICATION OF DETAINEES OF RIGHTS UNDER MIRANDA V. ARIZONA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the reading of rights under Miranda v. Arizona (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the rules of engagement of the Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.

SEC. 1037. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time as the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for fiscal year 2011, and for each subsequent fiscal year, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military departments, shall submit to the congressional defense committees an annual report on the electronic warfare strategy of the Department of Defense.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the Department of Defense's electronic warfare strategy;

(B) how such strategy supports the National Defense Strategy; and

(C) the organizational structure assigned to oversee the development of the Department's electronic warfare strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department's electronic warfare strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for each program or project and, if such requirements exist, the date on which the requirements were validated and by which organizational authority;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, to include the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it relates to the program or project's current program baseline and the original program baseline if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) what capability gap the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) for each classified program or project on the list required by paragraph (2).

SEC. 1038. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) STUDIES REQUIRED.—

(1) INDEPENDENT STUDY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract shall be funded from amounts appropriated pursuant to an authorization of appropriations in this Act or otherwise made available for fiscal year 2010 for operation and maintenance for Defense-wide activities.

(2) JOINT CHIEFS OF STAFF STUDY.—The Chairman of the Joint Chiefs of Staff shall carry out a comprehensive study of the same subjects covered by paragraph (1). The study shall be independent of the study required by paragraph (1) and shall be carried out in conjunction with the military departments and in coordination with the Secretary of Defense.

(b) MATTERS TO BE ADDRESSED.—Each study required by subsection (a) shall address the following matters:

(1) Development of a system for understanding the various foundational components that contribute to network-centric operations, such as data transport, processing, storage, data collection, and dissemination of information.

(2) Determining how acquisition and funding programs that are in place as of the date of the enactment of this Act relate to the system developed under paragraph (1).

(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—

(A) collecting, processing, and disseminating information;

(B) network commonality;

(C) common communications;

(D) interoperability;

(E) mission impact and success; and

(F) cost effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) REPORT REQUIRED.—Not later than September 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term ''network-centric operations'' refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

Subtitle E—Other Matters

SEC. 1041. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

''§2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

''Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.''.

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1042. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''2009'' and inserting ''2010''.

SEC. 1043. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The heading of section 1567 is amended to read as follows:

''§1567. Duration of military protective orders''.

(2) The heading of section 1567a is amended to read as follows:

''§1567a. Mandatory notification of issuance of military protective order to civilian law enforcement''.

(3) Section 2306c(h) is amended by striking ''section 2801(c)(2)'' and inserting ''section 2801(c)(4)''.

(4) Section 2667(g)(1) is amended by striking ''Secretary concerned concerned'' and inserting ''Secretary concerned''.

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking ''Secretary'' and inserting ''Secretary of Defense''.

(2) Section 523(1) (122 Stat. 4446) is amended by striking ''serving or'' and inserting ''serving in or''.

(3) Section 616 (122 Stat. 4486) is amended by striking ''of title'' in subsections (b) and (c) and inserting ''of such title''.

(4) Section 732(2) (122 Stat. 4511) is amended by striking ''year.'' and inserting ''year''.

(5) Section 811(c)(6)(A)(iv)(I) (122 Stat.4524) is amended by striking ''after of 'the program' '' and inserting ''after 'of the program' ''.

(6) Section 813(d)(3) (122 Stat. 4527) is amended by striking ''each of subsections (c)(2)(A) and (d)(2)'' and inserting ''subsection (c)(2)(A)''.

(7) Section 825(b) (122 Stat. 4534) is amended in the new item being added by inserting a period after ''thereof''.

(8) Section 834(a)(2) (122 Stat. 4537) is amended by inserting ''subchapter II of'' before ''chapter 87''.

(9) Section 845(a) (122 Stat. 4541) is amended—

(A) in paragraph (1), by striking ''Subchapter I'' and inserting ''Subchapter II''; and

(B) in paragraph (2), by striking ''subchapter I'' and inserting ''subchapter II''.

(10) Section 855 (122 Stat. 4545) is repealed.

(11) Section 921(1) (122 Stat. 4573) is amended by striking ''subsections (f) and (g) as subsections (g) and (h)'' and inserting ''subsections (f), (g), and (h) as subsections (g), (h), and (i)''.

(12) Section 931(b)(5) (122 Stat. 4575) is amended—

(A) by striking ''Section 201(e)(2)'' and inserting ''Section 201(f)(2)(E)''; and

(B) by striking ''(6 U.S.C. 121(e)(2))'' and inserting ''(6 U.S.C. 121(f)(2)(E))''.

(13) Section 932 (122 Stat. 4576) is repealed.

(14) Section 1033(b) (122 Stat. 4593) is amended by striking ''chapter 941'' and inserting ''chapter 931''.

(15) Section 1059 (122 Stat. 4611) is amended by striking ''Act of'' and inserting ''Act for''.

(16) Section 1061(b)(3) (122 Stat. 4613) is amended by striking ''103'' and inserting ''188''.

(17) Section 1109 (122 Stat. 4618) is amended in subsection (e)(1) of the matter proposed to be added by striking ''the date of the enactment of this Act'' and inserting ''October 14, 2008,''.

(18) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking ''section 2401'' and inserting ''section 2101''.

(19) Section 3508(b) (122 Stat. 4769) is amended to read as follows:

''(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.''.

(20) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: '', and by striking 'CALENDAR' and inserting 'FISCAL' in the heading for paragraph (2)''.

SEC. 1044. REPEAL OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended by striking section 1081.

SEC. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1) of this subsection, by striking ''June 1, 2009'' and inserting ''September 30, 2010''; and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) FOLLOW-ON REPORT.—Not later than May 1, 2010, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report to the report submitted under subsection (e). With respect to the matters described under subsection (c), the follow-on report shall include, at a minimum, the following:

''(1) A review of—

''(A) the nuclear posture review required by section 1070 of this Act; and

''(B) the Quadrennial Defense Review required to be submitted under section 118 of title 10, United States Code.

''(2) A review of legislative actions taken by the 111th Congress.''.

SEC. 1046. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(c) AUTHORIZATION FOR APPROPRIATION.—Of the amounts authorized to be appropriated under title III, not less than $240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

SEC. 1047. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 90-day period beginning on the date the Secretary of the Air Force submits a report in accordance with subsection (b), the following provisions apply:

(1) PROHIBITION ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary on May 18, 2009.

(2) PROHIBITION ON PERSONNEL REASSIGNMENTS.—The Secretary of the Air Force may not reassign any Air Force personnel (whether on active duty or a member of a reserve component, including the National Guard) associated with such restructuring plan.

(3) REQUIREMENTS TO CONTINUE FUNDING.—

(A) Of the funds authorized to be appropriated in title III of this Act for operations and maintenance for the Air Force, at least $344,600,000 shall be expended for continued operation and maintenance of the 249 fighter aircraft scheduled for retirement in fiscal year 2010 pursuant to such restructuring plan.

(B) Of the funds authorized to be appropriated in title I of this Act for procurement for the Air Force, at least $10,500,000 shall be available for obligation to provide for any modifications necessary to sustain the 249 fighter aircraft.

(b) REPORT.—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.

(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan more forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1048. SENSE OF CONGRESS HONORING THE HONORABLE ELLEN O. TAUSCHER.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1996, Representative Ellen O. Tauscher was elected to represent California's 10th Congressional district, which is located in the East Bay Area of northern California and consists of parts of Solano, Contra Costa, Alameda, and Sacramento counties.

(2) Representative Tauscher also represents two of the Nation's defense laboratories, Lawrence Livermore and the California campus of Sandia, as well as Travis Air Force Base, home of the 60th Air Mobility Wing and the Camp Parks Army Reserve facility.

(3) Prior to her service in Congress, Representative Tauscher worked in the private sector for 20 years, 14 of which were on Wall Street.

(4) At age 25, Representative Tauscher became one of the first women, and the youngest at the time, to hold a seat on the New York Stock Exchange, and she later served as an officer of the American Stock Exchange.

(5) Representative Tauscher moved to California in 1989 and shortly afterwards founded the first national research service to help parents verify the background of childcare workers while she sought quality childcare for her own daughter.

(6) Subsequently, Representative Tauscher published a book to help working parents make informed decisions about their own childcare needs.

(7) Representative Tauscher is known by her colleagues in Congress as a leader on national security and nonproliferation issues.

(8) During her tenure, she has introduced legislation to increase and expand the Nation's nonproliferation programs, strengthen the Stockpile Stewardship Program, and provide the Nation's troops with the support and equipment they deserve.

(9) In the 110th Congress, Representative Tauscher was appointed Chairman of the Strategic Forces Subcommittee of the Armed Services Committee of the House of Representatives, becoming only the third woman in history to chair an Armed Services subcommittee.

(10) Representative Tauscher is also the first California Democrat to be elevated to an Armed Services Subcommittee Chairmanship since 1992.

(11) Representative Tauscher is currently serving her second term as the Chairman of the House New Democrat Coalition, and she was appointed by the Speaker of the House to serve as the Vice Chair for the Future Security and Defense Capabilities Subcommittee of the Defense and Security Committee of NATO's Parliamentary Assembly.

(12) On May 5, 2009, the President nominated Representative Tauscher to serve as Under Secretary of State for Arms Control and International Security at the Department of State.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that the Honorable Ellen O. Tauscher, Representative from California, has served the House of Representatives and the American people selflessly and with distinction, and that she deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1049. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR-1.

(a) FINDINGS.—Congress makes the following findings:

(1) The Deep Submergence Vessel NR-1 (hereinafter in this section referred to as ''NR-1'') was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR-1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut throughout her entire service life.

(3) NR-1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR-1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.

(5) In 1986, NR-1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR-1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) NR-1 is a unique and irreplaceable part of the Nation's history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Museum and Library in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of on-board equipment and clearly recognizable sections of the hull and superstructure, to the full extent practicable, are made available for transfer to the Submarine Force Museum and Library.

SEC. 1050. COMPLIANCE WITH REQUIREMENT FOR PLAN ON THE DISPOSITION OF DETAINEES AT NAVAL STATION, GUANTANAMO BAY, CUBA.

The Secretary of Defense shall comply with the requirements of section 1023(b) of this Act, regarding the transfer or release of the individuals detained at Naval Station, Guantanamo Bay, Cuba.

SEC. 1051. SENSE OF CONGRESS REGARDING CARRIER AIR WING FORCE STRUCTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) The requirement of section 5062(b) of title 10, United States Code, for the Navy to maintain not less than 11 operational aircraft carriers, means that the naval combat forces of the Navy also include not less than 10 carrier air wings.

(2) The Department of the Navy currently requires a carrier air wing to include not less than 44 strike fighter aircraft.

(3) In spite of the potential warfighting benefits that may result in the deployment of fifth-generation strike fighter aircraft, for the foreseeable future the majority of the strike fighter aircraft assigned to a carrier air wing will not be fifth-generation assets.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the naval combat forces of the Navy should include not less than 10 carrier air wings (even if the number of aircraft carriers is temporarily reduced) that are comprised of, in addition to any other aircraft, not less than 44 strike fighter aircraft; and

(2) the Secretary of the Navy should take all appropriate actions necessary to make resources available in order to include such number of strike fighter aircraft in each carrier air wing.

SEC. 1052. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE FINANCIAL IMPROVEMENT AND AUDIT READINESS; PLAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense is the largest agency in the Federal Government, owning 86 percent of the Government's assets, estimated at $4.6 trillion.

(2) It is essential that the Department maintain strong financial management and business systems that allow for comprehensive auditing, in order to improve financial management government-wide and to achieve an opinion on the Federal Government's consolidated financial statements.

(3) Several major pieces of legislation, such as the Chief Financial Officers Act of 1990 (Public Law 101–576) and the Federal Financial Management Improvement Act of 1996 (Public Law 104–208; 31 U.S.C. 3512 note) have required published financial statement audits, reporting by auditors regarding whether the Department's financial management systems comply substantially with Federal accounting standards, and other measures intended to ensure financial management systems of the Department provide accurate, reliable, and timely financial management information.

(4) Nevertheless, according to the January 2009 update to the Government Accountability Office High Risk Series, to date, only ''. . . the U.S. Army Corps of Engineers, Civil Works has achieved a clean audit opinion on its financial statements. None of the military services have received favorable financial statement audit opinions, and the Department has annually acknowledged that long-standing pervasive weaknesses in its business systems, processes, and controls have prevented auditors from determining the reliability of reported financial statement information.''

(5) In response to a congressional mandate, the Department issued its first biennial Financial Improvement and Audit Readiness Plan in December 2005, to delineate its strategy for addressing financial management challenges and achieving clean audit opinions. This 2005 report projected that 69 percent of assets and 80 percent of liabilities would be ''clean'' by 2009, yet in the latest report in March 2009 the Department projects it will achieve an unqualified audit on only 45 percent of its assets and liabilities by 2009. The Department of Defense is falling behind its original plan to achieve full compliance with the law by 2017.

(6) Following the passage of the Sarbanes-Oxley Act of 2002 (Public Law 107–204), publicly traded corporations in the United States would face severe penalties for similar deficiencies in financial management and accountability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is no longer excusable to allow poor business systems, a deficiency of resource allocation, or a lack of commitment from senior Department of Defense leadership to foster waste or non-accountability to the United States taxpayer. It is the further sense of Congress that the Secretary of Defense has not made compliance with financial management and audit readiness standards a top priority and should require, through the Chief Management Officer of the Department of Defense, that each component of the Department develop and implement a specific plan to become compliant with the law well in advance of 2017.

(c) PLAN.—In the next update of the Financial Improvement and Audit Readiness Plan, following the date of the enactment of this Act, the Secretary of Defense shall outline a plan to achieve a full, unqualified audit of the Department of Defense by September 30, 2013. In the plan, the Secretary shall also identify a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

SEC. 1053. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) At the request of President George W. Bush, Congress permitted the President to waive applicable provisions of the National Defense Authorization Act for Fiscal Year 2008 with respect to judicially cognizable claims of American victims of torture and hostage taking by the Government of Iraq.

(2) In return, however, Congress requested the executive branch to resolve these claims through negotiations with Iraq.

(3) After considerable delay, officials of the Department of State have informed Members of Congress that these negotiations are underway.

(4) Congress appreciates the start of the negotiations and will monitor the progress in the prompt and equitable resolution of these claims.

(5) Congress notes that the House of Representatives in the 110th Congress unanimously adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of these claims.

(6) In the interest of assisting the new democratic government of Iraq, H.R. 5167 offers a considerable compromise to all parties involved by waiving all punitive damages awarded by the courts in these cases, as well as approximately two-thirds of compensatory damages awarded by the courts.

(b) SENSE OF CONGRESS.—It is the sense of Congress that as the negotiations to resolve the claims of American victims of torture and hostage taking by the Government of Iraq that are referred to in subsection (a)(1) proceed, Congress continues to view the provisions of H.R.5167 of the 110th Congress as representing a fair compromise of these claims.

SEC. 1054. REPEAL OF CERTAIN LAWS PERTAINING TO THE JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS.—Section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is repealed.

(b) BIENNIAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Authority to employ individuals completing the National Security Education Program.

Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.

Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.

Sec. 1104. Additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

Sec. 1105. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1106. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.
Sec. 1107. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.
Sec. 1108. Requirement for Department of Defense strategic workforce plans.
Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.
Sec. 1110. Modification to Department of Defense laboratory personnel authority.
Sec. 1111. Pilot program for the temporary exchange of information technology personnel.
Sec. 1112. Provisions relating to the National Security Personnel System.
Sec. 1113. Provisions relating to the Defense Civilian Intelligence Personnel System.
Sec. 1114. Sense of Congress on pay parity for Federal employees service at Joint Base McGuire/Dix/Lakehurst.

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

''(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the head of an element of the intelligence community, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

''(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, an element of the intelligence community, the Department of Homeland Security, the Department of State, or such Federal agency or office, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department, such element, or such Federal agency or office; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) TECHNICAL AMENDMENT.—Section 808 of such Act (50 U.S.C. 1908) is amended by adding at the end the following new paragraph:

''(6) The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).''.

SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

''(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

(b) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by striking ''Except as provided in subsection (d), the'' in the second sentence and inserting ''The''.

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking the first sentence; and

(2) by striking ''the authorities provided in such chapter'' and inserting ''the other authorities provided in this chapter''.

(d) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (g).

SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE DEPARTMENT OF DEFENSE INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.

Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

''(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

''(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.''.

SEC. 1104. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

''(1) PERSONNEL.—

''(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

''(B) ADDITIONAL AUTHORITIES.—

''(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

''(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

''(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

''(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).''.

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), is amended by striking ''calendar year 2009'' and inserting ''calendar years 2009 and 2010''.

SEC. 1106. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

Section 1603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417;122 Stat. 4616), is amended by inserting ''Pakistan or'' after ''is on official duty in''.

SEC. 1107. AUTHORITY TO EXPAND SCOPE OF PROVISIONS RELATING TO UNREDUCED COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees as may be provided for under such regulations.''.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9902(h) of such title 5 (as so designated by subsection (a)(1)) is amended by striking the period and inserting '', excluding paragraph (3).''.

SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

(a) CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Annual strategic workforce plan

''(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

''(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

''(1) An assessment of—

''(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

''(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

''(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

''(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

''(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

''(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

''(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

''(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified in paragraph (1);

''(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

''(E) any changes in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

''(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

''(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

''(4) Any additional matters the Secretary of Defense considers necessary to address.

''(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Each strategic workforce plan under subsection (a) shall specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense, including the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2).

''(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

''(2) For purposes of paragraph (1), each plan shall specifically address—

''(A) the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

''(B) a plan for funding needed improvements in the military and civilian workforce of the Department, including—

''(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

''(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

''(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

''(f) DEFINITIONS.—In this section:

''(1) The term 'senior management, functional, and technical workforce of the Department of Defense' includes the following categories of Department of Defense civilian personnel:

''(A) Appointees in the Senior Executive Service under section 3131 of title 5.

''(B) Persons serving in positions described in section 5376(a) of title 5.

''(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

''(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-315)).

''(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

''(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

''(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

''(2) The term 'acquisition workforce' includes individuals designated under section 1721 as filling acquisition positions.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

''115b. Annual strategic workforce plan.''.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 201, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.

(a) AMENDMENTS.—Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619) is amended—

(1) in paragraph (1) of subsection (b), by striking ''requirements of—'' and all that follows through the end of subparagraph (C) and inserting ''the requirements of section 115b of this title; or'';

(2) in paragraph (2) of subsection (b), by striking ''purposes described in paragraphs (1) through (4) of subsection (c).'' and inserting the following:

''any of the following purposes:

''(A) Performance of inherently governmental functions.

''(B) Performance of work pursuant to section 2463 of title 10, United States Code.

''(C) Ability to maintain sufficient organic expertise and technical capability.

''(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.''; and

(3) by striking subsections (c) and (d).

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

''(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

''(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and the budget fiscal year.

''(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

''(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

''(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.''

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of section 115a of such title is amended by inserting ''defense'' before ''manpower requirements report.''

(B)(i) The heading of such section is amended to read as follows:

''§115. Annual defense manpower requirements report''.

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

''115a. Annual defense manpower requirements report.''.

(3) CONFORMING REPEAL.—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

SEC. 1110. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.

(a) ADDITIONAL SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.—

(1) DESIGNATION.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721):

(A) The Tank and Automotive Research Development and Engineering Center.

(B) The Armament Research Development and Engineering Center.

(C) The Naval Air Warfare Center, Weapons Division.

(D) The Naval Air Warfare Center, Aircraft Division.

(E) The Space and Naval Warfare Systems Center, Pacific.

(F) The Space and Naval Warfare Systems Center, Atlantic.

(2) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each facility identified in paragraph (1) from their current personnel system to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this paragraph—

(A) shall not adversely affect any employee with respect to pay or any other term or condition of employment;

(B) shall be consistent with the terms of any collective bargaining agreement which might apply; and

(C) shall be completed within 18 months after the date of the enactment of this Act.

(b) EXCLUSION FROM NATIONAL SECURITY PERSONNEL SYSTEM.—

(1) IN GENERAL.—Section 9902(c)(2) of title 5, United States Code, is amended—

(A) in subparagraph (I), by striking ''and'' after the semicolon;

(B) in subparagraph (J), by striking the period and inserting ''; and''; and

(C) by adding after subparagraph (J) the following:

''(K) the Tank and Automotive Research Development and Engineering Center;

''(L) the Armament Research Development and Engineering Center;

''(M) the Naval Air Warfare Center, Weapons Division;

''(N) the Naval Air Warfare Center, Aircraft Division;

''(O) the Space and Naval Warfare Systems Center, Pacific; and

''(P) the Space and Naval Warfare Systems Center, Atlantic.''.

(2) EXTENSION OF PERIOD OF EXCLUSION.—Section 9902(c)(1) of title 5, United States Code, is amended by striking ''2011'' each place it appears and inserting ''2014''.

SEC. 1111. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement between the Department of Defense and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that Department of Defense employees, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the Department of Defense or private sector employee fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason (as determined by the Secretary of Defense).

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(f) NUMERICAL LIMITATION.—In no event may more than 10 employees be participating in assignments under this section as of any given time.

(g) REPORTING REQUIREMENT.—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned; and

(3) a description of the tasks they performed while they were so assigned.

(h) REPEAL OF SUPERSEDED SECTION.—Section 1109 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) is repealed, except that—

(1) nothing in this subsection shall, in the case of any assignment commencing under such section 1109 on or before the date of the enactment of this Act, affect—

(A) the duration of such assignment or the authority to extend such assignment in accordance with subsection (d) of such section 1109, as last in effect; or

(B) the terms or conditions of the agreement governing such assignment, including with respect to any service obligation under subsection (b) thereof; and

(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of—

(A) the numerical limitation under subsection (f); and

(B) the reporting requirement under subsection (g).

SEC. 1112. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''National Security Personnel System'' or ''NSPS'' refers to a human resources management system established under authority of chapter 99 of title 5, United States Code; and

(2) the term ''statutory pay sytem'' means a pay system under—

(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates);

(B) subchapter IV of chapter 53 of title 5, United States Code (relating to prevailing rate systems); or

(C) such other provisions of law as would apply if chapter 99 of title 5, United States Code, had never been enacted.

(b) REQUIREMENT THAT ALL APPOINTMENTS MADE AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE STATUTORY PAY SYSTEM AND NOT NSPS.—Notwithstanding any other provision of law—

(1) the National Security Personnel System—

(A) shall not apply to any individual who is not subject to such System as of June 16, 2009; and

(B) shall not apply to any position which is not subject to such System as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to any position within the Department of Defense shall accordingly be subject to the statutory pay system and all other aspects of the personnel system which would otherwise apply (with respect to the individual or position involved) if the National Security Personnel System had never been established.

(c) TERMINATION OF NSPS AND CONVERSION OF ANY EMPLOYEES AND POSITIONS REMAINING SUBJECT TO NSPS.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the National Security Personnel System and for the conversion of any employees and positions which, as of such date of enactment, remain subject to such System, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the National Security Personnel System should not be terminated in accordance with paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the System should be continued with or without changes; and

(B) if, in the opinion of the Secretary, the System should be continued with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

(d) RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.—Section 9902(e)(7) of title 5, United States Code, is amended by striking ''no less than 60 percent'' and all that follows and inserting ''the full amount of such adjustment.''.

SEC. 1113. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term ''covered position'' means a defense intelligence position in the Department of Defense established under chapter 83 of title 10, United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term ''DCIPS pay system'', as used with respect to a covered position, means the

provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term ''Defense Civilian Intelligence Personnel System'' means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term ''appropriate pay system'', as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,

excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) REQUIREMENT THAT APPOINTMENTS TO COVERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE PAY SYSTEM.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

(A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

(B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) TERMINATION OF DCIPS PAY SYSTEM FOR COVERED POSITIONS AND CONVERSION OF EMPLOYEES HOLDING COVERED POSITIONS TO THE APPROPRIATE PAY SYSTEM.—

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary's views and the reasons therefor. Such report shall specifically include—

(A) the Secretary's opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and

(ii) a description of any administrative action or legislation which may be necessary.

The requirements of this paragraph shall be carried out by the Secretary of Defense in conjunction with the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to affect—

(1) the provisions of the Defense Civilian Intelligence Personnel System governing aspects of compensation apart from salary or basic pay; or

(2) the application of such provisions with respect to a covered position or any individual holding a covered position, including after June 16, 2009.

SEC. 1114. SENSE OF CONGRESS ON PAY PARITY FOR FEDERAL EMPLOYEES SERVICE AT JOINT BASE MCGUIRE/DIX/LAKEHURST.

It is the sense of Congress that for the purposes of determining any pay for an employee serving at Joint Base McGuire/Dix/Lakehurst—

(1) the pay schedules and rates to be used shall be the same as if such employee were serving in the pay locality, wage area, or other area of locality (whichever would apply to determine pay for the employees involved) that includes Ocean County, New Jersey; and

(2) the Office of Personnel Management should develop regulations to ensure pay parity for employees serving at Joint Bases.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Modification and extension of authority for security and stabilization assistance.
Sec. 1202. Increase of authority for support of special operations to combat terrorism.
Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.
Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. Reauthorization of Commanders' Emergency Response Program.
Sec. 1213. Reimbursement of certain Coalition nations for support provided to United States military operations.
Sec. 1214. Pakistan Counterinsurgency Fund.
Sec. 1215. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.
Sec. 1216. Reports on campaign plans for Iraq and Afghanistan.
Sec. 1217. Required assessments of United States efforts in Afghanistan.
Sec. 1218. Report on responsible redeployment of United States Armed Forces from Iraq.
Sec. 1219. Report on Afghan Public Protection Program.
Sec. 1220. Updates of report on command and control structure for military forces operating in Afghanistan.
Sec. 1221. Report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.
Sec. 1222. Assessment and report on United States-Pakistan military relations and cooperation.
Sec. 1223. Required assessments of progress toward security and stability in Pakistan.
Sec. 1224. Repeal of GAO war-related reporting requirement.
Sec. 1225. Plan to govern the disposition of specified defense items in Iraq.
Sec. 1226. Civilian ministry of defense advisor program.
Sec. 1227. Report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations.
Sec. 1228. Sense of Congress supporting United States policy for Afghanistan.
Sec. 1229. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.

Subtitle C—Other Matters

Sec. 1231. NATO Special Operations Coordination Center.
Sec. 1232. Annual report on military power of the Islamic Republic of Iran.
Sec. 1233. Annual report on military and security developments involving the People's Republic of China.
Sec. 1234. Report on impacts of drawdown authorities on the Department of Defense.
Sec. 1235. Risk assessment of United States space export control policy.
Sec. 1236. Patriot air and missile defense battery in Poland.
Sec. 1237. Report on potential foreign military sales of the F-22A fighter aircraft to Japan.
Sec. 1238. Expansion of United States-Russian Federation joint center to include exchange of data on missile defense.

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) MODIFICATION.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1207(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended—

(1) by striking ''(b) LIMITATION.—'' and all that follows through ''the aggregate value'' and inserting ''(b) LIMITATION.—The aggregate value'';

(2) by striking ''$100,000,000'' and inserting ''$25,000,000''; and

(3) by striking paragraph (2).

(b) EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1207(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 1202. INCREASE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking ''$35,000,000'' and inserting ''$50,000,000''.

SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT.—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking ''180 days after the date of the enactment of this Act'' and inserting ''February 1 of each year''; and

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking ''and'' at the end; and

(B) by adding at the end the following new subparagraph:

''(I) subsection (b)(6) of section 166a of title 10, United States Code; and''.

(b) REPORT FOR FISCAL YEARS 2008 AND 2009.—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information required under such section with respect to fiscal years 2008 and 2009.

SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(3) The changes, if any, that should be made to the provisions of law described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(4) The organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(5) The resources and funding mechanisms required to ensure adequate funding for such programs.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as most recently amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4360), is further amended—

(1) in the heading, by striking ''FISCAL YEARS 2008 AND 2009'' and inserting ''FISCAL YEAR 2010''; and

(2) in the matter preceding paragraph (1)—

(A) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2010''; and

(B) by striking ''$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009'' and inserting ''$1,300,000,000 in fiscal year 2010''.

(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking ''fiscal years 2008 and 2009'' and inserting ''fiscal year 2010''.

SEC. 1213. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1510 for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) AMOUNTS OF REIMBURSEMENT.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(c) LIMITATIONS.—

(1) LIMITATION ON AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2010 may not exceed $1,600,000,000.

(2) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall notify the appropriate congressional committees not less than 15 days before making any reimbursement under the authority in subsection (a). In the case of any reimbursement to Pakistan under the authority in subsection (a), such notification shall be made in accordance with the notification requirements under section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392).

(e) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a) during such quarter.

(f) EXTENSION OF NOTIFICATION REQUIREMENT RELATING TO DEPARTMENT OF DEFENSE COALITION SUPPORT FUNDS FOR PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1217(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4635), is further amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.

(a) AMOUNTS IN FUND.—The Pakistan Counterinsurgency Fund (in this section referred to as the ''Fund'') shall consist of the following:

(1) Amounts appropriated to the Fund for fiscal year 2009.

(2) Amounts transferred to the Fund pursuant to subsection (d).

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance to the security forces of Pakistan (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to improve the counterinsurgency capability of Pakistan's security forces (including Pakistan's military, Frontier Corps, and other security forces), and of which not more than $2,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for Pakistan's security forces receiving assistance under the Fund.

(2) RELATION TO OTHER AUTHORITIES.—Except as otherwise provided in section 1215 of this Act (relating to the program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan), amounts in the Fund are authorized to be made available notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) TRANSFERS FROM FUND.—

(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account,

for purposes consistent with this section.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) TRANSFERS BACK TO FUND.—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to the Fund under the authority of paragraph (1) shall be merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

(e) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Amounts in the Fund may not be obligated or transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed obligation or transfer.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(f) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1215. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) PROHIBITION.—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) REGISTRATION AND END-USE MONITORING REQUIREMENTS.—The registration and end-use monitoring requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1),

(c) REVIEW; EXEMPTION.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and monitoring requirements. The Secretary of Defense shall submit to the specified congressional committees the results of each review conducted under this paragraph.

(2) EXEMPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term ''defense article''—

(A) includes—

(i) any weapon, including a small arm (as defined in paragraph (3)), weapons system, munition, aircraft, vessel, boat or other implement of war;

(ii) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(iii) any machinery, facility, tool, material supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph; or

(iv) any component or part of any article listed in this paragraph; but

(B) does not include merchant vessels or, as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(2) DEFENSE SERVICE.—The term ''defense service'' includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under chapter 5 of part II of the Foreign Assistance Act of 1961.

(3) SMALL ARM.—The term ''small arm'' means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a subcarbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) SPECIFIED CONGRESSIONAL COMMITTEES.—The term ''specified congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

(2) EXCEPTION.—The Secretary of Defense may delay the effective date of this section by an additional period of up to 90 days if the Secretary certifies in writing to the specified congressional committees for such additional period that it is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

SEC. 1216. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan each adhere to military doctrine (as defined in the Department of Defense's Joint Publication 5-0, Joint Operation Planning), including the elements set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the conditions that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan reports the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) UPDATE OF REPORT.—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) EXCEPTION.—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (c).

(e) TERMINATION.—

(1) REPORTS ON IRAQ.—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) REPORTS ON AFGHANISTAN.—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1217. REQUIRED ASSESSMENTS OF UNITED STATES EFFORTS IN AFGHANISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward defeating al Qa'ida and its affiliated networks and extremist allies and preventing the establishment of safe havens in Afghanistan for al Qa'ida and its affiliated networks and extremist allies.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess progress in the following areas:

(1) Ending the ability of the Taliban, al Qa'ida, and other anti-government elements—

(A) to establish control over the population of Afghanistan or regions of Afghanistan;

(B) to establish safe havens in Afghanistan; and

(C) to conduct attacks inside or outside Afghanistan.

(2) Spreading legitimate and functional governance.

(3) Spreading the rule of law.

(4) Improving the legal economy of Afghanistan.

(5) Other areas the President determines to be important.

(c) REQUIREMENT TO DEVELOP GOALS AND TIMELINES.—For each area required to be assessed under subsection (b), the President, in consultation with the Government of Afghanistan and the governments of other countries the President determines to be necessary, shall establish goals for each area and timelines for meeting such goals.

(d) METRICS.—The President shall develop metrics that allows for the accurate and thorough assessment of progress toward each goal

and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment of—

(i) the progress of the government and people of Afghanistan, with the assistance of the international community, in each area required to be assessed under subsection (b); and

(ii) the effectiveness of United States efforts to assist the government and people of Afghanistan to make progress in each area required to be assessed under subsection (b).

(B) A description of the goals and timelines for meeting such goals required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1218. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq occupied by 100 or more United States military personnel and the number of such military installations closed, consolidated, or transferred to the Government of Iraq in the preceding 90-day period.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each threat level category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released from United States custody and the reasons for their release, and the number of detainees who having been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force–Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the drawdown of United States Armed Forces, and the process and timing that will be utilized by the commander of Multi-National Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) FORM.—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1219. REPORT ON AFGHAN PUBLIC PROTECTION PROGRAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Afghan Public Protection Program (in this section referred to as the ''program'').

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the program in the initial pilot districts in Afghanistan, including, at a minimum, the following elements:

(A) An evaluation of the changes in security conditions in the initial pilot districts from the program's inception to the date of the report.

(B) The extent to which the forces developed under the program in the initial pilot districts are generally representative of the ethnic groups in the respective districts.

(C) If the forces developed under the program are appropriately representative of the geographic area of responsibility.

(D) An assessment of the views of the local communities, to include both Afghan national, provincial, and district governmental officials and leaders of the local communities, of the successes and failures of the program.

(E) Any formal reviews of the program that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used.

(F) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were vetted.

(G) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders' Emergency Response Program funds spent as formal or informal incentives.

(H) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under the program.

(I) Any other criteria used to evaluate the program in the initial pilot districts by the Commander of United States Forces–Afghanistan.

(2) An assessment of the future of the program, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the program.

(B) A description of how such an expansion supports the functions of the Afghan National Police.

(C) A description of how the decision will be made whether to expand the program outside the initial pilot districts and the criteria that will be used to make that decision.

(D) A description of how districts or provinces outside of the initial pilot districts will be chosen to participate in the program, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the program.

(iii) How the views of other North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) Coalition partners will be taken into account during the decision process.

(iv) What process will be used to evaluate any changes to the program as executed in the initial pilot districts to account for different or unique circumstances in additional areas of expansion.

(E) An assessment of personnel or assets of the Department of Defense that would likely be required to support any expansion of the program, including a description of the following:

(i) Any requirement for personnel to train or mentor additional forces developed under the program or to train additional members of the ANSF to train forces under the program.

(ii) Any Department of Defense funding that would be provided to support additional forces under the program.

(iii) Any assistance that would reasonably be required to assist the Government of Afghanistan manage any additional forces developed under the program.

(F) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the program, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF Coalition partners;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(G) If members of the forces developed under the program will be transitioned to the ANSF or to other employment in the future, a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required;

(iii) how decisions will be made to transition the forces to the ANSF or other employment; and

(iv) any other relevant information.

(H) The Afghan chain of command that will be used to implement the program and provide command and control over the units created by the program.

SEC. 1220. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634) is

amended by adding at the end the following new sentence: ''Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385).''.

SEC. 1221. REPORT ON PAYMENTS MADE BY UNITED STATES ARMED FORCES TO RESIDENTS OF AFGHANISTAN AS COMPENSATION FOR LOSSES CAUSED BY UNITED STATES MILITARY OPERATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) the total amount of funds provided for losses caused by United States military operations;

(2) a breakdown of the number of payments by type, to include—

(A) compensation for the death of a noncombatant Afghan resident;

(B) compensation for the injury of a noncombatant Afghan resident;

(C) compensation for property damage caused during combat operations or noncombat operations; and

(D) any other category for which compensation was paid by United States Armed Forces; and

(3) the average amount of compensation for each type of payment described in paragraph (2).

(c) SCOPE OF REPORT.—The initial report required under subsection (a) shall include the information required under subsection (b) for the 5-year period ending on the date of submission of the initial report and each update of the report required under subsection (a) shall include the information required under subsection (b) for the period since the submission of last report.

(d) TERMINATION.—The requirement to submit reports under subsection (a) shall terminate on September 30, 2012.

SEC. 1222. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND COOPERATION.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the assessment required under subsection (a).

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex if necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1223. REQUIRED ASSESSMENTS OF PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward long-term security and stability in Pakistan.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess—

(1) the effectiveness of efforts—

(A) to disrupt, dismantle, and defeat al Qa'ida, its affiliated networks, and other extremist forces in Pakistan;

(B) to eliminate the safe havens for such forces in Pakistan; and

(C) to prevent the return of such forces to Pakistan or Afghanistan; and

(2) the effectiveness of United States security assistance to Pakistan to achieve the strategic goal described in paragraph (1).

(c) REQUIREMENT TO DEVELOP GOALS AND OBJECTIVES AND TIMELINES.—For any area assessed under subsection (b), the President, in consultation with the Government of Pakistan and the governments of other countries the President determines to be necessary, shall establish goals and objectives and timelines for meeting such goals and objectives.

(d) REQUIREMENT TO DEVELOP METRICS.—The President shall develop metrics that allow for the accurate and thorough assessment of progress toward each goal and objective and along each timeline required under subsection (c).

(e) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) ELEMENTS.—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment required under subsection (a).

(B) A description of the goals and objectives and timelines for meeting such goals and objectives required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462) is amended by striking the following: ''Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.''.

SEC. 1225. PLAN TO GOVERN THE DISPOSITION OF SPECIFIED DEFENSE ITEMS IN IRAQ.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan to govern the disposition of specified defense items in Iraq.

(b) ELEMENTS OF PLAN.—The plan required under subsection (a) shall, at a minimum, address the following elements:

(1) The identification of an individual, position, or office that will be responsible for making recommendations to the Secretary of Defense regarding the disposition of specified defense items in Iraq.

(2) A mechanism for conducting a thorough inventory of specified defense items in Iraq owned by the Department of Defense, including specified defense items in Iraq that are operated by contractors.

(3) A mechanism for soliciting input regarding potential requirements for specified defense items in Iraq. Such potential requirements may include—

(A) use in other overseas contingency operations involving the Armed Forces;

(B) use to reset the Armed Forces;

(C) use by other United States combatant commanders to enhance their capability to carry out missions in their respective combatant commands;

(D) use to refill prepositioned stocks;

(E) transfer to the security forces of Iraq or Afghanistan; and

(F) use by other Federal departments and agencies or political subdivisions of the United States.

(4) A mechanism for identifying specified defense items in Iraq that are not economically viable to remove from Iraq or which are not needed to meet other requirements, and for soliciting and evaluating proposals for the disposition of those items.

(5) A mechanism for ensuring that the views and inputs, as may be required by law, of other Federal departments and agencies are taken into account.

(c) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report outlining the plan required under subsection (a) and including the elements required under subsection (b). The report shall further include an assessment of current authorities for the disposition of equipment and recommendations about changes to such authorities that the Secretary determines to be necessary. The report required under this subsection shall be submitted not later than the date of submission to Congress of the President's budget for fiscal year 2011 pursuant to section 1105(a) of title 31, United States Code.

(d) REVIEW BY THE COMPTROLLER GENERAL.—Not later than 60 days after the date of submission of the report required under subsection (c), the Comptroller General of the United States shall submit to the congressional defense committees a review of the plan required under subsection (a) and the recommendations of the Secretary of Defense contained in the report required under subsection (c).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the transfer of specified defense items in Iraq to any entity outside the Department of Defense except pursuant to relevant laws currently in force.

(f) SPECIFIED DEFENSE ITEMS IN IRAQ DEFINED.—In this section, the term ''specified defense items in Iraq'' includes major end items and tactical equipment items owned by the Department of Defense that are present in Iraq as of the date of enactment of this Act and are no longer required to support United States military operations in Iraq.

SEC. 1226. CIVILIAN MINISTRY OF DEFENSE ADVISOR PROGRAM.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide civilian advisors to senior civilian and military officials of the Governments of Iraq and Afghanistan for the purpose of providing institutional, ministerial-level advice and other training to such officials in support of stabilization efforts and United States military operations in those countries.

(b) FORMULATION OF ADVICE AND TRAINING PROGRAM.—The Secretary of Defense and the Secretary of State shall jointly formulate any program to provide advice and training under subsection (a).

(c) LIMITATION.—The Secretary of Defense may not expend more than $13,100,000 for any fiscal year in carrying out any program in Iraq and Afghanistan as described in subsection (a).

(d) ADDITIONAL AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations or forces.

(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under this section terminates at the close of September 30, 2010.

SEC. 1227. REPORT ON THE STATUS OF INTERAGENCY COORDINATION IN THE AFGHANISTAN AND OPERATION ENDURING FREEDOM THEATER OF OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the following:

(1) The staffing structure of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan, including the roles of members of the Armed Forces, the roles of non-Armed Forces personnel, and unfilled staffing, training, and resource needs.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(3) Coordination between United States-led and NATO ISAF-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

(4) Unfilled staffing and resource requirements for reconstruction, development, and civil institution capacity building programs.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1228. SENSE OF CONGRESS SUPPORTING UNITED STATES POLICY FOR AFGHANISTAN.

It is the sense of Congress that—

(1) Afghanistan is a central front in the global struggle against al Qa'ida and its affiliated networks;

(2) the United States has a vital national security interest in ensuring that Afghanistan does not revert back to its pre-September 11, 2001, status and become a sanctuary for transnational terrorists;

(3) the President outlined a strategy for Afghanistan and Pakistan on March 27, 2009, that is rightly focused on disrupting, dismantling, and defeating al Qa'ida and its affiliated networks and their safe havens;

(4) the implementation of the President's strategy requires a long-term, integrated civilian-military counterinsurgency strategy and a sustained, substantial commitment of military resources to Afghanistan;

(5) as part of such an effort, the President should continue to provide United States military commanders with the forces requested to conduct combat operations and to train and mentor Afghan security forces; and

(6) in support of the President's strategy, Congress should ensure that United States military commanders in Afghanistan have the necessary funding and resources to succeed.

SEC. 1229. ANALYSIS OF REQUIRED FORCE LEVELS AND TYPES OF FORCES NEEDED TO SECURE SOUTHERN AND EASTERN REGIONS OF AFGHANISTAN.

(a) STUDY REQUIRED.—At the request of the Commander of United States Forces for Afghanistan (USFOR-A), the Secretary of Defense shall enter into a contract with a Federally Funded Research Development Center (FFRDC) to provide analysis and support to the commander to assist with analyzing the required force levels and types of forces needed to secure the southern and eastern regions of Afghanistan in an effort to provide a space for the government of Afghanistan to establish effective government control and provide the Afghan security forces with the required training and mentoring.

(b) FUNDING.—Of the amount authorized to be appropriated for Defense-wide operation and maintenance in section 301(5), $3,000,000 may be used to carry out subsection (a).

Subtitle C—Other Matters

SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as ''NATO'') operations, the Secretary of Defense is authorized to use up to $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the ''NSCC'') to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) CERTIFICATION.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

SEC. 1232. ANNUAL REPORT ON MILITARY POWER OF THE ISLAMIC REPUBLIC OF IRAN.

(a) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on Iran's Army, Air Force, Navy and the Iranian Revolutionary Guard Corps, and the tenets and probable development of Iran's grand strategy, security strategy, and military strategy, and of military organizations and operational concepts.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include at least the following elements:

(1) As assessment of Iranian grand strategy, security strategy, and military strategy, including the following:

(A) The goals of Iran's grand strategy, security strategy, and military strategy.

(B) Trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(2) An assessment of the capabilities of Iran's conventional forces, including the following:

(A) The size, location, and capabilities of Iran's conventional forces.

(B) A detailed analysis of Iran's forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(C) Major developments in Iranian military doctrine.

(D) An estimate of the funding provided for each branch of Iran's conventional forces.

(3) An assessment of Iran's unconventional forces, including the following:

(A) The size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps–Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran.

(C) A detailed analysis of Iran's unconventional forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including the following:

(A) A summary of nuclear capabilities and developments in the preceding year, including the location of major facilities believed to be involved in a nuclear weapons program.

(B) A summary of the capabilities of Iran's strategic missile forces, including the size of the Iranian strategic missile arsenal and the locations of missile launch sites.

(C) A detailed analysis of Iran's strategic missile forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funding expended by Iran on programs to develop a capability to build nuclear weapons or to enhance Iran's strategic missile capability.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) IRAN'S CONVENTIONAL FORCES.—The term ''Iran's conventional forces''—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's strategic missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps–Quds Force.

(3) IRAN'S UNCONVENTIONAL FORCES.—The term ''Iran's unconventional forces''—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps–Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

(4) IRAN'S STRATEGIC MISSILE FORCES.—The term ''Iran's strategic missile forces'' means those elements of the military forces of the Islamic Republic of Iran that employ missiles capable of flights in excess of 500 kilometers.

SEC. 1233. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking ''on the current and future military strategy of the People's Republic of China'' and inserting ''on military and security developments involving the People's Republic of China'';

(2) in the second sentence—

(A) by striking ''on the People's Liberation Army'' and inserting ''of the People's Liberation Army''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy''; and

(3) by adding at the end the following new sentence: ''The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.''.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking ''goals of'' inserting ''goals and factors shaping''; and

(B) by striking ''Chinese grand strategy, security strategy,'' and inserting ''Chinese security strategy'';

(2) by amending paragraph (2) to read as follows:

''(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).'';

(3) in paragraph (6)—

(A) by inserting ''and training'' after ''military doctrine''; and

(B) by striking '', focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes''; and

(4) by adding at the end the following new paragraphs:

''(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

''(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

''(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

''(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

''(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

''(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

''(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

''(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

''(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.''.

*(c) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking ''**MILITARY POWER OF**'' and inserting ''**MILITARY AND SECURITY DEVELOPMENTS INVOLVING**''.*

(d) REPEALS.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE'S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.

SEC. 1234. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.

(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) A copy of any statement of impact on readiness or statement of impact on operations and maintenance that any military service furnished as part of the process of developing a drawdown package in the preceding year.

(7) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;

(D) the ability of both the active and Reserve forces to conduct necessary training; and

(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) DEFINITIONS.—In this section:

(1) DRAWDOWN.—The term ''drawdown'' means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) DRAWDOWN AUTHORITY.—The term ''drawdown authority'' means an authority under—

(A) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(B) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)); or

(C) any other substantially similar provision of law.

SEC. 1235. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall included the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—

(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and

the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) DEFINITION.—In this section, the term ''United States Munitions List'' means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1236. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.

Consistent with United States national security interests and the Declaration on Strategic Cooperation Between the United States of America and Republic of Poland (signed in Warsaw, Poland, on August 20, 2008), and subject to the availability of appropriations, the Secretary of Defense shall seek to deploy a United States Army Patriot air and missile defense battery and the personnel required to operate and maintain such battery to Poland by 2012.

SEC. 1237. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F-22A FIGHTER AIRCRAFT TO JAPAN.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, Secretary of Defense, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on potential foreign military sales of the F-22A fighter aircraft to the Government of Japan.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) should detail—

(1) the cost of developing an exportable version of the F-22A fighter aircraft to the United States Government, industry, and the Government of Japan;

(2) whether an exportable version of the F-22A fighter aircraft is technically feasible and executable, and the timeline for achieving such an exportable version of the aircraft;

(3) the potential strategic implication for allowing the sale of the F-22A fighter aircraft to Japan;

(4) the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry and the benefit or drawback such sales might have on sustaining such industry; and

(5) any changes to existing law needed to allow foreign military sales of the F-22A fighter aircraft to Japan.

SEC. 1238. EXPANSION OF UNITED STATES-RUSSIAN FEDERATION JOINT CENTER TO INCLUDE EXCHANGE OF DATA ON MISSILE DEFENSE.

(a) EXPANSION AUTHORIZED.—In conjunction with the Government of the Russian Federation, the Secretary of Defense may expand the United States-Russian Federation joint center for the exchange of data from early warning systems for launches of ballistic missiles, as established pursuant to section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–329), to include the exchange of data on missile defense-related activities.

(b) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on plans for expansion of the joint data exchange center.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated pursuant to section 201(1) for research, development, test, and evaluation for the Army, $5,000,000, to be derived from PE 0604869A, shall be available to carry out this section.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.
Sec. 1304. National Academy of Sciences study of metrics for the Cooperative Threat Reduction Program.
Sec. 1305. Cooperative Threat Reduction program authority for urgent threat reduction activities.
Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2010 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $1,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $29,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, non-governmental organization, or individual) that the Secretary of Defense considers appropriate, under which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Defense may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN FIVE YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within five years after it was contributed, the Secretary of Defense shall return that amount to the person who contributed it.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this section during the period covered by the report. Each report shall set forth—

(A) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(B) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(C) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(2) IMPLEMENTATION PLAN.—In addition to the statements described in subparagraphs (A) through (C) of paragraph (1), the first report submitted under such paragraph shall include an implementation plan for the authority provided under this section.

(e) EXPIRATION.—The authority to accept contributions under this section shall expire on December 31, 2012. The authority to retain and use contributions under this section shall expire on December 31, 2015.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) STUDY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify metrics to measure the impact and effectiveness of activities under the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) SUBMISSION OF NATIONAL ACADEMY OF SCIENCES REPORT.—The National Academy of Sciences shall submit to Congress and the Secretary of Defense a report on the results of the study carried out under subsection (a).

(c) SECRETARY OF DEFENSE REPORT.—

(1) IN GENERAL.—Not later than 90 days after receipt of the report required by subsection (b), the Secretary shall submit to Congress a report on the study carried out under subsection (a).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) A summary of the results of the study carried out under subsection (a).

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than $1,000,000 may be obligated or expended to carry out this section.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any provision of law identified pursuant to subsection (b)(2)(B), for activities described under subsection (b)(1)(A).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of State, may make a written determination that—

(A) certain activities of the Cooperative Threat Reduction Program of the Department of Defense are urgently needed to address threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out such activities; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) an identification of each provision of law the Secretary determines would unnecessarily impede the Secretary's ability to carry out the activities described under paragraph (1)(A);

(C) the activities of the Cooperative Threat Reduction Program to be undertaken pursuant to the determination;

(D) the expected time frame for such activities; and

(E) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

The Secretary of Defense shall ensure the following:

(1) The Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(A) is strategically used to advance the mission of the Cooperative Threat Reduction Program;

(B) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(C) is directly administered as part of the Cooperative Threat Reduction Program; and

(D) includes, within an overall strategic framework, cooperation and coordination with—

(i) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(ii) related diplomatic efforts.

(2) Beginning with fiscal year 2010, the strategy and activities of the Defense and Military Contacts Program, in accordance with this section, are included in the Cooperative Threat Reduction Annual Report to Congress for each fiscal year, as required by section 1308 of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5959 note).

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.
Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $141,388,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,702,758,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $26,963,187,000, of which—

(1) $26,292,463,000 is for Operation and Maintenance;

(2) $493,192,000 is for Research, Development, Test, and Evaluation; and

(3) $177,532,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,050,984,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $279,224,000, of which—

(1) $278,224,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2010, the National Defense Stockpile Manager may obligate up to $41,179,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law

105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is amended by striking ''during fiscal year 2009'' and inserting ''by the end of fiscal year 2011''.

SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations in the April 2009 report entitled ''Reconfiguration of the National Defense Stockpile Report to Congress'' submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109-89, House Report 109-452, and Senate Report 110-115.

(b) CONGRESSIONAL NOTIFICATION.—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required under subsection (a) until 45 days after the Secretary submits to the congressional defense committees such report.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Limitation on obligation of funds for Joint Improvised Explosive Device Defeat Organization pending report to Congress.
Sec. 1505. Navy and Marine Corps procurement.
Sec. 1506. Air Force procurement.
Sec. 1507. Defense-wide activities procurement.
Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Working capital funds.
Sec. 1512. Military personnel.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Iraq Freedom Fund.
Sec. 1515. Other Department of Defense programs.
Sec. 1516. Limitations on Iraq Security Forces Fund.
Sec. 1517. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1518. Special transfer authority.
Sec. 1519. Treatment as additional authorizations.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,976,474,000.
(2) For ammunition procurement, $370,635,000.
(3) For weapons and tracked combat vehicles procurement, $874,466,000.
(4) For missile procurement, $531,570,000.
(5) For other procurement, $6,021,786,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of $1,435,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

SEC. 1504. LIMITATION ON OBLIGATION OF FUNDS FOR JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION PENDING REPORT TO CONGRESS.

(a) LIMITATION.—Of the amounts remaining unobligated as of the date of the enactment of this Act from amounts described in subsection (b) for the Joint Improvised Explosive Device Defeat Organization (in this section referred to as ''JIEDDO''), not more than 50 percent of such remaining amounts may be obligated until JIEDDO submits to the congressional defense committees a report containing the following information regarding projects funded for fiscal years 2008, 2009, and 2010:

(1) A description of the purpose, funding, and schedule of the project.
(2) A description of related projects.
(3) An acquisition strategy.

(b) COVERED AUTHORIZATION OF APPROPRIATIONS.—The limitation contained in subsection (a) applies with respect to amounts made available pursuant to the authorization of appropriations—

(1) in section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649); and
(2) in section 1503(a) of this Act.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that the waiver is necessary to fulfill a critical need by United States military forces deployed in overseas contingency operations. The Secretary shall notify the congressional defense committees of any waiver granted under this subsection and the reasons for the waiver.

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for other procurement for the Navy in the amount of $2,019,051,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for other procurement for the Marine Corps in the amount of $1,164,445,000.

SEC. 1506. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, $1,151,776,000.
(2) For ammunition procurement, $256,819,000.
(3) For missile procurement, $36,625,000.
(4) For other procurement, $2,321,549,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide in the amount of $799,830,000.

SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $5,456,000,000.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $57,962,000.
(2) For the Navy, $107,180,000.
(3) For the Air Force, $29,286,000.
(4) For Defense-wide activities, $215,826,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $51,970,661,000.
(2) For the Navy, $6,219,583,000.
(3) For the Marine Corps, $3,701,600,000.
(4) For the Air Force, $10,152,068,000.
(5) For Defense-wide activities, $7,578,300,000.
(6) For the Army Reserve, $204,326,000.
(7) For the Navy Reserve, $68,059,000
(8) For the Marine Corps Reserve, $86,667,000.
(9) For the Air Force Reserve, $125,925,000.
(10) For the Army National Guard, $321,646,000.
(11) For the Air National Guard, $289,862,000.

SEC. 1511. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000.

SEC. 1512. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of $13,586,341,000.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Afghanistan Security Forces Fund in the amount of $7,462,769,000.

(b) LIMITATION.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) or in any other Act and made available to the Department of Defense for the Afghanistan Security Forces Fund shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1514. IRAQ FREEDOM FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Iraq Freedom Fund in the amount of $115,300,000.

(b) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.
(B) Military personnel accounts.
(C) Research, development, test, and evaluation accounts of the Department of Defense.
(D) Procurement accounts of the Department of Defense.
(E) Accounts providing funding for classified programs.
(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1)

until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1515. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,155,235,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $324,603,000.

(c) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000 for operation and maintenance.

SEC. 1516. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

SEC. 1517. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1518. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2010''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2009; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	$51,150,000
	Fort Wainwright	$198,000,000
Alabama	Anniston Army Depot.	$3,000,000
	Redstone Arsenal.	$3,550,000
Arizona	Fort Huachuca	$27,700,000
Arkansas	Pine Bluff Arsenal.	$25,000,000
California	Fort Irwin	$9,500,000
Colorado	Fort Carson	$342,950,000
Florida	Elgin Air Force Base.	$131,600,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart	$145,400,000
Hawaii	Schofield Barracks.	$184,000,000
	Wheeler Army Air Field.	$7,500,000
Kansas	Fort Riley	$162,400,000
Kentucky	Fort Campbell	$14,400,000
	Fort Knox	$70,000,000
Louisiana	Fort Polk	$55,400,000
Maryland	Fort Detrick	$46,400,000
	Fort Meade	$2,350,000
Missouri	Fort Leonard Wood.	$170,800,000
New Jersey	Picatinny Arsenal.	$10,200,000
New York	Fort Drum	$92,700,000
North Carolina.	Fort Bragg	$111,150,000
	Sunny Point Military Ocean Terminal.	$28,900,000
Oklahoma	Fort Sill	$90,500,000
	McAlester Army Ammunition Plant.	$12,500,000
South Carolina.	Charleston Naval Weapons Station,.	$21,800,000
	Fort Jackson	$103,500,000
Texas	Fort Bliss	$219,400,000
	Fort Hood	$40,600,000
	Fort Sam Houston.	$19,800,000
Utah	Dugway Proving Ground.	$25,000,000
Virginia	Fort A.P. Hill	$23,000,000
	Fort Belvoir	$37,900,000
	Fort Lee	$5,000,000
Washington	Fort Lewis	$18,700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$87,100,000
Belgium	Brussels	$20,000,000
Germany	Ansbach	$31,700,000
	Kleber Kaserne	$20,000,000
	Landstuhl	$25,000,000

***Army: Outside the United States**—Continued*

Country	Installation or Location	Amount
Japan	Okinawa	$6,000,000
	Sagamihara	$6,000,000
Korea	Camp Humphreys	$50,200,000
Kuwait	Camp Arifjan	$82,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	38	$18,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,427,076,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,738,150,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $328,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $33,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $187,872,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $273,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41) $102,000,000.

(7) For the construction of increment 2 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $55,400,000.

(8) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $22,500,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $80,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $95,000,000 (the balance of the amount authorized under section 2101(a) for an aviation task force complex, Phase I at Fort Wainwright, Alaska).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act of Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4659) for Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-feet (400 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4665), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility	$9,207,000
		Battle Area Complex	$33,660,000

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center Bridgeport	$11,290,000
	Marine Corps Base, Camp Pendleton	$775,162,000
	Edwards Air Force Base	$3,007,000
	Naval Station Monterey	$10,240,000
	Marine Corps Base, Twentynine Palms	$513,680,000
	Marine Corps Air Station, Miramar	$9,280,000
	Point Loma Annex	$11,060,000
	Naval Station, San Diego	$23,590,000
Connecticut	Naval Submarine Base, New London	$6,570,000
Florida	Blount Island Command	$3,760,000
	Eglin Air Force Base	$26,287,000
	Naval Air Station, Jacksonville	$5,917,000
	Naval Station, Mayport	$56,042,000
	Naval Air Station, Pensacola	$26,161,000
	Naval Air Station, Whiting Field	$4,120,000
Georgia	Marine Corps Logistics Base, Albany	$4,870,000
Hawaii	Oahu	$5,380,000
	Naval Station, Pearl Harbor	$35,182,000
Maine	Portsmouth Naval Shipyard	$7,090,000
Maryland	Naval Surface Warfare Center, Carderock	$6,520,000
	Naval Air Station, Patuxent River	$11,043,000
North Carolina	Marine Corps Base, Camp Lejeune	$673,570,000
	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
Rhode Island	Naval Station, Newport	$54,333,000
South Carolina	Marine Corps Air Station, Beaufort	$1,280,000
	Marine Corps Recruit Depot, Parris Island	$6,972,000
Texas	Naval Air Station, Corpus Christi	$19,764,000
	Naval Air Station, Kingsville	$4,470,000
Virginia	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station Norfolk	$18,139,000
	Naval Special Weapons Center, Dahlgren	$3,660,000
	Norfolk Naval Shipyard, Portsmouth	$226,969,000
	Marine Corps Base, Quantico	$105,240,000
Washington	Naval Station, Everett	$3,810,000
	Naval Magazine, Indian Island	$13,130,000
	Spokane	$12,707,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$41,526,000
Djibouti	Camp Lemonier	$41,845,000
Guam	Naval Base, Guam	$505,161,000
	Andersen Air Force Base	$110,297,000
Spain	Naval Station, Rota	$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ warehouse	$4,376,000
Mariana Islands	Naval Activities, Guam	30	$20,730,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,220,719,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,792,210,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $483,845,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $17,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $179,652,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.

(6) For the construction of increment 6 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $87,292,000.

(7) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205 of this Act, $67,419,000.

(8) For the construction of increment 2 of a replacement maintenance pier at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $69,064,000.

(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking ''$60,160,000'' and inserting ''$127,163,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new paragraph:

''(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).''.

(c) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2006 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$24,300,000
	Elmendorf Air Force Base	$15,700,000
Arizona	Davis-Monthan Air Force Base	$41,900,000
Arkansas	Little Rock Air Force Base	$16,200,000
California	Los Angeles Air Force Base	$8,000,000
	Travis Air Force Base	$12,900,000
	Vandenberg Air Force Base	$13,000,000
Colorado	Peterson Air Force Base	$32,300,000
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$17,400,000
Florida	Eglin Air Force Base	$84,360,000
	Hurlburt Field	$19,900,000
	MacDill Air Force Base	$59,300,000
Georgia	Warner Robins Air Force Base	$6,200,000
Hawaii	Hickam Air Force Base	$4,000,000
	Wheeler Air Force Base	$15,000,000
Idaho	Mountain Home Air Force Base	$20,000,000
Illinois	Scott Air Force Base	$7,400,000
Maryland	Andrews Air Force Base	$9,300,000
Missouri	Whiteman Air Force Base	$12,900,000
Nevada	Creech Air Force Base	$2,700,000
New Jersey	McGuire Air Force Base	$7,900,000
New Mexico	Cannon Air Force Base	$15,000,000
	Holloman Air Force Base	$15,900,000
	Kirtland Air Force Base	$22,500,000
North Carolina	Seymour Johnson Air Force Base	$6,900,000
North Dakota	Minot Air Force Base	$11,500,000
Ohio	Wright Patterson Air Force Base	$58,600,000
Oklahoma	Altus Air Force Base	$20,300,000
	Tinker Air Force Base	$18,137,000
South Carolina	Shaw Air Force Base	$21,183,000
Texas	Dyess Air Force Base	$4,500,000
	Goodfellow Air Force Base	$32,400,000
	Lackland Air Force Base	$113,879,000
Utah	Hill Air Force Base	$26,153,000
Virginia	Langley Air Force Base	$10,000,000
Washington	Fairchild Air Force Base	$4,150,000
Wyoming	F. E. Warren Air Force Base	$9,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$22,000,000
Colombia	Palanquero Air Base	$46,000,000
Germany	Ramstein Air Base	$34,700,000
	Spangdahlem Air Base	$23,500,000
Guam	Andersen Air Force Base	$61,702,000
Italy	Naval Air Station Sigonella	$31,300,000
Oman	Al Musannah Air Base	$116,000,000
Qatar	Al Udeid Air Base	$60,000,000
Turkey	Incirlik Air Base	$9,200,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,787,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,928,208,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $838,362,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $404,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $93,407,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorizations

State/Country	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C–17 Aircrew Life Support	$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4684), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 units)	$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorization of appropriations, Defense Agencies.

Sec. 2403. Modification of authority to carry out certain fiscal year 2008 project.

Sec. 2404. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2405. Extension of authorizations of certain fiscal year 2007 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	$2,330,000
	Fort Stewart/Hunter Army Air Field	$45,003,000
North Carolina	Fort Bragg	$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	$11,000,000
	Travis Air Force Base	$15,357,000
Florida	Jacksonville International Airport (Air National Guard)	$11,500,000
Minnesota	Duluth International Airport (Air National Guard)	$15,000,000
Oklahoma	Altus Air Force Base	$2,700,000
Texas	Fort Hood	$3,000,000
Washington	Fairchild Air Force Base	$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Virginia	*Naval Support Facility, Dahlgren*	*$24,500,000*

National Security Agency

State	Installation or Location	Amount
Maryland	*Fort Meade*	*$203,800,000*

Special Operations Command

State	Installation or Location	Amount
California	*Naval Amphibious Base, Coronado*	*$15,722,000*
Colorado	*Fort Carson*	*$48,246,000*
Florida	*Eglin Air Force Base*	*$3,046,000*
	Hurlburt Field	*$8,156,000*
Georgia	*Fort Benning*	*$3,046,000*
Kentucky	*Fort Campbell*	*$32,335,000*
New Mexico	*Cannon Air Force Base*	*$52,864,000*
North Carolina	*Fort Bragg*	*$101,488,000*
	Marine Corps Base, Camp Lejeune	*$11,791,000*
Virginia	*Naval Amphibious Base, Little Creek*	*$18,669,000*
	Naval Surface Warfare Center, Dam Neck	*$6,100,000*
Washington	*Fort Lewis*	*$14,500,000*

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	*Elmendorf Air Force Base*	*$25,017,000*
	Fort Richardson	*$3,518,000*
Colorado	*Fort Carson*	*$52,773,000*
Georgia	*Fort Benning*	*$17,200,000*
	Fort Stewart/Hunter Army Field	*$26,386,000*
Kentucky	*Fort Campbell*	*$8,600,000*
Maryland	*Fort Detrick*	*$29,807,000*
Missouri	*Fort Leonard Wood*	*$5,570,000*
North Carolina	*Fort Bragg*	*$57,658,000*
Oklahoma	*Fort Sill*	*$10,554,000*
Texas	*Lackland Air Force Base*	*$101,928,000*
	Fort Bliss	*$996,295,000*
Washington	*Fort Lewis*	*$15,636,000*

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	*Pentagon Reservation*	*$27,672,000*

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	*Brussels*	*$38,124,000*
Germany	*Kaiserslautern*	*$93,545,000*
	Wiesbaden Air Base	*$5,379,000*
United Kingdom	*Royal Air Force Lakenheath*	*$4,509,000*

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	*K–16 Airfield*	*$5,050,000*

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	*Naval Air Station, Guantanamo Bay*	*$12,500,000*
Guam	*Naval Air Station, Agana*	*$4,900,000*
Korea	*Osan Air Base*	*$28,000,000*
United Kingdom	*Royal Air Force Mildenhall*	*$4,700,000*

National Security Agency

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Menwith Hill Station	$37,588,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	$446,450,000
United Kingdom	Royal Air Force Alconbury	$14,227,000

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,132,024,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,170,314,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $857,678,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $90,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $77,898,000.

(8) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $28,000,000.

(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2405 of this Act, $92,300,000.

(10) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), as amended by section 2406 of this Act, $24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009, $500,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2403. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110-181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking ''$140,000,000'' in the amount column and inserting ''$195,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat.524) is amended by striking ''$84,300,000'' and inserting ''$139,300,000''.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by striking ''$8,000,000'' in the amount column and inserting ''$32,000,000''.

(b) CONFORMING AMENDMENT.—Section 2403(b) of that Act (122 Stat. 4692) is amended by adding at the end the following new paragraph:

''(5) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).''.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109-364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Virginia	Defense Supply Center, Richmond	Whole House Renovation	$484,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $146,541,000 as follows:

(1) For the construction of phase 11 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $54,041,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $276,314,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.

Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$3,000,000
California	Los Alamitos Joint Forces Training Base	$31,000,000
Georgia	Fort Benning	$15,500,000
	Hunter Army Air Field	$8,967,000
Idaho	Gowen Field	$16,100,000
Indiana	Muscatatuck Urban Training Center	$10,100,000
Massachusetts	Hanscom Air Force Base	$29,000,000
Michigan	Fort Custer	$7,732,000
Minnesota	Arden Hills	$6,700,000
	Camp Ripley	$1,710,000
Mississippi	Camp Shelby	$16,100,000
Missouri	Boonville	$1,800,000
Nebraska	Lincoln Municipal Airport	$23,000,000
New Mexico	Santa Fe	$39,000,000
Nevada	North Las Vegas	$26,000,000
North Carolina	East Flat Rock	$2,516,000
	Fort Bragg	$6,038,000
Oregon	Polk County	$12,100,000
South Carolina	McEntire Joint National Guard Base	$26,000,000
	Donaldson Air Force Base	$40,000,000
Texas	Austin	$22,200,000
Virginia	Fort Pickett	$32,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	$30,000,000
Virgin Islands	St. Croix	$20,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	Camp Pendleton	$19,500,000
	Los Angeles	$29,000,000
Colorado	Colorado Springs	$13,000,000
Connecticut	Bridgeport	$18,500,000
Florida	Panama City	$7,300,000
	West Palm Beach	$26,000,000
Georgia	Atlanta	$14,000,000
Illinois	Chicago	$23,000,000
Minnesota	Fort Snelling	$12,000,000
New York	Rochester	$13,600,000
Ohio	Cincinnati	$13,000,000
Pennsylvania	Ashley	$9,800,000
	Harrisburg	$7,600,000
	Newton Square	$20,000,000
	Uniontown	$11,800,000
Texas	Austin	$20,000,000

***Army Reserve: Inside the United States**—Continued*

State	Location	Amount
	Bryan	$12,200,000
	Fort Bliss	$9,500,000
	Houston	$24,000,000
	Robstown	$10,200,000
	San Antonio	$20,000,000
Wisconsin	Fort McCoy	$25,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	Caguas	$12,400,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Luke Air Force Base	$10,986,000
California	Alameda	$5,960,000
Illinois	Joliet Army Ammunition Plant	$7,957,000
South Carolina	Goose Creek	$4,240,000
Texas	San Antonio	$2,210,000
	Forth Worth Naval Air Station Joint Reserve Base	$6,170,000
Virginia	Oceana Naval Air Station	$30,400,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	$5,600,000
California	South California Logistics Airport	$8,400,000
Connecticut	Bradley International Airport	$9,000,000
Hawaii	Hickam Air Force	$33,000,000
Illinois	Lincoln Capital Airport	$3,000,000
Kansas	McConnell Air Force Base	$8,700,000
Maine	Bangor International Airport	$28,000,000
Maryland	Andrews Air Force Base	$14,000,000
Massachusetts	Barnes Air National Guard Base	$8,100,000
Mississippi	Gulfport-Biloxi Regional Airport	$6,500,000
	Wheeler Sack AAF	$2,700,000
Nebraska	Lincoln Municipal Airport	$1,500,000
Ohio	Mansfield Lahm Airport	$11,400,000
Oklahoma	Will Rogers World Airport	$7,300,000
Texas	Kelly Field Annex	$7,900,000
Wisconsin	General Mitchell International Airport	$5,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March Air Reserve Base	$9,800,000
Colorado	Schriever Air Force Base	$10,200,000
Mississippi	Keesler Air Force Base	$9,800,000
New York	Niagara Falls Air Reserve Station	$5,700,000
Texas	Lackland Air Force Base	$1,500,000
Utah	Hill Air Force Base	$3,200,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States—

(A) for military construction projects inside the United States authorized by section 2601(a), $509,129,000; and

(B) for military construction projects outside the United States authorized by section 2601(b), $20,000,000.

(2) For the Department of the Army, for the Army Reserve—

(A) for military construction projects inside the United States authorized by section 2602(a), $420,116,000; and

(B) for military construction projects outside the United States authorized by section 2602(b), $12,400,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $172,177,000.

(4) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $226,126,000; and

(B) for the Air Force Reserve, $103,169,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I	$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II	$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4710), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range	$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Use of economic development conveyances to implement base closure and realignment property recommendations.

Subtitle C—Other Matters

Sec. 2721. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.

Sec. 2722. Modification of closure instructions regarding Paul Doble Army Reserve Center, Portsmouth, New Hampshire.

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $536,768,000, as follows:

(1) For the Department of the Army, $133,723,000.

(2) For the Department of the Navy, $228,000,000.

(3) For the Department of the Air Force, $172,364,000.

(4) For the Defense Agencies, $2,681,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $5,934,740,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,129,498,000, as follows:

(1) For the Department of the Army, $4,081,037,000.

(2) For the Department of the Navy, $591,572,000,

(3) For the Department of the Air Force, $418,260,000.

(4) For the Defense Agencies, $2,038,629,000.

Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Subsection (b)(4) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking ''job generation'' and inserting ''economic redevelopment'';

(2) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redevelopment authority with respect to the installation if the authority—

''(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

''(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.''; and

(3) in subparagraph (C), by adding at the end the following new clause:

''(xiii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e).''.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking ''The Secretary'' and inserting ''At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary''; and

(2) by striking ''for the period specified in subparagraph (B)'' and inserting ''before the conclusion of such period''.

(c) REGULATIONS AND REPORT CONCERNING PROPERTY CONVEYANCES.—

(1) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the amendments made by this section to support the conveyance of surplus real and personal property at closed or realigned military installations to local redevelopment authorities for economic development purposes.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and progress made as a result of the implementation of the amendments made by this section.

Subtitle C—Other Matters

SEC. 2721. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

SEC. 2722. MODIFICATION OF CLOSURE INSTRUCTIONS REGARDING PAUL DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.

With respect to the closure of the Paul Doble Army Reserve Center in Portsmouth, New Hampshire, and relocation of units to a new reserve center and associated training and maintenance facilities, the new reserve center and associated training and maintenance facilities may be located adjacent to or in the vicinity of Pease Air National Guard Base.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of unspecified minor construction authorities.
Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
Sec. 2803. Authorized scope of work variations for military construction projects and military family housing projects.
Sec. 2804. Imposition of requirement that acquisition of reserve component facilities be authorized by law.
Sec. 2805. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2807. Expansion of First Sergeants Barracks Initiative.
Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Imposition of requirement that leases of real property to the United States with annual rental costs of more than $750,000 be authorized by law.
Sec. 2812. Consolidation of notice-and-wait requirements applicable to leases of real property owned by the United States.
Sec. 2813. Clarification of authority of military departments to acquire low-cost interests in land and interests in land when need is urgent.
Sec. 2814. Modification of utility systems conveyance authority.
Sec. 2815. Decontamination and use of former bombardment area on island of Culebra.
Sec. 2816. Disposal of excess property of Armed Forces Retirement Home.
Sec. 2817. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
Sec. 2818. Limitation on establishment of Navy outlying landing fields.
Sec. 2819. Prohibition on outlying landing field at Sandbanks or Hale's Lake, North Carolina, for Oceana Naval Air Station.
Sec. 2820. Selection of military installations to serve as locations of brigade combat teams.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2831. Role of Under Secretary of Defense for Policy in management and coordination of Department of Defense activities relating to Guam realignment.
Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.
Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
Sec. 2835. Interagency Coordination Group of Inspector Generals for Guam Realignment.
Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.
Sec. 2837. Report and sense of Congress on Marine Corps training requirements in Asia-Pacific region.

Subtitle D—Energy Security

Sec. 2841. Adoption of unified energy monitoring and management system specification for military construction and military family housing activities.
Sec. 2842. Department of Defense use of electric and hybrid motor vehicles.
Sec. 2843. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
Sec. 2844. Comptroller General report on Department of Defense renewable energy initiatives.
Sec. 2845. Study on development of nuclear power plants on military installations.

Subtitle E—Land Conveyances

Sec. 2851. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
Sec. 2852. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
Sec. 2853. Modification of land conveyance, former Griffiss Air Force Base, New York.
Sec. 2854. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
Sec. 2855. Land conveyance, Naval Air Station Oceana, Virginia.
Sec. 2856. Land conveyance, Haines Tank Farm, Haines, Alaska.
Sec. 2857. Completion of land exchange and consolidation, Fort Lewis, Washington.

Subtitle F—Other Matters

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.
Sec. 2872. Naming of child development center at Fort Leonard Wood, Missouri, in honor of Mr. S. Lee Kling.
Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.
Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITIES.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—Section 2805 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''(1) Except as provided in paragraph (2), within'' and inserting ''Within'';

(B) by striking paragraph (2); and

(C) by striking ''An unspecified'' and inserting the following:

''(2) An unspecified''; and

(2) in subsection (c)—

(A) by striking ''Except as provided in paragraphs (2) and (3)'' and inserting ''Except as provided in paragraph (2)'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(b) LABORATORY REVITALIZATION.—

(1) REVITALIZATION AUTHORIZED.—Subsection (d) of such section is amended—

(A) in paragraph (1)(B), by inserting ''or from funds authorized to be available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)'' after ''authorized by law'';

(B) by striking paragraph (3); and

(C) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) MECHANISMS TO PROVIDE FUNDS FOR REVITALIZATION.—Section 219(a)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

''(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.''.

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end; and

(2) by striking paragraph (2) and inserting the following new paragraphs:

''(2) if the current estimate of the cost of the repair project exceeds 50 percent of the estimated cost of a military construction project to

replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

''(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.''.

SEC. 2803. AUTHORIZED SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) AUTHORIZED PROCESS TO INCREASE SCOPE OF WORK.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''Except'' and inserting ''LIMITATION ON SCOPE OF WORK VARIATIONS.—(1) Except''; and

(B) by adding at the end the following new paragraph:

''(2) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased beyond the amount approved for that project, construction, improvement, or acquisition by Congress.''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''scope reduction in subsection (b) does not apply if the variation in cost or reduction'' and inserting ''scope of work variations in subsection (b) does not apply if the variation in cost or the variation''; and

(B) in paragraph (1), by striking ''reduction'' both places it appears and inserting ''variation''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''LIMITATION ON COST VARIATIONS.—'' before ''Except'';

(2) in subsection (c), by inserting ''EXCEPTION; NOTICE-AND-WAIT REQUIREMENTS.—'' after ''(c)''; and

(3) in subsection (d), by inserting ''ADDITIONAL EXCEPTION TO LIMITATION ON COST VARIATIONS.—'' after ''(d)''.

SEC. 2804. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking ''as he determines to be necessary'' and inserting ''as are authorized by law''.

SEC. 2805. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) DEFINITIONS.—In this section, the terms ''State'' and ''facility'' have the meanings given those terms in section 18232 of such title.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 112 Stat. 4724), is amended—

(1) in subsection (a), by striking ''During fiscal year 2004'' and all that follows through ''obligate'' and inserting ''The Secretary of Defense may obligate''; and

(2) by adding at the end the following new subsection:

''(h) EXPIRATION OF AUTHORITY.—The authority to obligate funds under this section expires on September 30, 2010.''.

(b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection (a) of such section is further amended by striking ''and United States Africa Command areas of responsibility'' and inserting ''area of responsibility''.

(c) ANNUAL FUNDING LIMITATION ON USE OF AUTHORITY; EXCEPTION.—Subsection (c) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

''(2) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional $10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts.''.

(d) CLERICAL AMENDMENT TO CORRECT REFERENCE TO CONGRESSIONAL COMMITTEE.—Subsection (f) of such section is amended by striking ''Subcommittees on Defense and Military Construction'' both places it appears and inserting ''Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies''.

SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.

SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR MILITARY UNACCOMPANIED HOUSING.

(a) SECRETARY OF DEFENSE REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) an evaluation of the process by which the Secretary develops, implements, and oversees housing privatization transactions involving military unaccompanied housing;

(2) recommendations regarding additional opportunities for members of the Armed Forces to utilize housing privatization transactions involving military unaccompanied housing; and

(3) an evaluation of the impact of a prohibition on civilian occupancy of such housing on the ability to secure private partners for such housing privatization transactions.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the feasibility and cost of privatizing military unaccompanied housing for all members of the Armed Forces.

(c) HOUSING PRIVATIZATION TRANSACTION DEFINED.—In this section, the term ''housing privatization transaction'' means any contract or other transaction for the construction or acquisition of military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. IMPOSITION OF REQUIREMENT THAT LEASES OF REAL PROPERTY TO THE UNITED STATES WITH ANNUAL RENTAL COSTS OF MORE THAN $750,000 BE AUTHORIZED BY LAW.

(a) AUTHORIZATION REQUIRED.—Section 2661 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

''(c) AUTHORIZATION OF CERTAIN LEASES TO THE UNITED STATES REQUIRED BY LAW.—If the estimated annual rental in connection with a proposed lease of real property to the United States is more than $750,000, the Secretary of a military department or, with respect to a Defense Agency, the Secretary of Defense may enter into the lease or utilize the General Services Administration to enter into the lease on the Secretary's behalf only if the lease is specifically authorized by law.''.

(b) REPEAL OF NOTICE AND WAIT REQUIREMENTS REGARDING SUCH LEASES.—

(1) REPEAL.—Section 2662 of such title is amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively; and

(B) by striking subsection (e).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a)(2)—

(i) by striking ''or (B)'';

(ii) by striking ''or leases to be made''; and

(iii) by striking ''subparagraph (E)'' and inserting ''subparagraph (D)''; and

(B) in subsection (g)—

(i) in paragraph (1), by striking '', and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,''; and

(ii) in paragraph (3), by striking ''or (e), as the case may be''.

SEC. 2812. CONSOLIDATION OF NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.

(a) NOTICE-AND-WAIT REQUIREMENTS.—Section 2662 of title 10, United States Code, as amended by section 2821(b), is further amended by inserting after subsection (d) the following new subsection:

''(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(B) of subsection (a), the Secretary of a military department or the Secretary of Defense may not issue a contract solicitation or other lease offering with regard to the transaction unless the Secretary complies with the notice-and wait requirements of paragraph (3) of such subsection. The monthly report under such paragraph shall include the following with regard to the proposed transaction:

''(A) A description of the proposed transaction, including the proposed duration of the lease or license.

''(B) A description of the authorities to be used in entering into the transaction and the intended participation of the United States in the lease or license, including a justification of the intended method of participation.

''(C) A statement of the scored cost of the transaction, determined using the scoring criteria of the Office of Management and Budget.

''(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

''(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

''(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the offeror to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

''(2) The Secretary of a military department or the Secretary of Defense may not enter into the actual lease or license with respect to property for which the information required by paragraph (1) was submitted in a monthly report under subsection (a)(3) unless the Secretary again complies with the notice-and wait requirements of such subsection. The subsequent monthly report shall include the following with regard to the proposed transaction:

''(A) A cross reference to the prior monthly report that contained the information submitted under paragraph (1) with respect to the transaction.

''(B) A description of the differences between the information submitted under paragraph (1) and the information regarding the transaction being submitted in the subsequent report.

''(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

''(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

''(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.

''(F) If the proposed lease or license involves a project related to energy production, and the term of the lease or license exceeds 20 years, a certification that the project is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.''.

(b) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(B) of such section, as redesignated by section 2821(b), is amended by inserting after ''United States'' the following: ''(other than a lease or license entered into under section 2667(g) of this title)''.

(c) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4);

(2) in subsection (d), by striking paragraph (6); and

(3) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2813. CLARIFICATION OF AUTHORITY OF MILITARY DEPARTMENTS TO ACQUIRE LOW-COST INTERESTS IN LAND AND INTERESTS IN LAND WHEN NEED IS URGENT.

Section 2664(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''No military''; and

(2) by striking ''The foregoing limitation shall not apply to the acceptance'' and inserting the following:

''(2) Paragraph (1) shall not apply to the following:

''(A) The acquisition of low-cost interests in land, as authorized by section 2663(c) of this title.

''(B) The acquisition of interests in land when the need is urgent, as authorized by section 2663(d) of this title.

''(C) The acceptance''.

SEC. 2814. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.

(a) CLARIFICATION OF REQUIRED DETERMINATION THAT CONVEYANCE REDUCE LONG-TERM COSTS.—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking ''system; and'' and inserting the following: ''system—

''(I) by 10 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(1); or

''(II) 20 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(2); and''.

(b) LIMITATION ON REPEATED USE OF AUTHORITY FOR SAME UTILITY SYSTEM.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conveyance under this subsection or for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination. In addition, if the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under such section or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition.''.

SEC. 2815. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2816. DISPOSAL OF EXCESS PROPERTY OF ARMED FORCES RETIREMENT HOME.

Section 1511(e)(3) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(e)(3)) is amended—

(1) by striking the first sentence and inserting the following new sentence: ''If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40, United States Code (40 U.S.C. 541 et seq.).''; and

(2) by striking the last sentence.

SEC. 2817. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT CLEANUP EFFORTS AT FORMER ALMADEN AIR FORCE STATION, CALIFORNIA.

(a) ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—The Secretary of the Air Force may accept contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

(1) demolition of property at former Almaden Air Force Station, California; and

(2) environmental remediation and restoration and other efforts to further the ultimate end use of the property for conservation and recreation purposes.

(b) AVAILABILITY.—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available, in such amounts as may be provided in advance in appropriation Act, for such purposes.

SEC. 2818. LIMITATION ON ESTABLISHMENT OF NAVY OUTLYING LANDING FIELDS.

(a) LIMITATION.—The Secretary of the Navy may not establish an outlying landing field at a proposed location to be used by naval aircraft if, within 90 days after the issuance of the final environmental assessment or environmental impact statement regarding the proposed location pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary determines that the governmental body of the political subdivision of a State containing the proposed location is formally opposed to the establishment of the outlying landing field.

(b) EXCEPTION.—Subsection (a) shall not apply if Congress enacts a law authorizing the Secretary to proceed with the outlying landing field notwithstanding the local government action.

SEC. 2819. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE'S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of, an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale's Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

SEC. 2820. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.

In selecting the military installations at which brigade combat teams will be stationed, which previously included Fort Bliss, Texas, Fort Carson, Colorado, and Fort Stewart, Georgia, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2831. ROLE OF UNDER SECRETARY OF DEFENSE FOR POLICY IN MANAGEMENT AND COORDINATION OF DEPARTMENT OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.

Section 134 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) Until September 30, 2019, the Under Secretary shall have responsibility for coordinating the activities of the Department of Defense in connection with the realignment of military installations and the relocation of military personnel on Guam (in this subsection referred to as the 'Guam realignment').

''(2) The Joint Guam Program Office shall report directly to the Under Secretary in carrying out its activities in connection with the Guam realignment.

''(3) In carrying out the responsibilities assigned by paragraph (1), the Under Secretary shall coordinate with the National Security Advisor and serve as the official representative of the Secretary of Defense at meetings of the Interagency Group on Insular Areas, which was established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451), and any sub-group or working group of that interagency group.

''(4) The Under Secretary shall remain the primary lead within the Department of Defense for coordination with the Secretary of State on all matters concerning the implementation of the agreement entitled 'Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam'.

''(5) The assignment of responsibilities by paragraph (1) does not confer upon the Under Secretary the authority to control funds made available to the military departments for the Guam realignment. The Joint Guam Program Office shall remain as the primary coordinator of the resources provided by each military department involved in the Guam realignment.''.

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.

(a) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term ''special purpose entity'' means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

(b) REPORT ON IMPLEMENTATION GUIDANCE FOR SPECIAL PURPOSE ENTITIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the implementation guidance developed regarding the use of special purpose entities to assist with the realignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of the implementation guidance referred to in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

''(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).''.

(2) APPLICABILITY TO SPECIAL PURPOSE ENTITY CONTRIBUTIONS.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions provided by a special purpose entity.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. The report shall specifically consider increasing the overseas housing allowance for members of the Armed Forces serving on Guam and providing a direct Federal subsidy to public-private ventures.

(d) SENSE OF CONGRESS ON SCOPE OF UTILITY INFRASTRUCTURE IMPROVEMENTS.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4729) is amended—

(1) by redesignating subsection (c) as subsection (b); and

(2) in such subsection, by striking ''should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system'' and inserting ''should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military installations''.

SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.

(a) PREVAILING WAGE REQUIREMENTS.—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(5) APPLICATION OF PREVAILING WAGE REQUIREMENTS.—

''(A) APPLICATION; RELATION TO WAGE RATES IN HAWAII.—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds, except that the wage rates determined pursuant to such subchapter for Guam may not be less than the lowest wage rates determined for the applicable class of laborer or mechanic on projects or transactions of a similar character under such subchapter for Hawaii.

''(B) SECRETARY OF LABOR AUTHORITIES.—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

''(C) ADDITION TO WEEKLY STATEMENT ON THE WAGES PAID.—In the case of projects and other transactions covered by subparagraph (A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(D) DURATION OF REQUIREMENTS.—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.''.

(b) REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of such section is amended—

(1) by striking ''Not later than'' and inserting the following:

''(1) MILITARY CONSTRUCTION INFORMATION.—Not later than''; and

(2) by adding at the end the following new paragraph:

''(2) CONSTRUCTION WORKFORCE INFORMATION.—The annual report shall also include an assessment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.''.

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.

(a) COMPOSITION OF WORKFORCE.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

''(6) COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS.—

''(A) PERCENTAGE LIMITATION.—With respect to each construction project for which groundbreaking occurs before October 1, 2011, and that is carried out using amounts described in subparagraph (B), not more than 30 percent of the total hours worked per month on the construction project may be performed by persons holding visas issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

''(B) SOURCE OF FUNDS.—Subparagraph (A) applies to—

''(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

''(ii) funds associated with activities under section 2821 of this Act; and

''(iii) funds for authorized military construction projects.

''(C) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including territories in the Pacific region, in accordance with a recruitment plan created by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State and local job banks, with State workforce agencies, and with unemployment agencies and other referral and recruitment sources pertinent to the employment opportunity.''.

(b) REPORTING REQUIREMENTS.—

(1) SECRETARY OF DEFENSE.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled ''Use of Project Labor Agreements for Federal Construction Projects'' (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

(2) SECRETARY OF LABOR.—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

(A) the opportunities to expand the recruitment of construction workers in the United States, including territories in the Pacific region, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment; and

(C) the sufficiency of efforts to recruit United States construction workers.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTOR GENERALS FOR GUAM REALIGNMENT.

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of Inspector Generals for Guam Realignment (in this section referred to as the ''Interagency Coordination Group'')—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed to—

(A) promote economic efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) prevent and detect waste, fraud, and abuse in such programs and operations; and

(b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and Inspectors General of such other Federal agencies as the chairperson

considers appropriate to carry out the duties of the Interagency Coordination Group.

(c) DUTIES.—

(1) OVERSIGHT OF GUAM CONSTRUCTION.—It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1).

(3) OVERSIGHT PLAN.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) PROVISION OF ASSISTANCE.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

(e) REPORTS.—

(1) ANNUAL REPORTS.—Not later than February 1 of each year, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations, expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for military construction on Guam with any public or private sector entity.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

(f) PUBLIC AVAILABILITY; WAIVER.—

(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a publically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

(3) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate.

(g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term ''amounts appropriated or otherwise made available for military construction on Guam'' includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term ''Guam'' includes any island in the Northern Mariana Islands.

(h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.

The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa, unless the Secretary certifies to the congressional defense committees that the replacement facility satisfies at least minimum Naval Aviation Safety requirements. The Secretary may not waive any of these requirements.

SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS TRAINING REQUIREMENTS IN ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the training requirements necessary for Marine Forces Pacific, the field command of the Marine Corps within the United States Pacific Command.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall contain each of the following:

(1) A description of the units of the Marine Corps expected to be assigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.

(2) A description of the training requirements necessary to sustain the current and planned realignment of forces according to the agreement entitled ''Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam''.

(3) A description of the potential effects of undertaking a separate environmental impact study for expanded training ranges in the Commonwealth of the Northern Mariana Islands and for alternative training range options, including locations in the Philippines, Thailand, Australia, and Japan.

(4) The rationale for conducting the Mariana Island Range Complex environmental impact statement without including the additional training requirements necessary to support the additional realignment of Marine Corps units on Guam.

(5) A description of the strategic- and tactical-lift requirements associated with Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include a training analysis that, at a minimum, reviews the capabilities required to support a Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement referred to in subsection (b)(2).

Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) ADOPTION REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 at the end the following new section:

"§ 2867. Energy monitoring and management system specification for military construction and military family housing activities

''(a) ADOPTION OF DEPARTMENT-WIDE, OPEN SOURCE, ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION.—The Secretary of Defense shall adopt an open source energy monitoring and management system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling the following with respect to the project or activity:

''(1) Utilities and energy usage, including electricity, gas, steam, and water usage.

''(2) Indoor environments, including temperature and humidity levels.

''(3) Heating, ventilation, and cooling components.

''(4) Central plant equipment.

''(5) Renewable energy generation systems.

''(6) Lighting systems.

''(7) Power distribution networks.

''(b) EXCLUSION.—(1) The Secretary concerned may waive the application of the energy monitoring and management system specification adopted under subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective.

''(2) The Secretary concerned shall notify the congressional defense committees of any waiver granted under paragraph (1).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III is amended inserting after the item relating to section 2866 the following new item:

''2867. Energy monitoring and management system specification for military construction and military family housing activities.''.

(3) DEADLINE FOR ADOPTION.—The Secretary of Defense shall adopt the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) An expected timeline for integration of existing components with the energy monitoring and management system.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulations Chapter 6.3, relating to Other Than Full and Open Competition, for energy monitoring and management systems during fiscal year 2009.

SEC. 2842. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) PREFERENCE.—Subchapter II of chapter 173 of title 10, United States Code, is amended by inserting after section 2922g, as added by title III of this Act, the following new section:

"§ 2922h. Preference for motor vehicles using electric or hybrid propulsion systems

''(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

''(1) will meet the requirements or needs of the Department of Defense; and

''(2) are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

''(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

''(c) HYBRID DEFINED.—In this section, the term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

''(1) an internal combustion or heat engine using combustible fuel; and

''(2) a rechargeable energy storage system.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2922h. Preference for motor vehicles using electric or hybrid propulsion systems.''.

SEC. 2843. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking ''electric energy'' and inserting ''facility energy'';

(B) by striking ''and in its activities''; and

(C) by striking ''(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))''; and

(3) in subparagraph (B) (as so redesignated), by striking ''electric energy'' and inserting ''facility energy''.

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Such subsection is further amended—

(1) by striking ''It shall be'' and inserting ''(1) It shall be''; and

(2) by adding at the end the following new paragraph:

''(2) In this subsection, the term 'renewable energy source' means energy generated from renewable sources, including the following:

''(A) Solar.

''(B) Wind.

''(C) Biomass.

''(D) Landfill gas.

''(E) Ocean, including tidal, wave, current, and thermal.

''(F) Geothermal, including electricity and heat pumps.

''(G) Municipal solid waste.

''(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

''(I) Thermal energy generated by any of the preceding sources.''.

(c) CLERICAL AMENDMENT.—The heading of such subsection is amended by striking ''ELECTRICITY NEEDS'' and inserting ''FACILITY ENERGY NEEDS''.

SEC. 2844. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on all renewable energy initiatives being funded by the Department of Defense or a military department down to the base commander level. The Comptroller General shall specifically address the following in the report:

(1) The costs associated with each renewable energy initiative.

(2) Whether the renewable energy initiative has a clearly delineated set of goals or targets.

(3) Whether those goals or targets are being met or are likely to be met by the conclusion of the renewable energy initiative.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) STUDY REQUIRED; ELEMENTS.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations. As part of the study, the Secretary shall—

(1) summarize options available for public-private partnerships for construction and operation of the power plants;

(2) estimate the cost per kilowatt-hour and consider the potential for life cycle cost savings to the Department of Defense, including potential environmental liabilities;

(3) consider the potential energy security advantages to the Department of Defense of generating electricity on military installations through the use of nuclear energy;

(4) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid;

(5) consider impact on quality of life of members stationed at an installation containing a nuclear power plant;

(6) consider regulatory, State, and local concerns to production of nuclear power on military installations;

(7) assess to what degree nuclear power plants would adversely affect operations on military installations, including consideration of training and readiness requirements;

(8) assess potential environmental liabilities for the Department of Defense;

(9) consider factors impacting safe co-location of nuclear power plants on military installations; and

(10) consider any other factors that bear on the feasibility of developing nuclear power plants on military installations.

(b) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study.

Subtitle E—Land Conveyances

SEC. 2851. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C.

431; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

''(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

''(d) TRANSFER OF LAND.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

''(1) the land is excess to military needs; and

''(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

''(e) PUBLIC ACCESS.—The Secretary of the Interior shall enter into an agreement with the Secretary of Defense to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Concord Naval Weapons Station.

''(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.''.

(b) SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF NATIONAL MEMORIAL.—

(1) REMEDIATION.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by subsection (a), the Secretary of Defense should remediate remaining environmental contamination related to the land.

(2) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to develop a process by which future repairs and necessary modifications to the National Memorial can be achieved in as timely and cost-effective a manner as possible.

SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey, without consideration, to the Hawaii Community Development Authority (in this section referred to as the ''Authority''), which is the local redevelopment authority for former Naval Air Station, Barbers Point, Oahu, Hawaii, all right, title, and interest of the United States in and to the following parcels of real property, including any improvements thereon and clear of all liens and encumbrances, at the installation:

(1) An approximately 10.569-acre parcel of land identified as ''Parcel No. 13126 B'' and further identified by Oahu Tax Map Key No. 9-1-031:047.

(2) An approximately 145.785-acre parcel of land identified as ''Parcel No. 13058 D'' and further identified by Oahu Tax Map Key No. 9-1-013:039.

(3) An approximately 9.303-acre parcel of land identified as ''Parcel No. 13058 F'' and further identified by Oahu Tax Map Key No. 9-1-013:041.

(4) An approximately 57.937-acre parcel of land identified as ''Parcel No. 13058 G'' and further identified by Oahu Tax Map Key No. 9-1-013:042.

(5) An approximately 11.501-acre parcel of land identified as ''Parcel No. 13073 D'' and further identified by Oahu Tax Map Key No. 9-1-013:069.

(6) An approximately 65.356-acre parcel of land identified as ''Parcel No. 13073 B'' and further identified by Oahu Tax Map Key No. 9-1-013:067.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2152) is amended—

(1) by striking ''two parcels'' and inserting ''three parcels'';

(2) by striking ''and 1.742 acres and containing the four buildings'' and inserting '', 1.742 acres, and 4.5 acres, respectively, and containing all or a portion of the five buildings''; and

(3) by inserting ''and the Modification and Fabrication Facility'' after ''Reconnaissance Laboratory''.

(b) DESCRIPTION OF PROPERTY.—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

''(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).''.

(c) PURPOSE OF CONVEYANCE.—Subsection (a)(3) of such section is amended by adding before the period at the end the following: ''and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance''.

(d) CONSIDERATION.—Subsection (c) of such section is amended by striking ''in-kind contribution'' and inserting ''in-kind consideration (including land and new facilities)''.

SEC. 2854. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section referred to as the ''School District''), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational, educational support, and community activities.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to parcels of non-contiguous real property, including any improvements thereon, consisting of a total of approximately 2.4 acres at Naval Air Station Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall

provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the ''Association'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013.

(b) CONSIDERATION.—As consideration for the conveyance of the property described in subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2143), is further amended—

(1) in the first sentence, by striking ''The Secretary of the Army may transfer'' and inserting ''Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer''; and

(2) in the second sentence—

(A) by striking ''may make the transfer'' and inserting ''shall make the transfer''; and

(B) by striking ''may accept'' and inserting ''shall accept''.

Subtitle F—Other Matters

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking ''National War Dogs Monument, Inc.,'' both places it appears and inserting ''John Burnam Monument Foundation, Inc.,''.

SEC. 2872. NAMING OF CHILD DEVELOPMENT CENTER AT FORT LEONARD WOOD, MISSOURI, IN HONOR OF MR. S. LEE KLING.

A child development center at Fort Leonard Wood, Missouri, shall be known and designated as the ''S. Lee Kling Child Development Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such child development center shall be deemed to be a reference to the S. Lee Kling Child Development Center.

SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia that permits the establishment of the Cooperative Security Location at the German Olano Airbase in a manner that will enable the United States Southern Command to execute its Theater Posture Strategy in cooperation with the Armed Forces of Colombia.

(b) PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1056; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

''(g) MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.''.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Air Force construction and land acquisition projects.
Sec. 2903. Construction authorization for facilities for Office of Defense Representative-Pakistan.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside United States

Country	Installation or Location	Amount
Afghanistan.	Airborne	$7,800,000
	Altimur	$7,750,000
	Asadabad	$5,500,000
	Bagram Air Base	$132,850,000
	Camp Joyce	$7,700,000
	Camp Kabul	$137,000,000
	Camp Kandahar	$132,500,000
	Camp Salerno	$50,200,000
	Forward Operating Base Blessing.	$5,600,000
	Forward Operating Base Bostick.	$5,500,000
	Forward Operating Base Dwyer.	$14,900,000
	Forward Operating Base Ghazni.	$5,500,000
	Forward Operating Base Shank.	$19,700,000
	Forward Operating Base Sharana.	$60,800,000
	Frontenac	$2,200,000
	Jalalabad Airfield	$41,400,000
	Maywand	$12,200,000
	Methar-Lam	$4,150,000

***Army: Outside United States**—Continued*

Country	Installation or Location	Amount
	Provincial Reconstruction Team Gardez.	$36,200,000
	Provincial Reconstruction Team Tarin Kowt.	$57,950,000
	Tombstone/Bastion	$71,800,000
	Wolverine	$14,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,100,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,284,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan.	Bagram Air Base ..	$29,100,000
	Camp Kandahar ...	$234,600,000
	Forward Operating Base Dwyer.	$4,900,000
	Forward Operating Base Shank.	$4,900,000
	Provincial Reconstruction Team Tarin Kowt.	$4,900,000
	Tombstone/Bastion	$156,200,000
	Wolverine	$4,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.

(a) IN GENERAL.—Notwithstanding the definition of military construction in section 2801 of title 10, United States Code, of the amounts authorized to be appropriated by this division for military construction, the Secretary of Defense may use not more than $25,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the ''ODRP'').

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) FORM.—The report under paragraph (1) may be submitted in a classified form.

(4) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate congressional committees are the following:

(A) The Committees on Armed Services and Foreign Affairs of the House of Representatives.

(B) The Committees on Armed Services and Foreign Relations of the Senate.

(5) TERMINATION.—The requirement to submit a report under this subsection terminates on the date occurring two years after the date on which the first report is submitted.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Stockpile stewardship program.
Sec. 3112. Stockpile management program.
Sec. 3113. Plan for execution of stockpile stewardship and stockpile management programs.
Sec. 3114. Dual validation of annual weapons assessment and certification.
Sec. 3115. Annual long-term plan for the modernization and refurbishment of the nuclear security complex.

Subtitle C—Reports

Sec. 3121. Comptroller General review of management and operations contract costs for national security laboratories.
Sec. 3122. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,479,627,000, to be allocated as follows:

(1) For weapons activities, $6,516,431,000.

(2) For defense nuclear nonproliferation activities, $2,539,309,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10-D-501, nuclear facilities risk reduction, Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For safeguards and security, the following new plant project:

Project 10-D-701, security improvement project, Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10-D-903, KAPL security upgrades, Schenectady, New York, $1,500,000.

Project 10-D-904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, $700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,024,491,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $872,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $98,400,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2521) is amended to read as follows:

''(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

''(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

''(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''and performance over time'' after ''detonation''; and

(2) by adding at the end the following new paragraphs:

''(4) Material support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

''(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

''(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory; and

''(C) the Z Machine at Sandia National Laboratories.

''(5) Material support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

''(A) the Pantex Plant;

''(B) the Y–12 National Security Complex;

''(C) the Kansas City Plant; and

''(D) the Savannah River Site.''.

(c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. STOCKPILE MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Atomic Energy Defense Act (division D of Public Law 107-314; 50 U.S.C. 2501 et seq.) is amended—

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

''SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.

''(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, to be known as the stockpile management program, to provide for the effective management of the weapons in the nuclear weapons stockpile (including any weapon proposed to be added to the stockpile). The program shall have the following objectives:

''(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

''(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

''(3) To achieve reductions in the future size of the nuclear weapons stockpile.

''(4) To reduce the risk of an accidental detonation of an element of the stockpile.

''(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

''(b) PROGRAM BUDGET.—For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

''(c) PROGRAM LIMITATIONS.—In carrying out the stockpile management program under subsection (a), the Secretary shall ensure that—

''(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

''(2) any such changes made to the stockpile shall—

''(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

''(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314; 50 U.S.C. 2501 note) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

''Sec. 4204. Stockpile management program.''.

SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

(a) PLAN.—Section 4203 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2523) is amended to read as follows:

''SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

''(a) PLAN REQUIREMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, and program direction and shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

''(b) PLAN ELEMENTS.—The plan and each update of the plan shall set forth the following:

''(1) The number of warheads (including active and inactive warheads) for each warhead type in the nuclear weapons stockpile.

''(2) The current age of each warhead type, and any plans for stockpile lifetime extensions and modifications or replacement of each warhead type.

''(3) The process by which the Secretary of Energy is assessing the lifetime and requirements for maintenance of the nuclear and nonnuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile.

''(4) The process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile without the use of nuclear testing.

''(5) Any concerns which would affect the ability of the Secretary of Energy to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads).

''(c) ASSESSMENT.—In addition to the elements described under subsection (b), the plan and each update of the plan shall include a joint assessment of the stockpile stewardship program by the heads of the national security laboratories. Each assessment shall set forth the following:

''(1) An identification and description of—

''(A) any key technical challenges to the program; and

''(B) the strategies to address such challenges without the use of nuclear testing.

''(2) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

''(3) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the plan compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

''(4) Clear and specific criteria for judging whether the science-based tools being used by the Department of Energy for determining the safety and reliability of the nuclear weapons stockpile are performing in a manner that will provide an adequate degree of certainty that the stockpile is safe and reliable.

''(5) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons and weapons-related activities of the Department of Energy, including—

''(A) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

''(B) a description of any shortage of such individuals that exists at the time of the plan compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

''(d) REPORTS TO CONGRESS.—Not later than February 1 of each year, beginning with February 1, 2010, the Secretary of Energy shall submit to the congressional defense committees a report describing the plan required by subsection (a).

''(e) DEFINITIONS.—In this section:

''(1) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

''(2) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

''(3) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

''(4) The term 'weapons–related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

''(A) nuclear non-proliferation;

''(B) nuclear forensics;

''(C) nuclear intelligence;

''(D) nuclear safety; and

''(E) nuclear incident response.''.

(b) CLERICAL AMENDMENT.—The item relating to section 4203 in the table of contents for such Act is amended to read as follows:

''Sec. 4203. Plan for execution of stockpile stewardship and stockpile management programs.''.

(c) CONFORMING REPEAL.—Section 4202 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2522) is repealed.

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.

(a) DUAL VALIDATION.—

(1) IN GENERAL.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

''(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security shall establish teams, known as 'dual validation teams', to provide Lawrence Livermore National Laboratory and Los Alamos National Laboratory with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. Each such team shall—

''(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;

''(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;

''(3) use all relevant available data to conduct independent calculations; and

''(4) pursue independent experiments to support the independent evaluations.''.

(2) PLAN.—Not later than March 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (including a schedule) to carry out subsection (c) of section 4205 of such Act, as added by paragraph (1) of this subsection.

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) by inserting ''both'' after ''review''; and

(2) by inserting after ''that laboratory'' the following: ''and the independent evaluations conducted by a dual validation team under subsection (c)''.

(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).''.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (c)'' and inserting ''subsection (d)'';

(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (d)'' and inserting ''subsection (e)'';

(3) in subsection (g), as redesignated by subsection (a)(1)(A) of this section, by striking ''subsection (e)'' and inserting ''subsection (f)''; and

(4) in subsection (i), as redesignated by subsection (a)(1)(A) of this section—

(A) in paragraph (1), by striking ''subsection (d)'' and inserting ''subsection (e)''; and

(B) in paragraph (2), by striking ''subsection (e)'' and inserting ''subsection (f)''.

SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) POLICY.—It is the policy of the United States that sustainment, modernization, and refurbishment of the nuclear security complex is mandatory for maintaining the future viability of the United States nuclear deterrent and a prerequisite for any reductions to the nuclear weapons stockpile of the United States.

(b) GENERAL REQUIREMENT.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

''SEC. 3255. BUDGETING FOR MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX: ANNUAL PLAN AND CERTIFICATION.

''(a) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN AND CERTIFICATION.—The Administrator for Nuclear Security shall include with the nuclear security budget materials for each fiscal year—

''(1) a plan for the modernization and refurbishment of the nuclear security complex developed in accordance with this section; and

''(2) a certification by the Administrator that both the budget for that fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan under paragraph (1) on the schedule provided in the plan.

''(b) ANNUAL NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN.—(1) The annual nuclear security complex modernization and refurbishment plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the nuclear security complex provided for under that plan is capable of supporting—

''(A) the National Security Strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the nuclear security budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then such annual plan should be designed so that the nuclear security complex modernization and refurbishment provided for under that plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

''(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

''(2) Each such nuclear security complex modernization and refurbishment plan shall include the following:

''(A) A detailed program with schedule and associated funding for the modernization and refurbishment of the nuclear security complex for the National Nuclear Security Administration over the next 30 fiscal years.

''(B) A description of the necessary modernization and refurbishment measures to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1), and the Nuclear Posture Review.

''(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the implementation strategies on which such estimated levels of annual funding are based.

''(c) ASSESSMENT WHEN NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the modernization and refurbishment of the nuclear security complex at a level that is not sufficient to sustain the requirements specified in the plan for that fiscal year under subsection (a), the Administrator shall include with the nuclear security budget materials for that fiscal year an assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-term safety, security, and reliability. Such assessment shall be coordinated in advance with the Secretary of Defense and the Commander of the United States Strategic Command.

''(d) DEFINITIONS.—In this section:

''(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of—

''(A) the national security laboratories;

''(B) the Pantex Plant;

''(C) the Y–12 National Security Complex;

''(D) the Kansas City Plant;

''(E) the Savannah River Site; and

''(F) the Nevada test site.

''(2) The term 'budget' with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for Nuclear Security in support of the budget for that fiscal year.

''(4) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

''3255. Budgeting for modernization and refurbishment of the nuclear security complex: annual plan and certification.''.

Subtitle C—Reports

SEC. 3121. COMPTROLLER GENERAL REVIEW OF MANAGEMENT AND OPERATIONS CONTRACT COSTS FOR NATIONAL SECURITY LABORATORIES.

(a) REVIEW REQUIRED.—The Comptroller General shall review the effects of the contracts entered into by the Department of Energy in 2006 and 2007 that provide for the management and operations of the covered national laboratories. The review shall include the following:

(1) A detailed description of the costs related to the transition from the period when the management and operations of the covered national laboratories were performed by the University of California to the period when such management and operations were performed by a covered contractor, including—

(A) a description of any continuing differences in the cost structure of the management and operations when performed by the University of California and the cost structure of the management and operations when performed by a covered contractor; and

(B) an assessment of the effect of such cost differences on the resources available to support scientific and technical programs at the covered national laboratories.

(2) A quantitative assessment of the ability of the covered national laboratories to perform other important laboratory functions, including safety, security, and environmental management.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report on the results of the review.

(c) DEFINITIONS.—In this section:

(1) The term ''covered contractor'' means—

(A) with respect to Los Alamos National Laboratory, Los Alamos National Security, LLC; and

(B) with respect to Lawrence Livermore National Laboratory, Lawrence Livermore National Security, LLC.

(2) The term ''covered national laboratories'' means—

(A) the Los Alamos National Laboratory; and

(B) the Lawrence Livermore National Laboratory.

SEC. 3122. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit a report to the appropriate committees of Congress describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES.—For purposes of this section, the appropriate committees of Congress are the following:

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2010.

Sec. 3502. Liquidation of unused leave balance at the United States Merchant Marine Academy.

Sec. 3503. Adjunct professors.

Sec. 3504. Maritime loan guarantee program.

Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.

Sec. 3506. Technical corrections to State maritime academies student incentive program.

Sec. 3507. Limitation on disposal of interest in certain vessels.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) $11,240,000 shall remain available until expended for maintenance and repair of training ships of the State Maritime Academies; and

(C) $53,208,000 shall be available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain a preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

SEC. 3502. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE UNITED STATES MERCHANT MARINE ACADEMY.

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused leave to any former employee of a United States Merchant Marine Academy non-appropriated fund instrumentality who was terminated from such employment in 2009 or whose position as such an employee was converted to the Civil Service in 2009 under authority granted by section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 110–417; 122 Stat. 4356).

SEC. 3503. ADJUNCT PROFESSORS.

Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4356) is amended—

(1) in subsection (a), by striking ''temporary'';

(2) in subsection (b), by inserting ''and'' after the semicolon at the end of paragraph (1), by striking ''; and'' at the end of paragraph (2) and inserting a period, and by striking paragraph (3); and

(3) by striking subsection (d) and inserting the following:

''(d) REPORTING REQUIREMENTS.—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy, the Administrator shall notify the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment of the adjunct professor.''.

SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 or title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation's industrial base allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial sealift capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and more numerous fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.

SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

''(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in hazardous carriage shall be equipped with appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

''(B) In this paragraph the term 'hazardous carriage' means the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard or the International Maritime Bureau of the International Chamber Of Commerce as an area of high risk of piracy.''.

SEC. 3506. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking ''and be paid before the start of each academic year, as prescribed by the Secretary,'' and inserting ''and be paid in such installments as the Secretary shall determine'';

(2) by striking ''academy.'' and inserting ''academy, as prescribed by the Secretary.''.

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110–417 (122 Stat. 4762)) is repealed and shall have no force or effect.

SEC. 3507. LIMITATION ON DISPOSAL OF INTEREST IN CERTAIN VESSELS.

(a) LIMITATION.—If the United States acquires any financial interest in a covered vessel as a consequence of a default on a loan guaranteed for the vessel under chapter 537 of title 46, United States Code, no action to dispose of the financial interest may be taken by the Maritime Administrator until 180 days after the date the Maritime Administrator notifies the Secretary of the Navy that the United States has such financial interest.

(b) COVERED VESSEL DEFINED.—In this section the term ''covered vessel'' means each of—

(1) the vessel HUAKAI (United States official number 1215902); and

(2) the vessel ALAKAI (United States official number 1182234).

The Acting CHAIR. No amendment to the amendment in the nature of a substitute is in order except those printed in House Report 182–151 and amendments en bloc described in section 3 of House Resolution 572.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 4 of the resolution; may be offered only by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report except for amendments 3 and 9, which shall be debatable for 20 minutes, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment; and shall not be subject to a demand for a division of the question.

It shall be in order at any time for the Chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of.

Amendments en bloc shall be considered read; shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chair of the Committee of the Whole may recognize for consideration of any amendment out of the order printed, but not sooner than 30 minutes after the Chair of the Committee on Armed Services or a designee announces from the floor a request to that effect. Such an announcement with regard to amendments 2, 3, 4, 9, 15, 20, 24, 34, and 39 was given on June 24, 2009.

Pursuant to the order of the House of today, amendment 2 has been modified.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–182.

Mr. SKELTON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 72, line 18, strike ''(h)'' and insert ''(d)''.

At the end of section 414 (page 122, after line 14), add the following new subsection:

(c) CONFORMING AMENDMENT TO STATUTORY LIMITATION.—Section 10217(c)(2) of title 10, United States Code, is amended by striking ''1,950'' and inserting ''2,541''.

Page 260, lines 9 and 10, strike ''by adding at the end the following new section'' and insert ''by inserting after section 235, as added by section 242(a) of this Act, the following new section''.

Page 260, line 11, strike ''235.'' and insert ''236.''.

Page 262, before line 1, strike ''235.'' and insert ''236.''.

At the end of subtitle A of title X (page 323, after line 12), add the following new section:

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds authorized to be appropriated in section 201(3) for research, development, test, and evaluation for the Air Force are reduced by $2,900,000, to be derived from sensors and near field communication technologies.

(b) ARMY OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(1) for operation and maintenance for the Army are reduced by $18,000,000, to be derived from unobligated balances for the

Army in the amount of $11,700,000 and fuel purchases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—

(1) REDUCTION.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $22,900,000 to be derived from unobligated balances for the Navy in the amount of $11,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposal–Carrier Demonstration Project

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(3) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,300,000 and fuel purchases for the Air Force in the amount of $20,700,000.

(f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(5) for operation and maintenance for Defense-wide activities are reduced by $5,200,000, to be derived from unobligated balances for Defense-wide activities in the amount of $4,300,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 421 for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Page 345, line 16, strike ''30 days'' and insert ''90 days''.

Page 391, line 15, strike ''the budget fiscal year'' and insert ''subsequent fiscal years''.

Strike section 1505 (page 493, beginning line 12) and insert the following new section:

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.

(2) For weapons procurement, Navy, $73,700,000.

(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.

(4) For other procurement, Navy, $318,018,000.

(5) For procurement, Marine Corps, $1,164,445,000.

Page 556, line 14, strike ''2821(b)'' and insert ''2811(b)''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Missouri.

Mr. SKELTON. At this time, Mr. Chairman, the gentleman from New Jersey (Mr. ADLER) seeks recognition for a colloquy.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman, for participating in a colloquy with me about the importance of the joint military base located in New Jersey. It incorporates McGuire Air Force Base, Fort Dix, and Lakehurst Naval Air Engineering Station.

I am proud to represent this innovative installation located in New Jersey's Third and Fourth Congressional Districts. I am working with Generals, Colonels, Captains, and our civilian specialists to make the transition to the country's first tri-service joint facility as smooth as possible.

One of the issues people always talk with me about is the discrepancy in locality pay. All three individual installations are logistically close to each other; however, they fall within Burlington County and Ocean County and, therefore, two different locality pay jurisdictions. Currently, civilian employees doing exactly the same job are being paid different wages.

I am working closely with the Office of Personnel Management and the Department of Defense to have the entire joint base considered within Ocean County's pay area because people doing identical jobs on different areas of the tri-service base should be paid the same.

Mr. Chairman, I look forward to working with you on this important issue to assist in the smooth transition to the joint base, McGuire/Dix/Lakehurst, starting on October 1, 2009.

Mr. SKELTON. I thank the gentleman for his comments. And in response, I will tell the gentleman I will work with him, the committee of jurisdiction, and the relevant government agencies to resolve the issue and help the joint base transition.

Mr. ADLER of New Jersey. Thank you, Mr. Chairman.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise to claim the time in opposition although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. I will reserve the balance of my time.

Mr. SKELTON. Mr. MILLER has a request for a colloquy at this time.

Mr. MILLER of North Carolina. Mr. Chairman, the Servicemembers Civil Relief Act, SCRA, protects servicemembers when their military service hinders their ability to meet financial obligations or defend their rights in a lawsuit. Recent court rulings have questioned whether servicemembers have a private remedy for violations of their rights under the SCRA. The committee included a provision to increase further the rights of servicemembers. That is a step in the right direction, but I am concerned that the provision does not go far enough nor as far as the chairman and the committee would like to go.

I submitted an amendment with Representative JONES based on H.R. 2696, the Servicemembers Rights Protection Act, to clarify that servicemembers and covered dependents under the SCRA do have a private cause of action. The clarifying amendment has the support of the Department of Defense, the Department of Justice, the American Bar Association, Military Officers Association, and is currently in the other body's version of the National Defense Authorization.

Will the chairman work to include the most effective private right of action for all SCRA violations in the conference report?

Mr. SKELTON. In response, I might tell you that, as the gentleman knows, our committee and I work tirelessly to protect the rights of servicemembers and their families; at the same time, I know it can be improved. I would be happy to work with this gentleman to address the issues that you have raised this morning.

Mr. MILLER of North Carolina. Thank you, Mr. Chairman. I know you are committed to stronger language and to doing everything possible to help our servicemembers.

Mr. SKELTON. Thank you.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I continue to reserve.

Mr. SKELTON. Mr. Chairman, the gentlelady from California (Mrs. CAPPS) seeks recognition for a colloquy.

Mrs. CAPPS. Mr. Chairman, I rise today to ask for your help in providing fair and adequate disability benefits to our Nation's Federal firefighters.

Together with the gentleman from Pennsylvania (Mr. PLATTS), I introduced the Federal Firefighters Fairness Act to create the presumption that Federal firefighters who become disabled by heart disease, lung disease, certain cancers, and other infectious diseases contracted the illness on the job. This effort is strongly supported by all five major fire organizations and has 130 bipartisan cosponsors.

I offered this bill with an amendment to the National Defense Authorization Act; however, it was not made in order due to PAYGO issues.

Mr. SKELTON. I certainly thank the gentlelady for raising this important issue, and I assure her that I certainly share her concern for our Federal firefighters.

While protecting our national interests in military installations, nuclear facilities, VA hospitals, and other Federal facilities, Federal firefighters are routinely exposed to toxic substances, biohazards, temperature extremes, and stress. I would be pleased to continue working with the gentlelady on this important issue.

Mrs. CAPPS. I thank the chairman for his commitment to improving the health and welfare of our Federal firefighters.

Forty-two States have already recognized this link by providing some sort of presumptive disability benefits for their State, county, and city firefighters. This creates a serious difference in benefits between Federal and

municipal firefighters, which is basically unfair. More States enact presumptive disability legislation each year, so this is a problem that continues to grow and the disparity continues to be more apparent. Clearly, there is a pressing need for this legislation.

Mr. SKELTON. The gentlelady knows that I certainly share her admiration and appreciation for our Federal firefighters, and I thank her for her dedication.

Mrs. CAPPS. Again, I thank the chairman, and I look forward to working with him in the future.

Mr. MCKEON. I continue to reserve.

□ 1045

Mr. SKELTON. The amendment before us is one that is technical in nature and seeks to clarify several technical misstatements and problems that arose in the drafting of the bill.

Mr. MCKEON. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–182.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MCGOVERN:

At the end of subtitle B of title XII, add the following new section:

SEC. 12___. REPORT ON AFGHANISTAN EXIT STRATEGY.

Not later than December 31, 2009, the Secretary of Defense shall submit to Congress a report outlining the United States exit strategy for United States military forces in Afghanistan participating in Operation Enduring Freedom.

The Acting CHAIR. Pursuant to House Resolution 572 and the order of the House of today, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Thank you, Mr. Chairman. I yield myself 2 minutes.

Mr. Chairman, this amendment requires the Secretary of Defense to provide Congress by the end of the year with an outline of our exit strategy for U.S. military operations in Afghanistan. This bipartisan amendment, offered by Representatives WALTER JONES, CHELLIE PINGREE, BARBARA LEE, and me, does not demand a timeline for withdrawal or a halt to the deployment of the 21,000 additional troops called for by the President. It simply asks the administration to present its plan for beginning, middle, and end of U.S. military operations in Afghanistan.

For over 8 long years, our uniformed men and women have done all that we have asked them to do in Afghanistan. We are now asking them to do more. And we are giving them more resources and more boots on the ground to accomplish their mission. What we have not told them is how to tell when their contribution to the political solution is done and they can begin to transition out of Afghanistan.

Mr. Chairman, I want President Obama to succeed in Afghanistan. I stand by our commitment to provide the necessary resources to help the Afghan people take charge of their own future. But as Congress authorizes and appropriates billions and billions of dollars for a new strategy in Afghanistan, is it too much to ask how we will know when our troops can finally come home to their families?

Certainly, we need to hold the governments of Afghanistan and Pakistan accountable for governing their own nations. But it is incumbent upon us in Congress to hold ourselves accountable—and before we can even do that, the administration must clearly articulate and outline how it envisions completing its military operations in Afghanistan.

Eleven months into its term is not too soon for that outline to be provided. We are asking the Congress be a proper check and balance. We are asking for Congress to do its job. The people of this country want clarity. They are tired of endless wars.

Please support the McGovern-Jones-Pingree-Lee amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 10 minutes.

Mr. MCKEON. Mr. Chairman, Chairman SKELTON and I agree that this amendment does more harm than good. This amendment sends the wrong signal at the wrong time for the government and people of Afghanistan, our military men and women deployed and deploying to Afghanistan, our NATO and non-NATO allies, and the enemy.

Focusing on an exit versus a strategy is irresponsible and fails to recognize that our efforts in Afghanistan are vital to preventing future terrorist attacks on the American people and our allies.

In March of 2009, the President rightly outlined a strategy for Afghanistan and Pakistan focused on disrupting, dismantling, and defeating al Qaeda and its affiliated networks and their safe havens.

While we debate this amendment, our military men and women are deploying to the Afghan theater as part of an additional 21,000 forces being sent to fight the insurgency in the south and train the Afghan National Security Forces.

Instead of focusing on an exit, as the amendment calls for, Congress needs to provide the funding and resources required to support the President's strategy and allow our military commanders to succeed.

As the commander of U.S. Central Command, General Petraeus has consistently stated it will take sustained, substantial resources to implement our counterinsurgency strategy in Afghanistan and give our troops and the government of Afghanistan the opportunity to succeed.

Lastly, the Department of Defense opposes the amendment, and I also oppose the amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, a military strategy that has no exit is no strategy at all.

I'd like to yield 2 minutes to the cosponsor of this amendment, the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I rise in strong support of the McGovern amendment. When the previous administration was in office, many times Members on both sides of the aisle kept saying, Why isn't there an end point to the war in Iraq? Now, after 8 years in Afghanistan, the current administration must clearly articulate the benchmarks for success and the endpoint to its war strategy.

In my years in Congress, I have many opportunities to speak to military leaders. Time after time, time after time, I heard this: To have a successful war strategy, you must have an end point. An end point is an understanding of what has to be achieved.

General Petraeus recently said, Afghanistan has been known over the years as the graveyard of empires. We cannot take that history lightly.

Another voice who brings credibility to this position is Andrew Bacevich, a retired army colonel, Gulf War and Vietnam veteran, military historian, and the father of a son who died in Iraq in 2007. Bacevich has written that, Embarking on a protracted war with no foreseeable end to the U.S. commitment—lacking clearly defined and achievable objectives—risks forfeiting public support, thereby courting disaster.

This amendment does not set a date for leaving Afghanistan. It simply asks the Secretary of Defense to present a plan for success to Congress by the end of the year.

I would hope that the Members of Congress will look at this, and let's not repeat Vietnam. Our men and women in uniform have given and given and given. And it's time now to say that we have a definition of victory. And that's all Mr. MCGOVERN's amendment is asking.

Mr. MCKEON. Mr. Chairman, I yield 1 minute at this time to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. BERMAN).

Mr. BERMAN. I thank my friend for yielding. I have tremendous respect for my friend and colleague from Massachusetts. I know he always has the best interests of the Nation and our armed services at heart. But I must oppose the amendment.

As much as all of us would like to have our brave men and women home

again reunited with their loved ones, we don't have a choice but to keep the troops on the ground in Afghanistan for some period of time. The only way we can succeed in Afghanistan is to create an environment conducive to development and good governance. Our U.S. military is an essential component of that.

Requiring President Obama to develop an ''exit strategy''—only a few months after he increased the number of U.S. troops in Afghanistan and launched a new strategy—would raise questions about our commitment to the Afghan people and complicate our efforts to help them create a stable and secure nation in a way that would supersede whatever benefits we could get from the passage of this amendment.

I would ask my colleagues to give the President's plan a chance to work.

Mr. MCGOVERN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, President Obama on a recent ''60 Minutes'' interview said he favors an exit strategy. This shouldn't be controversial. We are told that there's a political solution ultimately to be had in Afghanistan. All we are asking is: When does our military contribution to that political solution come to an end so that we know when we can think about bringing our troops back home?

That's all this amendment does. This should not be controversial at all. What we are asking is simply a clearly defined mission, and nothing more.

At this point, Mr. Chairman, I'd like to yield 2 minutes to a cosponsor of this amendment, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I rise in strong support of this amendment. Let me commend my colleague from Massachusetts for his consistent and his bold leadership.

This amendment does not call for the redeployment of U.S. Armed Forces out of Afghanistan. It does not call for an end of the funding requested by the administration for military operations. It does not tie the hands of the President, commanders in the field, or our troops on the ground. And it does not provide aid or comfort to those who would harm us or wish us ill.

Instead, this will provide a vital contingency plan for withdrawing United States military forces from Afghanistan.

Mr. Chairman, most recognize that there is no military solution to the quagmire in Afghanistan. I remain convinced that the United States must develop an exit strategy in Afghanistan before further committing the United States' limited resources and military personnel deeper into Afghanistan in pursuit of an objective that may be unattainable, unrealistic, or too costly. Unfortunately, we're digging ourselves deeper in a hole.

In 2001, I voted against the authorization to use force because I feared that given a blank check to wage war, I really worried that this would be for an unspecified period of time, really for an unspecified mission. This blank check continues today. My worst fears have been realized.

And so what Mr. MCGOVERN is doing makes a lot of sense. We need an exit strategy for Afghanistan now. I urge my colleagues to vote for this amendment. Otherwise, this blank check is going to continue.

This does not enhance the national security of the United States of America. The longer we're there, the worse things get for our troops. Our troops deserve to be able to know at least what our plans are, what they're going to entail, and when in fact they will come out of Afghanistan. The people of Afghanistan deserve to know this.

I commend our President for trying to develop a new direction in our policy, but I have to tell you, putting more troops in harm's way is not going to help us begin to develop an exit strategy out.

So, thank you, Mr. MCGOVERN, and thank all of the cosponsors for making sure that we have at least an opportunity to say: No more blank checks.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the ranking member on the Foreign Affairs Committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Thank you so much, the gentleman from California. I rise in strong opposition to the amendment on Afghanistan offered by the gentleman from Massachusetts, my friend, Mr. MCGOVERN.

In late March of this year, the President announced his comprehensive outline for Afghanistan and Pakistan, highlighting the threat to critical U.S. security interests that would arise should al Qaeda and the Taliban reclaim or establish safe havens in those countries. The President clearly outlined our goals to disrupt, to dismantle, and to defeat al Qaeda. I agree with him on those goals. But success requires a sustained commitment and sustained support for both the mission and the brave Americans and Afghanis carrying it out.

Our strategy is meeting with success, yet the McGovern amendment is already looking for an exit strategy. This amendment sends a terrible message about U.S. resolve to both friends and foes alike.

And we're not alone in this concern. It's precisely why the Obama administration also opposes the McGovern amendment, stating that the McGovern amendment, ''would demonstrate a lack of commitment to the new strategy, it will signal to our Afghan partners that the U.S. presence and efforts in country are fleeting, and it demonstrates to al Qaeda that we are not intending to see this new strategy through.''

It could hamper U.S. strategic goals in the entire region. Rather than focusing on an exit strategy, we should instead be focused on working with the Obama administration to provide the necessary flexibility to craft policies that offer the best chance of success, while ensuring congressional consultation and congressional notification.

The underlying bill provides this balance. And that's why Chairman SKELTON, Ranking Member MCKEON, Chairman BERMAN and I ask our colleagues to support U.S. efforts in Afghanistan and oppose the McGovern amendment.

□ 1100

Mr. MCGOVERN. Mr. Chairman, I yield myself 15 seconds.

All we are trying to do is fill in the holes of the strategy that President Obama has already articulated. I think the American people would welcome that. I think the Afghan people would welcome that. The notion that we are sending our men and women into harm's way without a clearly defined mission, which includes a beginning, middle and end, to me, is a mistake.

Mr. Chairman, I would yield 1½ minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I thank the gentleman from Massachusetts.

I respect everyone's position and everyone's right, but I would like to say that To Die For a Mystique is an article written by Andrew Bacevich, who I quoted just a few minutes ago, subtitled The Lessons Our Leaders Didn't Learn From the Vietnam War. Here we are, extending an 8-year commitment of our troops in Afghanistan. What's going to happen 3 or 4 years from now if we're in the same situation? And then we're talking about a 12-, 14–16-year commitment.

Look at what the Russians did. They went there and spent 10 years and billions of dollars, and thousands of Russians were killed. Look at Alexander the Great. He tried to conquer Afghanistan. He failed. Look at what the British did, and they couldn't make it. We're not talking about a pull-out. We're just saying, have an end point to your war strategy that the American people will understand and really, more important than the American people, our military. They're tired. They're worn out. They will keep going. They go back five, six, seven, eight times. But ask a military family down at Camp LeJeune, You want to send your husband or wife back for the sixth time to Afghanistan? We're 8 years behind the fight because we never should have gone into Iraq. Let's not make the same mistake they made during the Vietnam era.

Thank you, Mr. MCGOVERN, for introducing this amendment. On behalf of our country and our troops, thank you very much.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the chairman of the Armed Services Committee, the gentleman from Missouri, Chairman SKELTON.

Mr. SKELTON. Mr. Chairman, I respectfully disagree with this amendment, and I respectfully oppose it. This amendment sends exactly the wrong message, focusing on an exit strategy

which may well reinforce the perception among the Afghans that we're not committed to protecting them from the Taliban and al Qaeda.

Mr. Chairman, we have a new commander on the ground. We've added tens of thousands of troops. We're adding hundreds of civilian experts. We should not undermine those efforts. Commanders make a difference. As you know, we have General McChrystal who has replaced General McKiernan in Afghanistan. History shows that new commanders make a big difference. Let's give General McChrystal the opportunity to show what American troops, American civilians, the State Department and others can do. History shows that. President Lincoln replaced General McClellan, General Burnside, General Hooker, General Meade and finally ended up with a man by the name of Grant. General Auchinleck was replaced by Bernard Montgomery, and the great Battle of El Alamein came to pass.

Let's give General McChrystal the opportunity. Further let me add, Mr. Chairman, this amendment is intended to get the administration to lay out its strategy; but section 1217 of our bill already requires the administration to lay out goals, to lay out timelines and conduct regular assessments. That's the way General McChrystal should be judged. Let's do that.

I do oppose this amendment very respectfully.

The Acting CHAIR. The Chair will note that the gentleman from Massachusetts has 1¾ minutes remaining, and the gentleman from California has 3¼ minutes remaining.

Mr. MCGOVERN. Mr. Chairman, I am the final speaker on my side so I will let the gentleman proceed.

Mr. MCKEON. Mr. Chairman, at this time I am happy to yield 1 minute to a young man who joined the Marine Corps the day after 9/11, served two tours in Iraq and one in Afghanistan and is a member of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the ranking member, and I would like to associate myself with the chairman's remarks on this issue.

I think I'm the only one on the floor here who's actually served in Afghanistan. I served twice in Iraq as a United States Marine. I would have to respectfully oppose this amendment, and the reason is this: The best exit strategy is to actually win. That's the best exit strategy. To go in there, win the fight, kill al Qaeda, kill Taliban, have the State Department work with the local Afghan people, then we can leave after we have success over there. That's how we won in Iraq. We won in Iraq. Once we stopped worrying about losing, we had the surge, and now we're successful in Iraq. That's what we need in Afghanistan. The way that we're going to lose Afghanistan is if we start focusing on how we're going to pull out successfully. What we need to do is win, win hard, and win strong, and then we can all come home.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional 30 seconds.

Mr. HUNTER. I thank the ranking member from California.

I respectfully oppose this amendment. As a United States Marine, as a U.S. Congressman and representing all of our men and women in uniform fighting for us right now, let's win, get the job done, and then we can come home.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman from California is recognized for 2 minutes.

Mr. MCKEON. I think Mr. HUNTER just stated it very clearly. The exit strategy should be to win, and then bring our forces home. It was stated earlier that General Petraeus made a statement that Afghanistan has been known over the years as a graveyard of empires, and we cannot take that history lightly. That was part of a speech that he gave.

I would like to say some other things that he mentioned in that speech:

''We have a hugely important interest in ensuring that Afghanistan does not once again become a sanctuary for transnational terrorists. And to complement and capitalize on the increased military resources, more civilian assets, adequate financial resources, close civil-military cooperation and a comprehensive approach that encompasses regional states will be necessary. Our objectives are of enormous importance. We all need to summon the will and the resources necessary to make the most of it.''

It was just a couple of years ago when we were having a similar debate when we were being told by some that we needed to get out of Iraq, that there was no way we could win, and General Petraeus was called to lead the surge. And now he is telling us how we can win in Afghanistan. Mr. Chairman, I think now is not time to be retreating. Now is not the time when we're sending 20,000 troops and are ready to embark on this surge to win, to help the people of Afghanistan and preserve our national interests there. Now is the time to let the forces know that we support them. We support their mission. We want them to be successful and return home safely.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, everyone acknowledges that there is no military solution in Afghanistan, only a political solution; but we are putting billions of dollars into building up our military presence without a clear vision of how to bring our troops home, an exit strategy, for lack of a better term. Every military mission has a beginning, a middle, a time of transition and an end. But I have yet to see that vision articulated in any document, speech or briefing.

We're not asking for an immediate withdrawal. We're surely not talking about cutting or running or retreating. Just a plan. If there's no military solution for Afghanistan, then please, just tell us how we will know when our military contribution to the political solution has ended. Requiring an outline for how our military operations are to proceed in Afghanistan so that Congress can effectively weigh the level of investment, both human and financial, is called doing our job, something this body neglected to do throughout the past 8 years.

I welcome the reports, the time frames, the matrixes included in H.R. 2647. But once again, we're trying to define what the administration has failed to articulate for itself. When I first ran for Congress, I promised my constituents that I would never, ever send our servicemen and -women into a war without a clearly defined mission and a clear vision of how we would bring them home safely to their families and to their loved ones. I am sticking to that promise. Please support the McGovern-Jones-Lee-Pingree amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MCGOVERN

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–182.

Mr. MCGOVERN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MCGOVERN:

At the end of subtitle E of title X of the bill, add the following new section:

SEC. 10xx. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, 2008, and 2009, and any fiscal year thereafter.

''(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

''(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

''(B) The rank of each student and instructor.

''(C) The country of origin of each student and instructor.

''(D) The courses taken by each student.

''(E) The courses taught by each instructor.

''(F) Any years of attendance by each student in addition to the fiscal year covered.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Massachusetts (Mr. MCGOVERN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

This amendment is identical to the amendment approved by the House last year. Its purpose is quite simple: for over 40 years, the names of students and instructors at the former U.S. Army School of the Americas and now the Western Hemisphere Institute for Security Cooperation were available to the public. All you had to do was make a phone call, write a letter, file a FOIA request, and the names were provided.

Suddenly in August 2006, the names became classified. The only reason cited by the Defense Department for denying the names was that the list includes personal information, but nothing about the request had changed. No one had asked for new information and certainly none of a personal nature. So for the past 3 years, the names of graduates and instructors at WHINSEC have remained secret. Well—almost secret. Names constantly pop up in WHINSEC PR materials, sometimes with a photo; but the public is still denied access.

In over four decades of public access, not once has there ever been a whisper that the military officers attending WHINSEC were targets. And those were some pretty turbulent years with coups in the southern cone, civil wars in Central America, drug lords, drug cartels and armed groups in the Andes, especially Colombia and Peru. Not a hint that attending the school was dangerous.

The WHINSEC is supposed to be a model for transparency, accountability, and respect for civil society and human rights. What signal does the school send to its Latin American counterparts about our democratic values when it denies access to information that has been available for decades? Vote to restore public access to this amendment. Vote for this amendment.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield myself as much time as I may consume.

I rise in strong opposition to this amendment. While my colleagues on the opposite side of the aisle will argue that disclosing the personal information of the students and instructors of WHINSEC is in the name of transparency and good oversight, what they're actually suggesting is that the United States does not respect the privacy of foreign citizens and, more specifically, our allies in the western hemisphere who are invited to attend the U.S. military schools.

What concerns me is that this amendment exposes WHINSEC's students and instructors, which includes U.S. citizens, to hostile personal hazards, such as identity theft and surveillance, intimidation or attack from foreign intelligence security and terrorist organizations.

In terms of oversight, Congress already receives the information. We just received a copy of the attendees for 2008, and we were able to keep our partners and their families safe. I think it's important to recognize that WHINSEC is an important tool for strengthening security cooperation with our key allies in the western hemisphere. This includes Mexico, our neighbor to the south. WHINSEC provides training to Mexican land forces in the Spanish language and builds their capacity to prevail in the fight against drug trafficking, organized crime and other transnational threats. Such training and cooperation is critical to our homeland security.

It baffles me that given the narcofight on our border, some of my colleagues think that now is the right time to expose our past, current and future partners and deprive them of their safety and security. I will oppose this amendment.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment. The Western Hemisphere Institute has much to be proud of, including an enviable curriculum and dedicated support staff. Returning to a policy of public disclosure of student names and instructors will remove one of the lingering doubts about this school. It's come a long way, and I am very proud of what it does. I am a strong supporter of that school. Publicly revealing the names does not discourage attendance.

According to statistics provided by the Department of Defense to the Center For International Policy for fiscal years 2001 through 2006, Latin American and Caribbean countries provided, on the average, more students to this institution, to this school during the time that WHINSEC made the names of students and instructors publicly available than when the institute refused to provide such information.

□ 1115

There is no real reason to withhold those names. We should be proud of what we do there. We want them to return to their country to be proud of their studies there.

Mr. MCKEON. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, even though my former Rules Committee colleague and I couldn't disagree more when it comes to WHINSEC, he is my good friend and I always look forward to our spirited debates on this matter. Predictably, I rise today to take issue with his amendment.

The gentleman has stated today and in the past that the information on the WHINSEC students and instructors is always made available but that since 2005 disclosure and transparency have been lacking. To be clear, Mr. Chairman, the Department of Defense has provided to Congress the names, country of origin, and rank, courses, and dates of attendance of all students and instructors at WHINSEC since the year 2005.

Since we already know exactly who is attending WHINSEC, I am led to wonder, Mr. Chairman, what is the McGovern amendment trying to accomplish? Unfortunately, I believe that the release of personal information has less to do with transparency and more to do with the efforts to shut WHINSEC down, something that this Congress has repeatedly rejected. If transparency is the issue, Mr. Chairman, WHINSEC is open to visitors every working day. It invites people to sit in class, talk with the students, talk with the faculty, and review instructional material. This is perhaps the most open, transparent, and welcoming organization in the Department of Defense.

Mr. MCGOVERN has also stated in the past that from time to time WHINSEC PR materials include pictures of students and instructors, so why the need to protect the identities of attendees? While this may be true, these are not the materials that end up in the mailboxes of narcotraffickers and drug lords in Central and South America; however, these criminals do search the Internet for the names of law enforcement personnel who stand in their way.

I would also note there's a big difference between the voluntary and involuntary publishing of the names of the WHINSEC participants. Obviously, an attendee who is an undercover counterdrug officer would be more reticent to have his or her name posted on a Web site than would someone who has since become a high-ranking public official.

Mr. Chairman, every Member of this body should know that WHINSEC is an invaluable tool for military-to-military cooperation between us, the United States, and Latin America and is a vital means for strengthening security cooperation in the region. Publicizing the names of WHINSEC students in their home countries could very well lead to hostile attention from nations, organizations, and individuals that may wish to do harm to the U.S., its friends and its allies. Such publications

could serve as a disincentive to Central and South American, and Mexican, yes, Mexican students who otherwise want to attend WHINSEC and could discourage nations from sending their students to the school.

It would undercut the effectiveness of WHINSEC as a tool for building hemispheric security cooperation and communicating the democratic values and respect for human rights we espouse. If our ability to influence the democratic trajectory of the region were diminished, it would be countries like Venezuela and China that would fill the void.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MCKEON. I yield the gentleman an additional minute.

Mr. GINGREY of Georgia. I therefore believe this amendment could potentially do much more harm than good, and I ask all my colleagues to oppose it.

Mr. MCGOVERN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia, who represents WHINSEC in his district (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

I just want the Members of this House to know that I represent the area where WHINSEC is located, Fort Benning, Georgia. I represented formerly the School of the Americas. I've been involved in this debate year in and year out. This is my 17th year.

The all-encompassing question is whether or not WHINSEC or its predecessor trained terrorists and murderers who did harm. That's an issue. But to create transparency, we want to make sure that this amendment passes so that people on both sides of the issue can get the facts and transparency and know who goes to the school, who teaches at the school, what the curriculum is. Having that be transparent is all we want to do, and the facts will speak for themselves.

I support WHINSEC. It's one of the greatest tools that our country has for democracy in our hemisphere. It's a good opportunity for us to make friends, keep friends, and to cooperate. But we want to make sure that there is no misunderstanding, and I join with the chairman in supporting this amendment and ask my colleagues to do the same.

Mr. Chair, I am pleased to co-sponsor this amendment to the FY 2010 National Defense Authorization Act to restore public access and transparency to the names of students and instructors at the Western Hemisphere Institute for Security Cooperation, or WHINSEC.

WHINSEC is located in Georgia's 2nd Congressional District at Ft. Benning. I have on many occasions visited the school and have supported the school's efforts to share its civil and military training with our friends and partners in Latin America. WHINSEC is a military and academic institution, the primary effort of which is to promote peace, democratic values, and respect for human rights through inter-American cooperation.

I agree with my esteemed colleague, Mr. MCGOVERN, that the school should provide the names of Latin American and U.S. military personnel who attend or teach at the school, as well as the curriculum taught at the school.

This amendment brings back the former policy of disclosing attendees, faculty members and course offerings. Allowing this information to become public will protect the school from attempts to discredit its efforts to develop partnerships and the principles of democracy.

It will also demonstrate to the nations of Latin America that the lessons learned at WHINSEC are ethnical, promote human rights, and provide a civil/military framework of building democratic governments.

Please join me in supporting this effort to ensure that the institutions we entrust to promote democratic principles are open for review and discussion. I urge you to support the amendment to H.R. 2647, the FY 2010 National Defense Authorization Act.

Mr. MCGOVERN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, my friend from Georgia (Mr. GINGREY) talked about the fact that the names were being released by WHINSEC. The fact he didn't mention is they're being released to us in a classified form so that no one in the public can see them. And it is not unique for this information to be made public. Other Army, Air Force and Navy military schools and training schools still provide the public with the names of Latin American students. I have a pile of them right here. Each one asserts the needs of the public interest outweigh any consideration for privacy. And I believe that standing up for transparency, accountability, and our own democratic values strengthens our national security and U.S.-Latin American relations. The danger comes when democratic values and transparency are viewed as detrimental.

Mr. Chairman, the House approved this amendment last year; it should approve it again. The cosponsors of this amendment do not agree on the fate of WHINSEC, but we all agree that we need to restore public access to these names.

Look at these lists, Mr. Chairman, all blacked out. Does this look like transparency? Is this democracy at work? Is this the model we want Latin American militaries to copy? The names were public for decades until August 2006. Openness was the norm, not secrecy.

Mr. Chairman, I urge my colleagues to support this amendment and restore public access, restore transparency, restore accountability. It is the right thing to do.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The gentleman from California has 15 seconds remaining.

Mr. MCKEON. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, it's very simple: if you release the names of these foreign special operators that are at WHINSEC, you are literally encouraging their murder. The men and women fighting for justice in Central and South America, if you release those names, you will have their attempted murder on your hands if this amendment passes.

The Acting CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCKEON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 1.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 5, 6, 8, 12, 13, 16, 17, 18, 19, 21, 22, 26, 29, 45, 61, 63, and 64 offered by Mr. SKELTON:

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. PROHIBITION ON RECRUITMENT, ENLISTMENT, OR RETENTION OF PERSONS ASSOCIATED OR AFFILIATED WITH GROUPS ASSOCIATED WITH HATE-RELATED VIOLENCE AGAINST GROUPS OR PERSONS OR THE UNITED STATES GOVERNMENT.

Section 504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) PERSONS ASSOCIATED OR AFFILIATED WITH HATE GROUPS.—

''(1) PROHIBITION.—A person associated or affiliated with a group associated with hate-related violence against groups or persons or the United States Government, as determined by the Attorney General, may not be recruited, enlisted, or retained in the armed forces.

''(2) DEFINITION OF HATE GROUP.—In this subsection, the terms 'group associated with hate-related violence' or 'hate group' mean the following:

''(A) Groups or organizations that espouse or engage in acts of violence against other groups or minorities based on ideals of hate, ethnic supremacies, white supremacies, racism, anti-Semitism, xenophobia, or other bigotry ideologies.

''(B) Groups or organizations engaged in criminal gang activity including drug and weapons trafficking and smuggling.

''(C) Groups or organizations that espouse an intention or expectation of armed revolutionary activity against the United States Government, or the violent overthrow of the United States Government.

''(D) Groups or organizations that espouse an intention or expectation of armed activity in a 'race war'.

''(E) Groups or organizations that encourage members to join the armed forces in order to obtain military training to be used for acts of violence against minorities, other groups, or the United States Government.

''(F) Groups or organizations that espouse violence based on race, creed, religion, ethnicity, or sexual orientation.

''(G) Other groups or organizations that are determined by the Attorney General to be of a violent, extremist nature.

''(3) EVIDENCE OF ASSOCIATION OR AFFILIATION WITH HATE GROUP.—The following shall constitute evidence that a person is associated or affiliated with a group associated with hate-related violence:

''(A) Individuals possessing tattoos or other body markings indicating association or affiliation with a hate group.

''(B) Individuals known to have attended meetings, rallies, conferences, or other activities sponsored by a hate group.

''(C) Individuals known to be involved in online activities with a hate group, including being engaged in online discussion groups or blog or other postings that support, encourage, or affirm the group's extremist or violent views and goals.

''(D) Individuals who are known to have in their possession photographs, written testimonials (including diaries or journals), propaganda, or other materials indicating involvement or affiliation with a hate group. Such materials can include photographs, written materials relating to or referring to extreme hatred that are clearly not of an academic nature, possession of objects that venerate or glorify hate-inspired violence, and related materials, as determined by the Attorney General..

''(E) Individuals espousing the intent to acquire military training for the purpose of using such training towards committing acts of violence of a purpose not affiliated with the armed forces.

''(4) REQUIREMENTS FOR RECRUITERS AND ENLISTMENT PROCESSING STATIONS.—A military recruiters may not enlist, or assist in enlisting, a person who is associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3). A person at any military enlistment processing station who, during the screening process, is found to be affiliated or associated with a hate group (including through admitting to any such affiliation or association on any form or document) is automatically prohibited from enlisting.

''(5) SEPARATION.—

''(A) SEPARATION REQUIRED.—A person discovered or determined to be associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3), shall be immediately discharged from the armed forces, in the manner prescribed in regulations regarding discharge from service.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to a member of the armed forces who has renounced the member's previous affiliation or association with a group associated with hate-related violence, as determined by the commanding officer of the member.

''(6) REPORTING REQUIREMENT.—Not later than April 1, 2010, and annually thereafter, the Secretary concerned shall submit to the Committees on Armed Service of the Senate and House of Representatives a report—

''(A) on the presence in the armed forces of members who are associated or affiliated with a group associated with hate-related violence and describing the actions of the Secretary to discharge such members; and

''(B) describing the actions of the Secretary to prevent persons who are associated or affiliated with a hate group from enlisting.''.

AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department, or of a Federal department or agency, that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at facility, notify the International Committee of the Red Cross (referred to in this section as the ''ICRC'') of such custody or effective control, as soon as possible.

(b) ACCESS.—The head of a military service or department, or of a Federal department or agency, with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, pursuant to subsection (a), shall ensure ICRC access to any detainee within 24 hours of the receipt by such head of an ICRC request to access the detainee. Such access to the detainee shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department, or of a Federal department or agency, with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) SCOPE OF ACCESS.—The ICRC shall be provided access, in accordance with this section, to any physical locality at the Theater Internment Facility at Bagram Air Base, Afghanistan, determined by the ICRC to be relevant to the treatment of the detainee, including the detainee's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, or other locations not named in this section.

(d) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) create or modify the authority of a military service or department, a Federal law enforcement agency, or the intelligence community to detain an individual; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

AMENDMENT NO. 8 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle D of title V (page 144, after line 3), add the following new section:

SEC. 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9359 the following new section:

''§ 9359a. Air Force Academy Athletic Association: authorization, purpose, and governance

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of the Air Force may establish a nonprofit corporation, to be known as the 'Air Force Academy Athletic Association', to support the athletic program of the Air Force Academy.

''(b) ORGANIZATION AND DUTIES.—(1) The Air Force Academy Athletic Association (in this section referred to as the 'Association') shall be organized and operated as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986 and under the powers and authorities set forth in this section and the provisions of the laws of the State of incorporation. The Association shall operate on a nonpartisan basis exclusively for charitable, educational, and civic purposes consistent with the authorities referred to in this subsection to support the athletic program of the Academy.

''(2) Subject to the approval of the Secretary of the Air Force, the Association may—

''(A) operate and manage athletic and revenue generating facilities on Academy property;

''(B) use Government facilities, utilities, and services on the Academy, without charge, in support of its mission;

''(C) sell products to the general public on or off Government property;

''(D) charge market-based fees for admission to Association events and other athletic or athletic-related events at the Academy and for use of Academy athletic facilities and property; and

''(E) engage in other activities, consistent with the Academy athletic mission as determined by the Board of Directors.

''(c) BOARD OF DIRECTORS.—(1) The Association shall be governed by a Board of Directors made up of at least nine members. The members, other than the member referred to in paragraph (2), shall serve without compensation, except for reasonable travel and other related expenses for attendance at required meetings.

''(2) The Director of Athletics at the Academy shall be a standing member of the Board as part of the Director's duties as the Director of Athletics.

''(3) Subject to the prior approval of all nominees for appointment by the Secretary of the Air Force, the Superintendent shall appoint the remaining members of the Board.

''(4) The Secretary of the Air Force shall select one of the members of the Board appointed under paragraph (3) to serve as chairperson of the Board.

''(d) BYLAWS.—Not later than July 1, 2010, the Association shall propose its by-laws. The Association shall submit the by-laws, and all future changes to the by-laws, to the Secretary of the Air Force for review and approval. The by-laws shall be made available to Congress for review.

''(e) TRANSITION FROM NONAPPROPRIATED FUND OPERATION.—(1) Until September 30, 2011, the Secretary of the Air Force may provide for parallel operations of the Association and the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic program of the Academy. Not later than that date, the Secretary shall dissolve the nonappropriated fund instrumentality and transfer its assets and liabilities to the Association.

''(2) The Secretary may transfer title and ownership to all the assets and liabilities of the nonappropriated fund instrumentality referred to in paragraph (1), including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property without cost or obligation to the Association.

''(f) CONTRACTING AUTHORITIES.—(1) The Superintendent may procure, at fair and reasonable prices, such athletic goods, services, human resources, and other support from the Association as the Superintendent considers appropriate to support the athletic program of the Academy. The Association shall be exempt from the requirements of section 2533a of this title and the Buy American Act (41 U.S.C. 10a et seq.).

''(2) The Superintendent may accept from the Association funds, goods, and services for use by cadets and Academy personnel during participation in, or in support of, Academy or Association contests, events, and programs.

''(g) USE OF AIR FORCE PERSONNEL.—Air Force personnel may participate in—

''(1) the management, operation, and oversight of the Association;

''(2) events and athletic contests sponsored by the Association; and

''(3) management and sport committees for the National Collegiate Athletic Association and other athletic conferences and associations.

''(h) FUNDING AUTHORITY.—The authorization of appropriations for the operation and maintenance of the Academy includes Association operations in support of the Academy athletic program, as approved by the Secretary of the Air Force.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9359 the following new item:

''9359a. Air Force Academy Athletic Association: authorization, purpose, and governance.''.

AMENDMENT NO. 12 OFFERED BY MR. TURNER

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed ''to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty.''.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that ''will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.''.

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed: ''Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.''.

(4) President Obama also said: ''As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies—including the Czech Republic. But we will begin the work of reducing our arsenal.''.

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act only if the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;

(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy's National Nuclear Security Administration will be sufficiently funded to—

(A) maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) modernize and refurbish the nuclear weapons complex.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the congressional committees specified in subsection (d) a report on the stockpiles of strategic and non-strategic weapons of the United States and the Russian Federation.

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(e) DEFINITION.—For the purposes of this section, the term ''advanced conventional weapons'' means any advanced weapons system that has been specifically designed not to carry a nuclear payload.

AMENDMENT NO. 13 OFFERED BY MR. BRIGHT

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 8xx. FOLLOW-ON CONTRACTS FOR CERTAIN ITEMS ACQUIRED FOR SPECIAL OPERATIONS FORCES.

(a) AUTHORITY FOR AWARD OF FOLLOW-ON CONTRACTS.—The commander of the special operations command, acting under authority provided by section 167(e)(4) of title 10, United States Code, may award a follow-on contract for the acquisition of an item to a contractor who previously provided such item if—

(1) the item is an item of special operations-peculiar equipment and not anticipated to be made service common within 24 months of the initial contract;

(2) the item was previously acquired in the make, model, and type—

(A) using competitive procedures;

(B) under the authority of other statutory authority permitting noncompetitive or limited competition procurement actions (such as section 8(a) of the Small Business Act (15 U.S.C. 637(a)), section 31 of such Act (15 U.S.C. 657a, relating to the HUBZone program), and section 36 of such Act (15 U.S.C. 657f, relating to procurement program for small business concerns owned and controlled by service-disabled veterans)); or

(C) as a result of a competition among a limited number of sources on the basis that the disclosure of the need for the item would compromise national security; and

(3) the acquisition of the item by means other than a follow-on contract with the contractor would unduly delay the fielding of such item to forces preparing for or participating in overseas contingency operations or for other deployments undertaken in response to a request from a combatant commander.

(b) LIMITATIONS.—A contract awarded using the authority in subsection (a)—

(1) may have a period of performance of not longer than one year;

(2) may be used only to acquire one or more items having an individual unit price under $100,000; and

(3) may have a total value not exceeding $25,000,000.

(c) NOTIFICATION.—Not later than 45 days after the use of the authority in subsection (a), the commander of the special operations command shall submit to the congressional defense committees a notification of the use of such authority.

(d) TERMINATION OF AUTHORITY.—The commander of the special operations command may not use the authority in subsection (a) on and after October 1, 2013.

AMENDMENT NO. 16 OFFERED BY MR. BISHOP OF GEORGIA

The text of the amendment is as follows:

At the end subtitle B of title XXVIII, add the following new section:

SEC. 2821. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL COMMUNITIES FOR DEVELOPMENT OF PUBLIC INFRASTRUCTURE DIRECTLY SUPPORTING EXPANSION OF MILITARY INSTALLATIONS.

Paragraph (3) of section 2391(d) of title 10, United States Code, is amended to read as follows:

''(3) The terms 'community adjustment' and 'economic diversification' may include—

''(A) the development of feasibility studies and business plans for market diversification within a community adversely affected by an action described in subparagraph (A), (B), (C), or (E) of subsection (b)(1) by adversely affected businesses and labor organizations located in the community; and

''(B) the development of public infrastructure that directly supports the expansion activities described in subparagraph (A) of subsection (b)(1).''.

AMENDMENT NO. 17 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

(1) in making decisions with respect to the procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal;

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness; and

(3) not later than 180 days after the date of the enactment of this Act, and annually thereafter, submit to Congress a report on the methods developed pursuant to this section and the progress of the live-fire review and recommendations for reducing the life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

AMENDMENT NO. 18 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The text of the amendment is as follows:

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in

combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

AMENDMENT NO. 19 OFFERED BY MR. COHEN

The text of the amendment is as follows:

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased.

AMENDMENT NO. 21 OFFERED BY MR. CONNOLLY OF VIRGINIA

The text of the amendment is as follows:

Page 163, line 11, strike ''service,'' and insert the following: ''service (including a contract to which the servicemember is included with family members),''.

At the end of subtitle I of title V (page 180, after line 11), add the following new section:

SEC. 594. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING RESIDENTIAL AND MOTOR VEHICLE LEASES.

Section 305(e) of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

''(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

''(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

''(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.''.

AMENDMENT NO. 22 OFFERED BY MR. COSTA

The text of the amendment is as follows:

Page 115, after line 25, insert the following:

SEC. 356. STUDY ON DISTRIBUTION OF HEMOSTATIC AGENTS.

(a) STUDY.—Not later than December 31, 2009, the Secretary of Defense shall carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to members of the Armed Forces serving in Iraq and Afghanistan, to ensure each military service is complying with that service's policies with respect to hemostatic agents, including a description of any distribution problems and attempts to resolve such problems.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all members of the Armed Force deployed in combat zones should carry life-saving resources with them, including hemostatic agents.

AMENDMENT NO. 26 OFFERED BY MR. DEFAZIO

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. DEFENSE SUBCONTRACTOR PROLIFERATION COST EFFECTIVENESS STUDY AND REPORTS.

(a) STUDY.—The Secretary of Defense shall conduct a study on the total number of subcontractors used on the last five major weapons systems in which acquisition has been completed and determine if fewer subcontractors could have been more cost effective.

(b) MANAGEMENT BURDEN.—In conducting the study, the Secretary of Defense shall evaluate any potential cost savings derived from less management burden from multiple subcontractors on the Federal acquisition workforce.

(c) REPORT BY SECRETARY OF DEFENSE.—Not later than March 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the results of the study.

(d) REPORT BY COMPTROLLER GENERAL.—Not later than May 1, 2010, the Comptroller General shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a review of the Department of Defense report submitted under subsection (c).

AMENDMENT NO. 29 OFFERED BY MR. FLAKE

The text of the amendment is as follows:

Page 352, after line 12, insert the following new section (and conform the table of contents accordingly):

SEC. 1039. REPORT ON COMPETITIVE PROCEDURES USED FOR EARMARKS IN DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008.

(a) REPORT REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the congressional earmarks described in subsection (b).

(b) CONGRESSIONAL EARMARKS DESCRIBED.—The congressional earmarks described in this subsection are the congressional earmarks (House) and the congressionally directed spending items (Senate) on the list published in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate and contained on pages 372 to 476 of the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 3222 of the 110th Congress (Report 110–434).

(c) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall set forth the following with respect to each congressional earmark on the list referred to in subsection (b):

(1) The competitive procedures used to procure each earmark, including the process used, the tools employed, and the decisions reached.

(2) If competitive procedures were not used to procure an earmark, the reasons why competitive procedures were not used, including a discussion of the decision making process and how the decision to use procedures other than competitive procedures was reached.

AMENDMENT NO. 45 OFFERED BY MR. SMITH OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 565, after line 10), add the following new section:

SEC. 2821. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

(1) Security and safety procedures.

(2) Land/utilities management and services.

(3) Educational assistance.

(4) Emergency services.

(5) Community services.

(6) Environmental services.

AMENDMENT NO. 61 OFFERED BY MR. KIRK

The text of the amendment is as follows:

At the end of subtitle B of title VI (page 200, after line 14), add the following new section:

SEC. 619. ADDITIONAL SPECIAL PAYS AND BONUSES AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR THE DURATION OF THE UNITED STATES MISSION.

(a) AUTHORITY TO DEVELOP DEMONSTRATION PROGRAM.—Notwithstanding the limitations specified in subsection (b) of section 352 of title 37, United States Code, on the maximum amount of assignment or special duty pay that may be paid to a member of the Armed Forces under such section, the Secretary of Defense may develop a program to provide additional special pays and bonuses to members (particularly members who score a 4.0 on the Foreign Service Institute test for the dominant languages of Pashto and Dari) who agree to serve on active duty in Afghanistan for six years or the duration of the United States mission in Afghanistan, whichever occurs first. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) RELATION TO OTHER AUTHORITIES.—A program developed under subsection (a) may be provided

(1) without regard to the lack of specific authority for the program or policy under title 10 or title 37, United States Code; and

(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of—

(A) determining requirements for operational assignment stability; and

(B) establishing programs to achieve greater stability when operational requirements so dictate.

(c) WAIVER OF OTHERWISE APPLICABLE LAWS.—Except as provided in subsection (a), a provision of title 10 or title 37, United States Code, may not be waived with respect to, or otherwise determined to be inapplicable to, a program developed under subsection (a) without the approval of the Secretary of Defense.

(d) NOTICE AND WAIT REQUIREMENT.—A program initiated under subsection (a) may not be implemented until—

(1) the Secretary of the Defense submits to Congress—

(A) a description of the program, including the purpose and the expected benefit to the Government;

(B) a description of the provisions of titles 10, or 37, United States Code, from which the program would require a waiver, and the rationale to support the waiver;

(C) a statement of the anticipated outcomes as a result of implementing the program; and

(D) the method to be used to evaluate the effectiveness of the program.

(e) DURATION OF DEVELOPED PROGRAM.—A program developed under subsection (a) may be provided for not longer than a three-year period beginning on the implementation date, except that the Secretary of Defense may extend the period if the Secretary determines that additional time is needed to fully evaluate the effectiveness of the program.

(f) REPORTING REQUIREMENTS.—

(1) REPORT.—The Secretary shall submit to Congress an annual report on the program provided under subsection (a) during the preceding year, including—

(A) a description of any programs developed and fielded under subsection (a) during that fiscal year; and

(B) an assessment of the impact of the programs on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(g) TERMINATION OF AUTHORITY.—Subject to subsection (e), the authority to carry out a program under this section expires on December 31, 2012.

AMENDMENT NO. 63 OFFERED BY MR. BISHOP OF NEW YORK

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), add the following new section:

SEC. 316. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

(a) IN GENERAL.—The Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation lasting longer than one year.

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the use of open-air burn pits in contingency operations. The report shall include—

(1) a description of each type of waste burned in such open-air burn pits; and

(2) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(A) a plan to use such alternative methods; or

(B) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(d) DEFINITIONS.—In this section:

(1) The term ''contingency operation'' has the meaning given that term by section 101(a)(13) of title 10, United States Code.

(2) The term ''covered waste'' includes—

(A) hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) solid waste containing plastic.

AMENDMENT NO. 64 OFFERED BY MR. BLUMENAUER

The text of the amendment is as follows:

At the end of subtitle B of title III (page 94, after line 2), insert the following new section:

SEC. 316. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710(a)(2)(B) of title 10, United States Code, is amended by inserting '', county,'' after ''identification of the State''.

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—The Secretary of Defense shall—

(1) as part of the Secretary's annual budget submission to Congress, include the funding levels requested for Military Munitions Response Program and Installation Restoration Program; and

(2) evaluate and report on the progress of such programs in the Defense Environmental Program's Annual Report to Congress.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time I yield 3 minutes to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership in an area that has been of concern for me for a long time, the disappointing and widespread environmental legacy of the Department of Defense. In every State, communities must deal with former training grounds contaminated with live bombs, leftover shells, leaking chemicals.

I have a map here. Every single State, every territory of the United States—and it is an ongoing problem. In June, in Florida, fishermen hauled aboard a live guided missile. On May 22 a farmer plowing his field overturned a live rocket.

We need to be more serious about it, and I appreciate the committee's help, first of all, in focusing with the Department of Defense, requiring the Secretary to report clearly the funding levels requested for the program. We have a new administration. We hope there will be a new commitment to work on this. With additional transparency, we are much more likely to know at least where we are. It's also time for military to be proactive and reduce the amount of munitions generated in the first place.

I'm pleased that they have agreed to another amendment offered by my friend Ms. BROWN-WAITE from Florida to require the Department of Defense to think strategically about ways to lessen the long-term health and environmental consequences, specifically, development of lifecycle accounting for munitions, review of live-fire practicing, and recommending ways to reduce the costs and incidents of unexploded ordnance. Smarter procurement and testing will reduce the long-term impacts of munition, saving money, resources, having safer American lands and more successful operations abroad.

Just a few volleys of a standard rocket system with a 5 percent failure rate generates thousands of unexploded ordnance for training lands here at home, and it complicates our missions abroad. Consider the plight of civilian populations in Iraq and Afghanistan, the millions who will rebuild their lives amidst the munitions wreckage left over the last 6 years of combat.

This is a problem at home in the United States. This is a problem abroad. It is time for us to face up to it. I appreciate the committee's leadership in helping zero in on it. I hope we can do a better job because it will save money while it saves lives at home and abroad.

I enter into the RECORD a list of Munitions and Unexploded Ordnance, UXO, incidents and news for May and June 2009.

June 11, 2009 in Pachtua, MS, 20 Small Unexploded WWII White Phosphorous Bombs Found During Pipeline Work

June 10, 2009. Long Hill, NJ, World War II vet finds ''souvenir'' and alerts bomb squad

June 9, 2009, Norwood, OH, Deactivated Explosives Found At Park

June 9, 2009. Arden Hills, MN, Cleanup Costs Too Much for Potential Developer

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June 8, 2009. Madiera Beach, FL, Fishing Boat Hauls Up Guided Missile

June 8, 2009. Camp LeJeune, NC, U.S. Supreme Court Refuses to Hear Case About Toxic Water at Camp Lejeune

June 8, 2009. California, MD, Ordnance Uncovered at Landfill

June 4, 2009. Columbus, OH, Road Closed after Artillery Shell Discovered

June 1, 2009. Turtlecreek Township, OH, Discarded Hand Grenade Found

June 1, 2009. Nantahala National Forest, NC, Ordnance Found Near Trail

May 22, 2009. Woolmarket, MS, Explosion Rocks Woolmarket Neighborhood

Mr. MCKEON. Mr. Chairman, I yield at this time 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise in support of my amendment to the National Defense Authorization funding, which is included in en bloc 1. I thank Chairman SKELTON and also Ranking Member MCKEON for allowing this amendment to be included.

In 2005 the Department of Army authorized the creation of the Combat Action Badge to provide special recognition to soldiers who personally engage the enemy during combat operations. This is a very honorable distinction. However, the award limits eligibility for this badge to those soldiers

that served after September 18, 2001, overlooking the thousands of veterans who have made similar sacrifices in previous wars.

My amendment corrects this error by expanding eligibility to include those soldiers who have served since December 7, 1941. In accordance with the wishes of those veterans who may be eligible for this badge, the costs of it would be borne by the individuals, not the military. Therefore, not only does this award recognize veterans who engage the enemy in combat, but it does so at no additional cost to the Army.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. MCKEON. I yield the gentlewoman an additional 15 seconds.

Ms. GINNY BROWN-WAITE of Florida. I urge my colleagues to support this amendment.

Mr. SKELTON. Mr. Chairman, at this time I yield 1 minute to my friend, a member of the Armed Services Committee, the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Chairman, this amendment would ban the use of open-air burn pits overseas after 12 months. Such a dangerous waste disposal method should only be used temporarily while a permanent and safe alternative is developed. The amendment specifically prohibits the burning of medical and hazardous waste or solid waste containing plastic in open-air pits. The burning of such wastes produces chemicals that have proven toxic to humans and represents an unacceptable health risk.

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The U.S. military has been disposing of hundreds of tons of war zone waste through burn pits. All who live and work on these bases are routinely exposed to the smoke from these pits, which includes waste from medical facilities, dining facilities, maintenance facilities, as well as trash. To imagine the scale of these burn pits, the one at Balad Air Base in Iraq has increased from 2 tons per day early on to several hundred tons per day.

We simply must protect our troops who have had repeated exposure to this. We do not wish to see an Agent Orange situation develop here. And so I ask that we set some limits on the burning of these pits.

These pits pose a very serious health risk to our troops. Of the nearly 2 million servicemembers who have deployed, a significant portion has been exposed to the fumes and smoke from such burn pits. Up to now, we have continued to dispose of solid wastes this way. But 6 years in Iraq and 8 years in Afghanistan is far longer than anyone can possibly justify as an emergency measure. I understand that sometimes they may have to do this for 3 or 6 or even 12 months, but it has been 8 years!

In the past, we've been to slow to acknowledge the health effects of Agent Orange and Gulf War Illness. We cannot let that happen to our servicemembers again. For decades, it was impossible for them to access the VA medical services they needed and deserved because there was no recognition of the damage Agent Orange had done. We saw this again, after the Gulf war. In 2008, a study by the National Academy of Sciences validated what veterans of the Gulf War already knew—that Persian Gulf War illness is very real.

There is a good reason why it is illegal to have open-air burn pits for disposal of medical and hazardous wastes in our country: they pollute and degrade the environment, and harm people's health. If we wanted to burn those chemicals here in America and expose people here, the EPA would swoop down, and we'd be penalized because you can't do that. And why can't you do it—because it's dangerous to our health.

If we support the troops, don't we also support their health? Don't we have the same concerns about their health when they're supporting our country and fighting overseas as we do when they live here in our communities? When they deploy, our servicemembers put their lives at risk to fight for us, and do not deserve to suffer this added, unjustifiable risk. Preventable environmental hazards must not result in ruined health or lost lives.

This amendment takes a critically important step toward addressing the health risks that burn pits pose to our troops. It has been endorsed by the American Legion, DAV, IAVA, MOAA, the National Guard Association, Veterans and Military Families for Progress, and the VFW. And I thank my friend, Mr. BISHOP, for being a leader on this issue and standing up for our troops.

Mr. MCKEON. Mr. Chairman, I am happy to yield at this time to Mr. TURNER, the gentleman from Ohio, subcommittee ranking member, 2 minutes.

Mr. TURNER. Thank you, Ranking Member MCKEON. I want to thank our chairman for his support for an amendment that's in the en bloc.

Two weeks ago, JIM MARSHALL and I introduced the NATO First bill. With the chairman's support, six out of eight of the provisions of that bill are included in some form of the National Defense Authorization Act that recognized support for our allies in Europe. As the U.S. and Russia begin our START negotiations of the previous START Treaty expiring at the end of 2009, it's important for us to set some framework.

This amendment would limit the use of FY 2010 defense funds to implement reductions for U.S. strategic nuclear forces pursuant to a treaty with Russia, for example, START, unless the President certifies that the treaty: one, provides sufficient verification mechanisms; two, does not limit U.S. ballistic missile defense systems capabilities or advanced conventional weapons capabilities; and that the National Nuclear Security Administration is sufficiently funded. The amendment also requires a report on U.S. and Russian nonstrategic nuclear weapons.

I want to thank Roger Zakheim from our staff, who worked diligently for the drafting of the NATO First bill and also for the accomplishment of these amendments.

I want to thank the chairman who has continued to work in a bipartisan way to accomplish a number of provisions in this bill that are important to our national security, and I believe this is certainly one of them.

Mr. SKELTON. Mr. Chairman, the gentleman from Georgia desires to have a colloquy at this point, Mr. KINGSTON.

Mr. KINGSTON. I thank the gentleman for yielding.

I rise today in strong support for the community of Hinesville, Georgia, and Liberty County. I commend the area for their ardent support of our troops and the Army at Fort Stewart, which has continuously engaged in the challenging missions in the defense of our Nation around the globe.

November 2007, the Army announced that Fort Stewart would receive another brigade combat team using the findings of the 2005 Base Realignment and Closure Committee, along with Fort Bliss and Fort Carson. Since that time, the community installation and Congress have geared up and invested for that growth. Working with post leadership and the Pentagon, Congress appropriated funds for military construction projects such as barracks, buildings, and operation facilities at $154 million for FY 2008 and $352 million for FY09. Clearly the Army has invested greatly to maintain Fort Stewart's tradition as an award-winning installation of excellence.

At the urging of the Army staff and the military leadership on post, the Hinesville community stepped forward to be sure that the new troops would have adequate housing and public infrastructure. The Department of Defense also sent the Office of Economic Adjustment to assist the community to properly prepare for the arrival of the new brigade combat team. Investments were made for new schools, roads, infrastructure.

Banks made many loans to property developers who, in turn, purchased land and accelerated their efforts to provide homes and commercial properties to support the arrival of over 10,000 soldiers and family. However, the decision announced by the Army this June has brought all this economic activity to a halt. While some of this infrastructure will be used or absorbed in time, it is clear that without the arrival of the brigade combat team, the city has overbuilt and overinvested.

The economic hardship would not have occurred without the BRAC-based decision to bring additional troops and the Army's insistence that Hinesville get aggressively involved. The community support in Fort Stewart still has much to offer for the Army.

I stand here in support of the provisions within this bill that will help address the hardship incurred by the small rural communities that support Fort Stewart.

Mr. SKELTON. Mr. Chairman, I am pleased to respond to the gentleman from Georgia. He has a long record of support and advocacy for Fort Stewart and our Nation's Armed Forces, and I

am pleased to inform that gentleman that language has been included in this bill to direct the Secretary of Defense to carefully consider the economic impact of this policy change on local communities and to provide to the Congress information about the Department's efforts to mitigate the negative effects. This includes a report on any new enduring missions planned for the bases affected, including a summary of the Department's plans to lessen the economic hardship or investment loss.

I would be happy to work with the gentleman and the Secretary of Defense, of course, to consider how to address the negative impact of recent basing decisions on the local communities that so strongly support our troops.

Mr. KINGSTON. I thank the gentleman for his kind words of support for the patriotic and hardworking people in the communities surrounding Fort Stewart, and I appreciate the chairman's support to work with me through this year's National Defense Authorization Act to ensure that the Army and the local communities can continue to have strong partnerships in the support of the troops.

The Acting CHAIR. The Chair will note that the gentleman from California has 7¾ minutes remaining, and the gentleman from Missouri has 3 minutes remaining.

Mr. MCKEON. Mr. Chairman, at this time, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. I thank our ranking member, Mr. MCKEON, and especially our chairman, IKE SKELTON, for approving one of the amendments in the en bloc.

In December, I became the first Member of this House to serve in an imminent danger area in Afghanistan in uniform. During my time, I learned that most NATO soldiers with our command only deployed for 6 months and Americans deployed for 12. Only State and USAID personnel served for years in Afghanistan.

Major General Flynn, our former J–2 of the Joint Chiefs of Staff, now head of all intelligence for the African command under General McChrystal, convinced me that we need a core of experts in uniform who can deliver on years of commitment to the Afghan deployment, who can build especially an expertise in the Afghan languages of Dari and Pashtu. This amendment, the Larsen-Kirk amendment, allows a for-the-duration incentive for members of the military wishing to make a deployment to Afghanistan.

It's for-the-duration deployments that helped us win World War II. DOD and senior commanders feel that this language that will build a dedicated long-term Afghan core of enlisted officers will quickly become the leaders of our Afghan NATO effort.

Based on our bipartisan bill that Congressman LARSEN and I introduced, our bill would lay out a $250,000 payment for a soldier willing to make a for-the-duration commitment and another $250,000 for a 4.0 or better score in Pashtu or Dari. In my discussions with the troops currently in the field in Kandahar, they are pumped up about the opportunity that this commitment would be.

I feel that only a small number of soldiers would sign up, but each one of them, if strategically placed in key Afghan provinces, would become vital assets to our effort and the success of President Obama's campaign in Afghanistan. And I really applaud the chairman and the ranking minority member for putting this in the bill.

Mr. ANDREWS. I am pleased to yield 1 minute to my friend and colleague, the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank the chairman for yielding.

I rise to join my colleague, Representative CAROL SHEA-PORTER, in urging my colleagues to support our amendment which would ban the use of open burn pits in war zones.

Disturbing reports are coming to light every day about the reckless disposal of hazardous waste in open burn pits in Iraq and Afghanistan and the devastating toll they are taking on the health of hundreds of our service men and women. It is encouraging that Secretary Shinseki and Secretary Gates have responded to our questions and stated they have taken seriously our concerns about the danger of burn pits, but this legislation is necessary to see to it that this action takes place.

The legislation is endorsed by the American Legion, by the DAV, by the IAVA, by the National Guard Association, and by the VFW. I urge its passage.

Mr. MCKEON. Mr. Chairman, I reserve the balance of our time.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my friend, a member of the Armed Services Committee, the gentleman from Virginia (Mr. NYE) for 1 minute.

Mr. NYE. I would like to thank the chairman for yielding.

Mr. Speaker, a lot of the legislation that comes through this House deals with obscure technical points in Federal programs that most Americans have never and will never hear of.

However, the amendment that I have introduced, along with my good friends and colleagues from Virginia, Mr. GERRY CONNOLLY and Mr. TOM PERRIELLO, is a commonsense solution to a common problem faced by our military personnel.

In my district of Hampton Roads, many men and women are regularly deployed overseas to Iraq and Afghanistan. When a soldier, sailor, airman, or marine is preparing to leave their home and family to serve their country in harm's way, the last thing he or she should have to worry about is paying a cell phone contract termination fee.

In the last Congress, legislation was passed to allow deployed servicemembers to exit an individual cell phone contract without paying a penalty, and this amendment will extend that same protection to military personnel whose phones are registered through family plans.

The amendment is supported by the Iraq and Afghanistan Veterans of America, and I urge all my colleagues to join me in easing the burden on our men and women in uniform.

Mr. MCKEON. I yield, at this time, 1 minute to the gentleman from Arizona (Mr. FRANKS), a member of the committee.

Mr. FRANKS of Arizona. I thank the distinguished gentleman.

Mr. Chairman, I want to say that I support the Hastings amendment because it tries to make sure that groups determined by the Attorney General to be of violent or extremist nature are not recruited into military service. But I take some offense that one of the Cabinet-level officials of our government categorized people who are, quote, dedicated to a single issue such as opposition to abortion or immigration as right-wing extremists, and I am concerned that the amendment might be misunderstood.

And I would like to hear from the other side that this is not the intent of the amendment and that we would make sure that someone that was dedicated to the patriotism and protecting their country, which it takes a certain amount of extreme dedication to go out and pour one's blood on a foreign battlefield for the cause of human freedom, and I want to make sure that those individuals are not considered extremists under Mr. HASTINGS' part of the en bloc amendment.

Would anyone speak to that on the other side?

The Acting CHAIR. Is the gentleman asking someone to yield?

Mr. FRANKS of Arizona. Yes, I would yield to the chairman.

The Acting CHAIR. The gentleman's time has expired, however.

Mr. SKELTON. I yield to the gentleman.

Mr. FRANKS of Arizona. I guess I am asking the chairman of the committee that the Hastings amendment would not include—the definition of right-wing extremists would not be included in the amendment that's being offered by the Hastings amendment under the en bloc.

Mr. SKELTON. We will have to check, just a moment.

Mr. FRANKS of Arizona. Mr. Chairman, maybe I could just ask for your assurances that people dedicated to single issues in this country such as opposition to abortion or immigration would not be considered extremists and not be disallowed into the military; at least, that would not be your intent under this amendment.

Mr. SKELTON. That is correct.

The Acting CHAIR. The gentleman from Missouri. The gentleman from Missouri has three-quarters of a minute remaining.

Mr. SKELTON. I yield the balance of my time to the to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Thank you, Mr. Chairman.

Mr. Chairman, I am pleased to introduce this amendment with my fellow Virginians Mr. NYE and Mr. PERRIELLO. During the 110th Congress, the Servicemembers Civil Relief Act did address cell phone and property lease contracts for active-duty deployed. However, they did not address—they addressed individual cell phone contracts and individual leases. They did not provide that protection to family cell phone plans.

As a result, we have servicemembers who are finding themselves having to continue to pay obligations to cell phone companies. Under the motor vehicle section of our amendment, the leasing agent may not charge an early termination penalty, something also not addressed in SCRA last year.

This is a practical amendment that will help our active-duty deployed and their families make sure that they are safe and secure from this kind of hounding when they are serving their country overseas.

The Acting CHAIR. The time of the gentleman has expired.

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Mr. MCKEON. Mr. Chairman, I continue to reserve, unless the chairman needs more time.

The Acting CHAIR. The majority has no time remaining.

Mr. MCKEON. I yield such time as he may consume to the gentleman from Missouri.

Mr. SKELTON. I yield 1 minute to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Chairman, I am proud to rise today with my freshmen colleagues from Virginia, GERRY CONNOLLY and GLENN NYE, for this commonsense solution.

When our men and women in uniform are deployed, they should not be punished; they should be celebrated. This is a commonsense fix to ensure that there are no termination fees when cutting off a cell phone contract or an auto leasing deal for our troops when they deploy.

This is the sort of thing that I think the new class came here to do; see a problem, find a solution, and bring it to this floor. We are proud today to do this for all of those who serve, and we request support for the amendment.

Mr. BERMAN. Mr. Chair, I rise in opposition to the Turner amendment to H.R. 2647.

While I appreciate the fact that the gentleman incorporated a number of changes suggested by the Chairman of the Armed Services Committee—which clearly improved the text—and that this debate is about what kind of a strategic force reduction agreement to have, rather than whether to have one at all, I remain concerned about the timing of this amendment.

It is offered as President Obama is preparing to embark on an important visit to Moscow, where he and Russian President Medvedev will hold a summit to discuss a range of critical issues, including the negotiation of a new agreement on U.S. and Russian strategic nuclear forces.

Limiting the scope of a future treaty on the eve of these sensitive discussions would make it much more difficult for the President to negotiate an agreement that adequately protects U.S. national security interests.

Indeed, imposing these limits would only give Russian negotiators additional leverage over the United States as these negotiations begin.

Aside from the fact that this amendment undermines the U.S. negotiating posture, the Executive Branch would almost surely declare that this provision infringes on the President's constitutional authority. So we are providing the Russians with leverage on a provision that the President is likely to treat as advisory. I simply don't think this is the right approach.

In a more general sense, the amendment would also undermine the President's efforts to improve relations with Russia, and particularly to increase cooperation with Moscow on preventing Iran from developing a nuclear weapons capability.

Mr. Chair, for all of these reasons, I urge my colleagues to oppose the Turner amendment.

Mr. COHEN. Mr. Chair, I would like to thank Chairman SKELTON, Ranking Member MCKEON, and former Ranking Member MCHUGH for their tireless work to put together this year's National Defense Authorization Act.

My amendment to the NDAA directs the Department of Defense to report on the potential effects of expanding the current statute regarding directing disposition of remains of a servicemember who dies in combat. The DOD is to report back to Congress within 180 days with their findings.

I filed this amendment because the current policy under 10 U.S.C. 1482 is too restrictive, limiting the individuals who can be designated to a spouse, blood relative, or adoptive parent.

In today's society, many families are not as simple as that.

Specialist Christopher Fox of Memphis, only 21 years old, was on his second tour in Iraq and was due to be discharged from the Army in July of this year.

However, he died in Iraq on September 29, 2008 of wounds sustained when he encountered small-arms fire while on patrol.

Specialist Fox wanted his mother-figure—the woman who was awarded temporary custody when he was seventeen—to oversee his burial arrangements.

Her name was listed on the DD93 form filled out by Specialist Fox to direct disposition of his remains, as required by the DOD.

However, due to Federal law, DOD could not allow his written intent to be carried out.

I know that Specialist Fox is not alone in wanting someone other than a spouse or blood relative to oversee their burial arrangements.

Expansion of the 10 U.S.C. 1482 is supported by the Air Force Association, AMVETS, the National Guard Association of the United States, the National Association of Uniformed Services, the United States Army Warrant Officers Association, and the Vietnam Veterans of America.

We need to remember the sacrifices of our servicemembers and do what we can to honor their memory and their wishes.

It is with this purpose that I filed this amendment to require the DOD to study the current statute. I urge my colleagues to support and pass this amendment.

Mr. COSTA. Mr. Chair, I rise today asking my colleagues support an amendment to H.R. 2647, the National Defense Authorization Act for FY10. This amendment would request the Secretary of Defense to carry out a study and submit to the congressional defense committees a report on the distribution of hemostatic agents to ensure each branch of the military is complying with their own policies on hemostatic agents.

Since the American Civil War, the percentage of our men and women that are killed in action has remained unchanged at approximately twenty percent, despite the numerous advances in battlefield equipment and treatment. The American Red Cross also estimates that half of all military deaths on the battlefield are a result of excessive blood loss. All branches of our Armed Services are using hemostatic agents, which are either surgical gauze with blood clotting agents or a granular powder, which have been proven to save the lives of soldiers and Marines.

In February 2003, the Committee on Tactical Combat Casualty Care, an organization made up of over 30 military and civilian doctors, recommended that all combatants carry hemostatic dressings. Military Medicine published a report in January 2005 which stated that "the use of effective hemostatic dressings will benefit most combat injuries (whether they are life threatening or not) because better hemorrhage control is always advantageous."

It is clear that the men and women who are risking their lives in combat zones should have access to any and all life saving items, including hemostatic agents. Also, these combat zones can be extremely hostile and the terrain can be extreme, resulting in delays in evacuating injured soldiers or Marines. We need to ensure that not only field medical staff is supplied with these life saving items, but ensure that each solider and Marine has one in their individual first aid kit as well.

This amendment also includes a Sense of Congress that every member of the Armed Services deployed in a combat zone should carry a hemostatic agent and asks the Department of Defense to submit a report back to Congress on how these agents are distributued and where distribution problems may occur.

I want to thank Chairman SKELTON and Ranking Member MCKEON for accepting this amendment. Also, I want to thank both of them and their staff for their hard work on this authorization.

Mr. SMITH of New Jersey. Mr. Chair, today I am offering an amendment to the fiscal year 2010 National Defense Authorization Act that will ensure that the Department of Defense has done their due diligence and that my constituents have access to information needed regarding a DOD proposal that will significantly impact our local community.

By way of background, over 20 years ago, the Navy entered into a Section 801 Housing agreement to build 300 units on Naval Weapons Station Earle. Because of changed home porting plans initiated in the 1990's, there are simply no sailors or dependents to live there. When Colts Neck was put into my district in 2003, the units were already 75 percent unoccupied.

Naval Weapons Station Earle's mostly vacant 300 units of housing at Laurelwood has long been—and is today—unnecessary, obsolete and a financial burden to the Navy. Regrettably, the Navy is still in a bind and has

made one bad decision after another in an attempt to recoups losses they failed to properly anticipate in 1988.

Despite the fact that there are next to no tenants at Laurelwood, the contract stipulates mandatory federal payment to the developer—estimated to be $3.5 million a year—regardless of occupancy.

At issue today are the deeply troubling consequences imposed by an egregiously flawed contract. The so-called out-lease period which becomes effective in 2010 and ends in 2040 makes all 300 housing units available to virtually anyone with rent money, with a guarantee of unimpeded access inside one of the most sensitive munitions depots in the country.

The Navy's EIS and the ROD should have been comprehensive reviews of all relevant challenges, dangers, and costs associated with the proposed matriculation of Laurelwood to civilian use. They were not.

Both documents fell short in addressing the myriad of valid concerns raised by the community including security, education and transportation, to name just a few. The Navy initiated its review process of Laurelwood as far back as 2002 so the questions left unanswered by their "analysis" are numerous and troubling.

On education, for example, their study offers us no assurances whatsoever of anything close to fairness and equity. Under the Navy plan, local communities are left to educate hundreds of non-military children for whom the towns can not adequately plan without proper numbers. The Navy's assumption that a third of these children would be educated in public schools is unsupported and masks the real problems that these schools will face when the influx of between 300 and 600 new students happens. My amendment is necessary to ensure that the school boards have all relevant information and can plan and budget accordingly.

The Navy has been extraordinarily myopic on the paramount issue of security and both the EIS and the ROD are devoid of any meaningful analysis of the true costs to the Navy and surrounding jurisdictions if Laurelwood rents to civilians who are then able to drive onto and through the base.

We cannot hermetically seal our military bases but, in my view, the Navy's proposal unwittingly does the reverse: it creates vulnerabilities where they do not exist today. It compromises national security and unnecessarily puts the people on and around Earle in potential danger.

Shortly after federal prosecutors revealed that a group of young men were planning to infiltrate Fort Dix, which is also located in my Congressional District, and kill as many servicemembers as possible, Congress recognized the vulnerability of our military bases and took steps to ensure that those who are seeking access to our bases are thoroughly checked and accounted for.

However, the Navy now plans to remove these restrictions and allow any member of the public to drive onto and through the largest munitions depot on the East Coast.

Incredibly, the Navy believes that "impacts to security from the proposed action are not anticipated." In my opinion—which is supported by a Department of Defense Inspector General (IG) report I requested earlier this year—the Navy is not providing adequate security at the base now. I requested this report after a security guard at the base raised concerns regarding the performance of the security contractors at Earle (D–2009–045). The IG produced troubling findings. They stated that the Navy did not know whether all contractor security guards had completed a background check or that they had completed all training required by the contract.

The Navy's security plan places undue faith in a fence as a means to deterring or mitigating access and appears to rely simply on adjusting already inadequate patrols currently performed by private security guards at no perceived increase in cost.

The Navy believes that "additional security personnel will likely be required to patrol the additional perimeter fencing," but gives no clue whatsoever as to how many and at what cost. Again, this information—which GAO will provide in accordance to my amendment—is needed if a prudent decision is to be reached.

It is worth noting that two of the other installations that are approaching the outlease deadline share similar security concerns. Port Hueneme's security officials believe that "allowing the general public to live in the units would, at a minimum, indirectly affect the mission of the base" and require "additional police officers and patrols, and an increased security budget." Ft. Hood recently required that the renters of their Section 801 Housing units must undergo a background check as a condition of residency—although given the demand for this housing by military personnel, no background checks have been conducted or are expected.

In my view, the 1988 contract itself—written long before the bitter lessons of the USS *Cole*, the Khobar Tower bombings, the destruction of our embassies in Nairobi and Dar es Salaam, and 9/11—fails to anticipate and its authors could not have adequately understood as we do today the dangers inherent in proximity, enhanced 24/7 surveillance of potential targets, and the proliferation of sleeper terror cells.

The 9/11 Commission Report is replete with instances of dangers unrecognized, unacknowledged, and unanticipated that led to the worst terrorist attack on US soil ever.

I strongly believe that the Navy is in the process of compounding its initial 1988 contracting mistake with a far more serious one that is fraught with significant danger for Navy personnel and the people residing in adjacent communities.

Until now, the security of my constituents and the costs that they will bear when this proposal is implemented has been deferred to the interest that has a conflict of interest: the Navy.

My amendment would change that. It will ensure a thorough and comprehensive study of all relevant factors. It will allow our local community to adequately plan and budget for the impacts of the decision—which they overwhelmingly oppose—and I urge its adoption.

Mr. MCKEON. Mr. Chairman, if the gentleman from Missouri requires no further time, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, since we have no additional requests, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. MC KEON

The Acting CHAIR. It is now in order to consider Amendment No. 2, as modified, printed in House Report 111–182.

Mr. MCKEON. Mr. Chairman, it is my pleasure to introduce this amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2, as modified, offered by Mr. MCKEON:

At the end of subtitle E of title X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE HONORABLE JOHN M. MCHUGH.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1993, Representative John M. McHugh was elected to represent New York's 23rd Congressional district, which is located in northern New York and consists of Clinton, Hamilton, Lewis, Oswego, Madison, and Saint Lawrence counties and parts of Essex, Franklin, Fulton, and Oneida counties.

(2) Representative McHugh also represents Fort Drum, home of the 10th Mountain Division.

(3) Prior to his service in Congress, Representative McHugh served four terms in the New York State Senate, representing the 48th district from 1984 to 1992.

(4) Representative McHugh began his public service career in 1971 in his hometown of Watertown, New York, where he served for five years as a Confidential Assistant to the City Manager.

(5) Subsequently, Representative McHugh served for nine years as Chief of Research and Liaison with local governments for New York State Senator H. Douglas Barclay.

(6) Representative McHugh is known by his colleagues as a leader on national defense and security issues and a tireless advocate for America's military personnel and their families.

(7) During his tenure, he has led the effort to increase Army and Marine Corps endstrength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retired pay (concurrent receipt) and safeguard military retiree benefits for our troops.

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the Unites States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

(10) In the 111th Congress, Representative McHugh was appointed Ranking Member of the Armed Services Committee of the House of Representatives by the Republican membership of the House of Representatives.

(11) On June 2, 2009, the President announced his intention to nominate Representative McHugh to serve as the Secretary of the Army.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Honorable John M. McHugh, Representative from New York, has served the House of Representatives and the American people selflessly and with distinction and that he deserves the sincere and humble gratitude of Congress and the Nation.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to introduce this amendment that honors a good friend of mine, a good friend of the House of Representatives, a good friend of our Armed Forces and the American people, Congressman JOHN MCHUGH.

Mr. Chairman, Representative MCHUGH has represented New York's 23rd Congressional District in the House of Representatives since 1993—we came here together—and he has done so with honor and integrity. Representative MCHUGH's district includes Fort Drum, the home of the outstanding 10th Mountain Division, for which he has been a tireless advocate. He is honored and respected by all members of the 10th Mountain Division, past and present.

Prior to his service in the House of Representatives, he served for many years in local, State and Federal government. Since coming to the House of Representatives, he has been a champion for the members of the Armed Forces. He is known by his colleagues as a leader on national defense and security issues and a relentless advocate for America's military personnel and their families.

While in the House, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans' disability and military retiree pay, or concurrent receipt, and safeguard military retiree benefits for our troops.

Mr. Chairman, this work is always important, but it has never been more important than now, while our troops are in combat. Representative MCHUGH has done outstanding work to support our men and women in uniform and their families.

Representative MCHUGH has served on the House Armed Services Committee since the 103rd Congress. He was appointed as the chairman of the Morale, Welfare and Recreation panel and then as the chairman of the Military Personnel Subcommittee. His leadership of these two subcommittees has advanced the support and recognition of the needs of the members of our armed services and their families to a greater level than ever before.

More recently, during the 111th Congress Representative MCHUGH was appointed ranking member of the House Armed Services Committee. During his time as ranking member, he continued his tireless work to ensure the success of our Armed Forces, our national defense and our security.

Mr. Chairman, earlier this month President Obama announced his intention to nominate Representative MCHUGH to serve as the Secretary of the Army. I can say with confidence that our loss will definitely be the Army's gain. I am absolutely certain that Representative MCHUGH will serve the Army with the same commitment and dedication that he has provided to our men and women in uniform while he has been on this side of the river.

I want to thank him for his leadership on this committee. His passion for and dedication to the members of our Armed Forces will be sorely missed by this body. He is a great friend that we will miss working with here on the Hill, but I am sure we will have future opportunities to work with him in his new capacity.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in strong support of this amendment, a sense of Congress honoring Congressman JOHN MCHUGH.

The Acting CHAIR. Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. JOHN MCHUGH is an outstanding American, an outstanding Member of Congress, the former ranking member of the House Armed Services Committee. He has served the people of America in this capacity selflessly and with distinction, and it is our opportunity now to express gratitude as a Congress and as a nation for his efforts.

He has represented New York's 23rd Congressional District since 1993. His district includes northern New York, including Fort Drum. He has been a public servant now for some 40 years, having served in the local, the State and Federal levels of our government. He is a highly respected leader on national defense and has been a staunch advocate for America's military personnel and their families.

As chairman and subsequently ranking member of the Subcommittee on Military Personnel on our Armed Services Committee, JOHN MCHUGH has shared my desire to increase the end-strength for the Army and the Marines, enhance military pay, and began efforts to eliminate concurrent receipt to allow the payment of both veterans disability and military retired pay.

Given his background and his experience, the President nominated JOHN MCHUGH to serve as Secretary of the Army on June 2nd of this year. It is a tribute to his accomplishments in national defense on behalf of the servicemen and women and their families.

It is a pleasure to honor him in this manner. It is a pleasure to have served with him. We will, of course, miss him, his brightness, his humor and his quick wit, and his dedication to our Armed Forces. We wish him the very best as he serves as the Secretary of the Army.

I can only say this, Mr. Chairman, that the Army will be in good hands with JOHN MCHUGH. We thank him for his service here and look forward to working with him in his new capacity.

I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I would like to just embarrass our friend a little bit. Maybe we could ask him to stand where we could all see him.

This sounds like a funeral service. This is not a funeral service, it is not a memorial service. We just want to thank you, JOHN, for your work. He is a young man and will be doing a lot more in the service of his country and his State I am sure in the future.

With that, I yield back the balance of my time.

The Acting CHAIR (Mr. HOLDEN). The question is on the amendment, as modified, offered by the gentleman from California, as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. It is now in order to consider Amendment No. 9 printed in House Report 111–182.

Mr. FRANKS of Arizona. Mr. Chairman, I offer amendment No. 9.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FRANKS of Arizona:

Page 57, line 18, strike section 224 and insert the following new section 224:

SEC. 224. POLICY ON BALLISTIC MISSILE DEFENSE SYSTEM TO PROTECT THE UNITED STATES HOMELAND, ALLIES, AND FORWARD DEPLOYED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) North Korea's nuclear program and its long, medium, and short-range ballistic missiles represent a near-term and increasing threat to the United States, our forward-deployed troops and allies.

(2) North Korea, in violation of United Nations Security Council Resolutions 1695 and 1718, launched a Taepodong-2 rocket on April 5, 2009, demonstrated a multi-stage, long-range ballistic missile. This flight demonstrated a more complete performance than Pyongyang's July 2006 Taepodong-2 launch.

(3) According to reports, the Taepodong-2 long-range ballistic missile could currently threaten the west coast of the United States and, according to estimates by the United States intelligence community, when fully developed could threaten the entire continental United States.

(4) North Korea has deployed the Musudan intermediate range ballistic missile which can threaten Okinawa and Guam, 200 Nodong missiles which can reach Japan, and 600 Scud missiles which threaten South Korea.

(5) North Korea is a missile proliferator and has shared ballistic missile technology with other weapons proliferating nations such as Iran. It also aided Syria with its nuclear program.

(6) North Korea walked away from the Six-Party talks and ordered United States and International Atomic Energy Agency inspectors out of the country in April 2009.

(7) On April 29, 2009, Pyongyang threatened to conduct a nuclear test and launch an intercontinental ballistic missile unless the United Nations Security Council apologize and withdraw all resolutions.

(8) Following through on its provocative threat, North Korea conducted a nuclear test on May 25, 2009 in violation of United Nations Security Council Resolution 1718.

(9) North Korea test-fired six shorter-range missiles off the country's east coast following its nuclear test on May 25, 2009.

(10) On May 25, 2009, President Obama stated, ''North Korea's nuclear ballistic missile programs pose a great threat to the peace and security of the world and I strongly condemn their reckless action. . . The record is clear: North Korea has previously committed to abandoning its nuclear program. Instead of following through on that commitment it has chosen to ignore that commitment. These actions have also flown in the face of United Nations resolutions.''

(11) North Korea's nuclear test and missile launches demonstrate present international diplomatic efforts are not sufficient to deter North Korea from developing, deploying, and launching missiles or developing nuclear technology. There has been no progress toward engagement or complete and verifiable denuclearization of the Korean Peninsula.

(12) The pace and scope of North Korea's actions demonstrate that it is intent on achieving a viable nuclear weapons capability, long-range intercontinental ballistic missile delivery capability, and recognition as a nuclear weapons state.

(13) In response to the unanimous passage of United Nations Security Council Resolution 1874 on June 12, 2009, North Korea responded that it would not abandon its nuclear programs and vowed to start enriching uranium and weaponize all its plutonium.

(14) Media reports indicate North Korea is warning of a nuclear war. In addition, it may be preparing for launch an intercontinental ballistic missile with the range to reach the United States. Further reports, citing U.S. defense officials, indicate U.S. satellite photos show long-range ballistic missile activity at two launch sites in North Korea.

(15) On February 3, 2009, the Government of Iran successfully launched its first satellite into orbit—an act in direct violation of United Nations Security Council Resolution 1737.

(16) General Maples, Director of the Defense Intelligence Agency, recently said, ''Iran's February 3, 2009, launch of the Safir space launch vehicle shows progress in mastering technology needed to produce ICBMs.''

(17) On April 5, 2009, President Barack Obama said, ''So let me be clear: Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies.''

(18) On May 19, 2009, the Government of Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile, which can reach Europe, Israel, and United States forces deployed in the Persian Gulf Region.

(19) According to the April 2009 Defense Intelligence Agency report, ''Foreign Ballistic Missile Capabilities'', ''[t]he threat posed by ballistic missile delivery systems is likely to continue increasing while growing more complex over the next decade. Current trends indicate that adversary ballistic missile system, with advanced liquid- or solid-propellant propulsion systems, are becoming more flexible, mobile, survivable, reliable and accurate while also presenting longer ranges.''

(20) According to the April 2009 Defense Intelligence Agency report, ''Foreign Ballistic Missile Capabilities'', ''Prelaunch survivability is also likely to increase as potential adversaries strengthen their denial and deception measures and increasingly base their missiles on mobile sea- and land-based platforms. Adversary nations are increasingly adopting technical and operational countermeasures to defeat missiles defenses. For example, China, Iran and North Korea exercise near simultaneous salvo firings from multiple locations to defeat these defenses.''

(21) General Kevin Chilton, Commander of the United States Strategic Command testified on March 19, 2009, ''I think the approach for missile defense has been a layered defense, as you've described, that looks at opportunities to engage in the boost phase, in the mid-course, and then terminal.''

(22) General B.B. Bell, Commander, U.S. Forces-Korea testified in July 2007, ''Here in Korea, we have but minutes to detect, acquire, engage and destroy inbound theater ballistic missiles in the SCUD and No-Dong class. We estimate that north Korea has around eight hundred of these missiles in their operational territory. Today, they are capable of carrying conventional and chemical munitions. Intercepting these missiles during their boost phase while over north Korean territory would be a huge combat multiplier for me. Therefore, I enthusiastically support the pursuit of the unique combat capability provided by the ABL in attacking missiles in their boost phase.''

(b) POLICY.—It shall be the policy of the United States to continue development and fielding of a comprehensive, layered missile defense system to protect the homeland of the United States, our forward-deployed forces, and allies against the near-term and increasing short, medium, and long-range ballistic missile threats posed by rogue nations such as North Korea. These missile defenses shall consist of national and theater missile defenses, but neither should come at the expense of the other. It shall also be the policy of the United States to continue developing systems designed to intercept missiles in the boost phase of flight in order to defend against developing sophisticated threats.

(c) ELEMENTS IN DISCHARGE OF THE POLICY.—The discharge of the policy stated in subsection (b) shall include the following:

(1) Continued testing, fielding, sustainment, and modernization of the ground-based midcourse defense system, specifically—

(A) not less than 44 ground-based interceptors at Fort Greely, Alaska and Vandenberg Air Force Base, California;

(B) completion of missile field number two at Fort Greely, Alaska;

(C) aging and surveillance;

(D) capability enhancement;

(E) modernization and obsolescence;

(F) operationally realistic testing; and

(G) viable production capability.

(2) Continued development and testing of the Airborne Laser Program

(3) Continued technology maturation and demonstration of the technologies associated with the Kinetic Energy Interceptor

(4) Continue technology maturation and demonstration of the technologies associated with the Multiple Kill Vehicle

(5) Continued support for on-orbit experimentation of the Space Tracking and Surveillance System demonstration satellites, and concept development and technology maturation for a follow-on capability.

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE.

(a) FUNDING.—The amount otherwise provided by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $1,200,000,000, for the Missile Defense Agency, of which—

(1) $600,000,000 is to be available for the ground-based midcourse defense system;

(2) $237,000,000 is to be available to the Airborne Laser Program;

(3) $177,100,000 is to be available to the Multiple Kill Vehicle;

(4) $165,900,000 is to be available for the Kinetic Energy Interceptor; and

(5) $20,000,000 is to be available for the Space Tracking and Surveillance System.

(b) OFFSETTING REDUCTION.—The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $1,200,000,000, to be derived from sites that are projected to meet regulatory milestones ahead of schedule or are at greatest risk of being unable to execute Public Law 111-5 and fiscal year 2010 funding as planned in fiscal year 2010.

The Acting CHAIR. Pursuant to House Resolution 572 and the order of the House of today, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, nuclear weapons, especially those connected to intercontinental ballistic missiles, represent the greatest danger, the greatest weapon ever devised, threatening the human family. The enemies of the United States are defiantly developing delivery systems for those devastating weapons.

Mr. Chairman, to be clear, ballistic missile threats are increasing in the world, and while that threat is increasing, our budget in Congress to effect missile defense is decreasing. My amendment would restore the $1.2 billion that was cut from last year's appropriated amount.

The administration and those who support these cuts have created a false choice between theater defense and homeland defense. If this Congress can find $787 billion for a so-called stimulus economic package, then we have no excuse but to also fund both theater defense and the national defense of the American people.

Mr. Chairman, North Korea has recently conducted a nuclear test and missile launches, and President Obama has called Iran's nuclear and ballistic missile activity ''a real threat.'' Despite the threat increase, this bill slashes by 35 percent the only system that we have that is tested and proven to protect the homeland against ICBMs, our Ground-based Midcourse Defense system. My amendment would restore these cuts.

Mr. Chairman, North Korea is right now planning a ballistic missile launch, and yesterday in fact declared it is ready to ''wipe out the United States.'' We have a chance this moment to restore the funds to make these systems viable to protect the American people from this exact threat.

I urge my colleagues to vote in favor of protecting the American people and to vote ''yes'' on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 10 minutes.

Mrs. TAUSCHER. Mr. Chairman, I stand in significant opposition to this amendment. The committee's bill provides $9.3 billion for missile defense, fully funding the administration's request. The budget supports our efforts to build a robust defense against threats from rogue nations such as North Korea, and increases funding for proven missile defense systems like The Aegis BMD and the Terminal High Altitude Aerial Defense, called THAAD, by $900 million over the budget level of last year.

This amendment would result in wasteful, unnecessary spending. As Secretary Gates told our committee, The security of the American people and the efficacy of the missile defense system are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed or research programs that are essentially sinkholes for taxpayer dollars.

With all due respect, Mr. Chairman, I find myself here trying to rescue the missile defense program from its strongest advocates, because all they want to do is spend money. We have spent $120 billion over the last 10 years on missile defense. I am a strong supporter of missile defense, but unless you have oversight and unless you have an operationally effective system to protect against the existing threats and deploy those systems to protect our forward-deployed troops, the American people and our allies, it is just spending money after money after money.

The advocates of missile defense that just want to spend money don't seem to want to deal with the fact that in this bill we authorize $1 billion to test, sustain and improve the existing system, because what we found out recently is that the system that is deployed has got some problems. It has got problems with operation and maintenance because enough of that money during the previous administration wasn't spent to make sure that the system was maintained.

Democrats are strong on missile defense. We want to make sure we have a proven system, one that is going to not only work but one that is also going to deter, and the best way to do that is to have a system that is operationally effective and tested, one that is maintained properly, and one that is fielded to array against and deter and defeat the threats.

I think that on our side, we believe that we have done that, both during the time of the Bush administration and certainly now in full support of the President's budget request.

Mr. Chairman, I am happy to reserve my time.

□ 1200

Mr. FRANKS of Arizona. Mr. Chairman, I would just respond by suggesting that to say $1.2 billion in missile defense spending would be wasteful, in the light of the fact that when three airplanes hit this country, it cost us $2 trillion in our economy and nearly $100 billion to clean it up, I think that is shortsighted.

With that, I yield 1 minute to the distinguished ranking member of the committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding.

In the last 2 months, North Korea has followed through on its provocative threat to conduct a nuclear test and launch missiles. Today we hear that Pyongyang is vowing to enlarge its nuclear arsenal and has warned of a ''fire shower of nuclear retaliation.'' These are grave and serious threats.

However, at a time when Iran and North Korea have demonstrated the capability and intent to pursue long-range ballistic missiles and nuclear weapons programs, the defense bill endorsed reductions to capabilities that would provide a comprehensive missile defense system to protect the U.S. homeland, our forward-deployed troops and our allies.

This amendment is common sense. It is a sound measure that would reverse the administration's $1.2 billion cut to missile defense. It would restore a 35 percent reduction to the Nation's Ground-based Midcourse Defense system, located in Alaska and California, which is signed to protect the U.S. homeland. It would restore investments in vital research and development like the airborne laser program, which is the cusp of demonstrating breakthrough technologies.

I urge my colleagues to support this amendment. To do otherwise would be irresponsible.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the distinguished ranking member of the Strategic Forces Subcommittee, Mr. TURNER.

Mr. TURNER. Mr. Chairman, I rise to speak in favor of the Franks amendment. I was very disappointed with the administration's decision to cut $1.2 billion out of missile defense funding below the fiscal year 2009 funding. Make no mistake, this is a cut. We are going to spend $1.2 billion less than we spent in 2009.

We are going to do this while we have increasing threats, not decreasing threats, to the United States. And make no mistake, the Department of Defense has not provided one data point. They have not provided one study. They have not provided any information, no intelligence that indicates we have a reduced threat, all the while we know with this reduced threat, there is no justification for a reduction.

I am concerned with the top-line missile defense cut, I am deeply concerned about the specific cuts that include a 35 percent cut to the Ground-based Midcourse Defense system in Alaska and California, and the administration decision to decrease the planned number of field interceptors, which is our response to North Korea's ICBMs, terminate construction of a missile field in Alaska that is partially complete, and curtail additional GMD development.

I support the Franks amendment. While we have an increased threat, we should not be decreasing our commitment to missile defense.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS), a longstanding member of the Strategic Forces Subcommittee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. The issue is not whether the country will have a missile defense; the issue is whether the country will have an effective missile defense.

Ninety-nine percent of the threat comes from regional missiles, so this budget increases by about 50 percent the amount of money that we spend on effective regional defense systems.

But let's talk about what we would do if the Pyongyang threat came true and a missile was fired from North Korea. Here is the first thing we would do: We would rely upon the ground-based systems in Alaska. We put nearly a billion dollars into improving those systems. The Secretary of Defense has testified that the 30 interceptors in place are plenty, that they are enough. We improve upon them, and we use that system.

Second, we look to a system that we frankly think will work better because the testing has been more promising and more accurate, the SM–3, Block 2A interceptors, funding for which is increased by 50 percent in this bill.

The issue is not whether we have a missile defense; it is whether we have one that works. I will requote the Secretary of Defense: ''The security of the American people and the efficacy of the missile defense are not enhanced by continuing to put money into programs that in terms of their operational concept are fatally flawed, or research programs that are essentially sink holes for taxpayers' dollars.''

We would not invest in Civil War-era technology that doesn't work to defend our country. We would invest in the 21st-century technology that does work, and that is what we are doing.

We should oppose this amendment.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LARSEN of Washington) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 962. An act to authorize appropriations for fiscal years 2009 through 2013 to promote

an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress that John Arthur ''Jack'' Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

The message also announced that pursuant to Senate Resolution 203, 111th Congress, the Acting President pro tempore, upon the recommendation of the majority leader and the minority leader, appointed the following Senators as members of the committee to receive and report evidence in the impeachment of Judge Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas.

The Senator from Missouri (Mrs. MCCASKILL) (Chairman).

The Senator from Minnesota (Ms. KLOBUCHAR).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. TOM UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The Senator from Delaware (Mr. KAUFMAN).

The Senator from Florida (Mr. MARTINEZ) (Vice-Chairman).

The Senator from South Carolina (Mr. DEMINT).

The Senator from Wyoming (Mr. BARRASSO).

The Senator from (Mississippi) (Mr. WICKER).

The Senator from Nebraska (Mr. JOHANNS).

The Senator from Idaho (Mr. RISCH).

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The Committee resumed its sitting.

The Acting CHAIR (Mr. HOLDEN). The gentleman from Arizona has 5½ minutes remaining and the gentlewoman from California has 6½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, haven't I yielded just 4 minutes thus far? I yielded myself 2 minutes in the beginning, Mr. MCKEON 1 minute and Mr. TURNER 1 minute?

The Acting CHAIR. The gentleman from Arizona went 30 seconds over his time.

Mr. FRANKS of Arizona. I yield the gentleman from Alabama (Mr. GRIFFITH) 1 minute.

Mr. GRIFFITH. Mr. Chairman, I appreciate this difficult situation. I believe that as the budget was formed and the decisions were made, North Korea was not as aggressive, nor was Iran. I stand in support of the Franks amendment. I share the gentlelady's concern that accountability needs to be increased; but in this time of increasing threat, I would prefer that we err on the side of the Franks amendment, even if we must attach certain conditions to it in conference. But I would urge Members to support it.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a longstanding member of the Strategic Forces Subcommittee.

Mr. LANGEVIN. Mr. Chairman, I thank the gentlelady for yielding.

Mr. Chairman, I urge my colleagues to oppose this amendment. Chairman SKELTON and Chairwoman TAUSCHER have crafted a bill that protects the United States and our allies from real ballistic missile defense. And I think it is the right balance. There is no doubt that this Nation needs a robust ballistic missile defense, and we have properly invested our resources into those areas of ballistic missile defense that are working and have the most promise.

The underlying bill provides $9.3 billion for missile defense, supporting critical programs that are testing and operational and eliminating unnecessary and unproven programs that waste taxpayer dollars.

The Franks amendment, in contrast, would direct precious resources to flawed programs that, to paraphrase Secretary Gates, will enhance neither the efficacy of our missile defense nor the security of our citizens.

In his opening statement the gentleman, the sponsor of the amendment, said that the greatest threat that we face is a ballistic missile from a rogue nation. That is not accurate. There is no doubt that is a threat, we have to be concerned about it, but realistically the greatest threat is from fissile material or a nuclear weapon being smuggled into the United States and being detonated. That is not just my opinion, but that of many national security experts.

I have had the privilege of serving on almost every major national security committee in this Congress, both on the Intelligence Committee and on the Armed Services Committee. On the Armed Services Committee, I served as subcommittee chairman of the Subcommittee on Emerging Threats. That is the greatest threat that we face; and this mark, the chairman's mark, contains more support for counterproliferation programs to secure fissile material or nuclear weapons that could be smuggled into the country. That is the right approach.

Meanwhile, the proposed cut to DOE's environmental cleanup would eliminate as many as 33 jobs when America can least afford it. This bill balances our security needs with realistic budget considerations. Funding proven systems like Aegis BMD and THAAD with significant increases to prevent rogue nation threats to our country.

Mr. FRANKS of Arizona. Mr. Chairman, might I inquire as to the remainder of the time.

The Acting CHAIR. The gentleman from Arizona has 5 minutes remaining, and the gentlewoman from California has 4½ minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. Mr. Chairman, when the gentlelady from California says that we are fully funding the administration's request, that is true. I accept that at face value. But what if the administration is wrong? What if they have made the wrong request? Remember, this is an administration that has said Iran has legitimate nuclear ambitions. No, they don't. There is no legitimate pursuit of nuclear power in Iran; it is all for an evil and despicable purpose.

This is an administration that got it wrong on the Iranian dissidents and has sort of back-pedaled over the past several days and recast their support of the dissidents when they really missed the mark. So I take the gentlelady at face value that they are fully funding the request; but in my opinion, the request is wrong.

The gentleman from Arizona is right: this is an aggressive regime that ought not to be coddled. This is an effort to make sure that all of us are safe, and this is a sacred duty. I urge the adoption of the Franks amendment.

Mrs. TAUSCHER. Before I yield, I would just like to engage the new Member from Illinois. I know you are a new Member, sir, but the truth of the matter is over the last 8 years of the Bush administration where all we did was spend money without very much oversight, we would have had, after spending all that money, $120 billion, we should have a system that is operationally effective and actually achieved credible deterrence.

You have to ask yourself why that hasn't happened after $120 billion. The question is not how much money you spend; it is whether you spend it smartly. That is what this budget does.

I yield to the gentleman from Washington (Mr. LARSEN) for 2 minutes.

Mr. LARSEN of Washington. I thank the gentlelady from California for yielding, and I rise in opposition to the Franks amendment.

The committee's bill does provide $9.3 billion for missile defense which fully funds the capabilities that the United States needs to protect our country. The threat to our Nation from ballistic missiles is real. Our adversaries have a multitude of short- and medium-range missiles and are developing more advanced missiles as well.

This budget will help keep our Nation and our servicemembers safe from the threats that we face. For instance, the number of Aegis ships will grow from 21 to 27; the number of SM–3 interceptors from 131 to 329; and the number of THAAD interceptors from 96 to 287. These are urgently needed investments to protect our troops in the field. This budget also includes funding for the operation, testing and sustainment of Ground-based Midcourse Defense, and follows Secretary

Gates and the Missile Defense Agency recommendations to have that number of interceptors at 30.

Secretary Gates has also said at the level of capability that North Korea has now and is likely to have for some years to come, 30 interceptors, in fact, provide a strong defense against North Korea.

But even more so, for the first time ever, combatant commanders were part of developing this budget, and the combatant commanders have said that this budget meets their needs as well.

I also have to oppose this amendment because of where the offset is coming from: $1.2 billion from the DOE's environmental cleanup. We had this debate in committee in some respects, not over this amount, $1.2 billion, but over some amount. I think we need to understand that cleaning up the nuclear legacy, the Cold War legacy in this country is an obligation. Some people have called this an obsession. Is it an obsession to clean up nuclear waste that is in the groundwater around communities in this country?

□ 1215

It is not an obsession; it is an absolute obligation. And if we cut these dollars, we are cutting away that obligation.

Something more important as well. Even though the Recovery Act put up to $5 billion in this budget, it's because we've neglected this obligation in the past.

The Acting CHAIR. The time of the gentleman has expired.

Mrs. TAUSCHER. I yield the gentleman an additional 30 seconds.

Mr. LARSEN of Washington. Cutting these dollars from environmental cleanup continues to neglect that obligation that we have to communities all over the country to clean up America's ultimate toxic asset, the cold war legacy of nuclear waste in our communities.

So I would ask my colleagues to oppose this amendment.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind Members to address their remarks to the Chair.

Mr. FRANKS of Arizona. Mr. Chairman, I now yield 1 minute to the distinguished gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I rise in strong support of the Franks amendment.

I am closer to Korea than anybody in this room, and they are launching a missile on July 4. We have a missile defense site in Alaska that has missiles there now that can shoot that down. We just want to finish it, and this money would finish it.

It sends a wrong message to our enemies if we retreat from the missile defense we have today, and some people say, including Mr. Gates, it doesn't work. Well, I bet your dollar it does work, and it will work. But I don't like sitting in Alaska looking at that missile that can reach us and reach Hawaii, and we don't have the defense to shoot it down. Maybe today we might shoot one down, but we need to finish this Fort Greely missile defense site, and this money would do it. It's shovel ready.

This is a good bill, this just makes it a little better. It's the right thing to do for America. It's the right thing to do for Alaska. It's the right thing to do for freedom of all of the world.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the chairman of the committee, Mr. SKELTON of Missouri.

Mr. SKELTON. I rise in opposition to this amendment.

Secretary Gates announced a series of changes in the missile defense program and so testified. I wish to compliment the gentlelady from California (Mrs. TAUSCHER), the chairman of the subcommittee that covered this subject, for the excellent work that she and the subcommittee did regarding missile defense. They got it right. They increased funding for theater missile defense programs by $900 million. They capped the deployment for long-range missile defense interceptors in Alaska at 30 as opposed to the 44 previously planned. Right now, there are 26 currently deployed. And they cancelled the Multiple Kill Vehicle program, the Kinetic Energy Interceptor program, and the second Airborne Laser prototype aircraft because they were not working.

Consequently, they did it right by allowing and authorizing $9.3 billion for missile defense programs overall. I oppose the amendment. We did it right.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BROUN).

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Chairman, I rise today to speak in favor of the amendment to restore $1.2 billion in funding for missile defense.

Just yesterday, North Korea threatened to wipe the United States off the map. It is unconscionable that we would decrease funding for our missile defense system during a period where North Korea and Iran's nuclear programs and ballistic missiles pose a real and increasing threat to the United States.

In May, Iran test-fired a new two-stage, medium-range, solid fuel, surface-to-surface missile which could reach Europe, Israel, and United States forces deployed in the Persian Gulf. This $1.2 billion cut forces an unnecessary choice between protecting our homeland against longer-range missiles and protection of our forward-deployed troops and allies against shorter-range missiles. The threat will only continue to increase over the next decade as technology increases for them. We are decades behind in having a comprehensive multilayered system.

I urge my colleagues to support this amendment.

The Acting CHAIR. The gentleman from Arizona has 2 minutes remaining, and the gentlewoman from California has 30 seconds remaining and the right to close.

Mrs. TAUSCHER. Mr. Chairman, I reserve my time.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, we've been talking about missile defense here and an amendment that relates to missile defense. I think one of the things that is important, and maybe a little confusing, is the fact that there are different kinds of missiles that an enemy might send against us, and so we have different kinds of missile defense depending on the nature of what is sent against us.

The debate here centers on the very long-range missiles that are known as intercontinental ballistic missiles. We have only one way to stop those missiles, and that is what's called ground-based defense. Now, we have started. We have dug the holes and built the silos for some additional ground-based missiles, and this budget is cutting the funding for something that we have already started. The amendment would restore those and finish something that we agreed to so we are not wasting money starting something and stopping it partway. So that is part of the amendment. And this is missile defense, which is important, along with the other kinds of missile defenses which are supported in this bill and have been done very well by the committee overall.

The second component of this amendment restores what is known as the Airborne Laser, a very promising technology which is based more on trying to stop a missile as it's being launched. It has the benefit of being as fast as a flashlight beam that you put on the missile and you kill it right over enemy territory when it's being launched. The bill, the way it is proposed, is going to cut the funding for the Airborne Laser. This amendment restores that important funding. Again, this is a program that we've started, invested a whole lot of money in, and it needs to go forward.

Mr. FRANKS of Arizona. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIR. The gentleman from Arizona has 30 seconds remaining. The gentlewoman from California has 30 seconds remaining, and she has the right to close.

Mr. FRANKS of Arizona. Mr. Chairman, I will yield myself 30 seconds.

Mr. Chairman, an ICBM landing in the United States or over the United States could subject us to an EMP tragedy or destroy one of our cities and change our concept of freedom forever. The only system that we have to defend us in a tested and proven way from that threat is our Ground-based Midcourse Defense. The budget, as it

stands now, cuts it 35 percent. This amendment would restore that money to protect our children and families from such a threat.

We need to protect this country from madmen like Mr. Ahmadinejad and madmen like Mr. Kim Jong-Il. It is our first duty under the Constitution to do so, and I adjure this body to pass this amendment.

Mrs. TAUSCHER. Mr. Chairman, I could not make a better argument for rejecting the Franks amendment.

Let's get it right. We are investing $9.3 billion for missile defense because we believe what the President has said is right, that we need to have defenses that are going to defeat long-range, short-range, and medium-range systems that are raid against the United States, our forward-deployed troops, and our allies. Don't take the money from cold war legacies. We are going to lose 10,000 jobs of people that are cleaning up sites around the country.

We need to defeat this amendment because we want to invest money smartly. We don't want to follow what we've done for the last 8 years, which is just spend money and not have any oversight.

Let's get this right. Let's have strong missile defense. Defeat the Franks amendment.

Mr. SESSIONS. Mr. Chair, I rise today in support of this amendment which restores $1.2 billion to the Missile Defense Agency's budget. However, I would like to express my deep concern regarding the misguided and downright dangerous priorities of this Administration and the Democrat Majority with this Defense Authorization.

For the past three years, the defense of our nation has been ranked at the bottom of this Democrat Majority's agenda. Between FY 2007 and FY 2009, the Democrats have increased non-defense funding by 85 percent; an increase of $358 billion. However, funding for our national defense is found at the very bottom of the list with spending increases of only 9 percent.

With the increasing threats of nations like North Korea and Iran—especially considering North Korea's preparations to launch a ballistic missile in the direction of Hawaii on or around July 4th—it is essential that Congress provides the U.S. with the appropriate defense mechanisms to protect our country. Yet the Democrat Majority still has the audacity to cut $1.2 billion from our missile defense systems.

Mr. Chair, this Majority has a false set of priorities which is not only misguided but endangers the security of our nation.

Mr. SIMPSON. Mr. Chair, I rise in opposition to the Franks-Cantor-Sessions-Broun-Roskam Amendment and in support of the fundamental obligation this body has to fully fund our Nation's Environmental Management Program.

I support my colleagues' efforts to increase funding to the Missile Defense Agency. The decision to cut funding for this program is dangerous and short-sighted, especially at a time when countries like Iran and North Korea are seeking nuclear weapons programs that put our country and its citizens at risk. However, while I support the efforts to restore funding, I cannot support the offset and the repercussions that cutting funding for our Nation's Environmental Management Program would have.

There is nothing conservative about cuts that the Franks-Cantor Amendment would make or the impact they would have. These cuts ultimately will slow the pace of cleanup at our Nation's nuclear contaminated sites, thus costing taxpayers more money in the long-run.

In sites across the country, including in my home State of Idaho as well as in Washington State, South Carolina, Tennessee, and a number of other states, rest the nuclear remnants of the Cold War. These sites are contaminated with, and home to, some of the most dangerous materials in the world. The people who work at these sites, and the states that host them, have been through a great deal over the past fifty years to accommodate the defense of our Nation.

In return, they expect the Federal Government to make good on its promise, and legal obligation, to clean up these sites and protect the environment of future generations. Many of these states have legally-binding agreements with the Federal Government that dictate when and how these materials will be remediated and then disposed.

The Franks-Cantor Amendment will slow the pace of work at these sites and put the Federal Government at significant risk of missing legally-binding deadlines. Those missed deadlines mean penalties which will be paid for by the taxpayers. In addition, the cost of doing this work goes up substantially each year it is delayed, again putting taxpayers at risk.

I recognize the argument that the EM program was recently awarded a huge sum of money in the stimulus program and can easily withstand a $1.2 billion reduction this year. I don't agree with the argument, but I understand where my colleagues are coming from when they make it.

Mr. Chair, their argument is one that gives me great heartburn. When the Senate added $6 billion for the EM program to the stimulus bill, I knew I would hear this argument used time and again to undermine the base budget of the EM program that Members like DOC HASTINGS, ZACH WAMP, GRESHAM BARRETT, myself, and others have worked so hard to increase and stabilize over the past 10 years.

I was worried when we passed the stimulus bill that my colleagues would see the EM program as a slush fund, flush with stimulus cash, from which they could seek offsets for increases to priorities elsewhere. Sure enough, here we are, putting the base EM program at risk because of the desire to infuse the program with one-time money that may have short-term benefits, but will cause significant long-term damage down the road.

I have spent my career defending the EM program and seeking stable funding so that our Nation can make good on its promise to our States. I remain as committed as ever to protecting the base program and keeping cleanup of these sites on track.

Mr. Chair, as I said earlier, I strongly support my colleagues' efforts to restore funding for the Missile Defense Agency. However, I strongly oppose the funding reductions included in this amendment. In the strongest possible terms, I urge my colleagues to reject the Franks-Cantor amendment and keep the EM program on track in Idaho, Washington, South Carolina, Tennessee, New Mexico, Ohio and the other States in which its work is so crucial.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. AKIN

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111–182.

Mr. AKIN. Mr. Chairman, I ask for adoption of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. AKIN:

At the end of title X (page 374, after line 6) add the following new section:

SEC. 1055. TRANSPARENCY REPORT FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 14 days after the date on which an employee of the Department of Defense is required to sign a non-disclosure agreement in the carrying out of the official duties of such employee (other than as such non-disclosure agreement relates to the granting of a security clearance), the Secretary of Defense shall submit to the congressional defense committees a report on such non-disclosure agreement, including—

(1) the topics that are prohibited from being discussed under such non-disclosure agreement;

(2) the number of employees required to sign such non-disclosure agreement;

(3) the duration of such non-disclosure agreement and the date on which such non-disclosure agreement terminates;

(4) the types of persons to which the signatories to such non-disclosure agreement are prohibited from disclosing the information covered by such non-disclosure agreement, including whether Members or staff of Congress are included in such types to which disclosure is prohibited;

(5) the reasons employees are required to sign such non-disclosure agreement; and

(6) the criteria used to determine which matters were included as information not to be disclosed under such non-disclosure agreement.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall apply with respect to any non-disclosure agreement entered into by an employee of the Department of Defense on or after January 1, 2009.

(2) INITIAL REPORT.—The report required under subsection (a) (as applied in accordance with paragraph (1)) with respect to non-disclosure agreements entered into on or after January 1, 2009, and before the date of the enactment of this Act, shall be submitted not later than 120 days after the date of the enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, the amendment that we're bringing to the floor

here is dealing with a situation that has become increasingly difficult between the legislative branch and the executive branch, but specifically the Pentagon. That is that the leadership at the Pentagon is requiring generals or admirals to sign nondisclosure agreements; that is, they're not allowed to share their opinions with Members of Congress.

In the past, our relationship with the Pentagon has been one of openness and trying to work together as a team. The Armed Services Committee has always been a very bipartisan committee who worked well together. We've always tried to have a win-win kind of situation both between the parties, but also between the legislative branch and the Pentagon. Unfortunately, these nondisclosure statements have a tendency, we are concerned, with muzzling our admirals and generals and preventing them from giving us data that we need to be able to do our job.

This amendment is being brought also by the gentleman from Virginia (Mr. FORBES), and I would yield 2 minutes to him.

Mr. FORBES. Mr. Chairman, if we don't listen to anything else on this debate, we need to pause just a moment and listen to what's happening right now.

Just a couple of moments ago in missile defense, we heard over there, ''Unless you have oversight, you should not spend money on missile defense or other platforms,'' and yet the majority and this administration fights us at every juncture to deny the transparency we need for that very oversight.

This administration came in. The first Executive order that they had, said, democracy requires accountability and accountability requires transparency. And the first things they do, when it comes to national defense, they issue gag orders to hundreds of people in the Pentagon so that they could not talk about the severity of some of these changes and some of the cuts taking place. They classified the inspections on our vessels so we can't know the difficulty we have with maintenance requirements. They refused to certify that the budget would meet our shipbuilding plan as required by law. They refused to even send over a shipbuilding plan. They refused to certify an aviation plan that the budget would meet, that as required by law. They refused to even send over an aviation plan, and they refused to give us the outyear projections on what the budget dollars would actually be.

Mr. Chairman, we have a simple amendment that would try to rein in some of these gag orders, and the majority has already sent out a letter saying it's just too hard, it's going to impact all of these other programs, when they could have exempted every single one of those programs if they wanted to; they just refused to do it.

The bottom line is, Mr. Chairman, when it comes down to transparency with this administration, here's what it means: We're going to be transparent to our enemies. We are going to tell them what questions we can ask them, what we can try to gather, information from them, when they're about to attack our Nation, our innocent civilians, but when it comes to transparency to the American people and what's going in the budget, we're not going to do that. So, Mr. Chairman, I hope it will be the pleasure of this House to adopt this amendment and put some transparency back in this process.

Mr. AKIN. Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. SKELTON. I had a law school professor by the name of Fratcher, and every once in awhile during discussion in the class he would say, ''Read it. What does it say?''

We read this amendment—which I know the authors seek to ensure congressional insight into the budget process and the Quadrennial Defense Review, and those are very worthy goals, but unfortunately, reading this amendment in the way it is drafted will overwhelm the Pentagon and harm critical Department of Defense efforts. They won't have time to do much more than comply with this amendment. It is drafted in such a way that it just couldn't be done. And I am sad that a worthy goal is being thwarted by the improper drafting thereof.

The Department of Defense routinely enters into such agreements to protect the privacy of servicemembers and, of course, to protect sensitive information. As a result, the amendment would require several reports on thousands of nondisclosed agreements. For instance, casework for wounded warriors, health care quality assurance processes, criminal and administrative investigations, accident investigations, contract source selections, accepting proprietary data from private industry, other business transactions that require confidential treatment until concluded.

□ 1230

The amendment will result in the reporting of thousands of transactions to Congress, each requiring an individual report containing large volumes of information and justification. Due to the administrative burden and the chilling effect of this amendment, the Department of Defense may be forced to reduce efforts to assist wounded warriors and otherwise help servicemembers solve their problems.

I commend them for their worthy goal, but in the lesson taught me by my professor, Mr. Fratcher, reading it just makes it impossible for the Department of Defense to comply with it.

So, consequently, I seriously am strongly opposed to this amendment.

I reserve the balance of my time.

Mr. AKIN. I yield 1 minute to the distinguished ranking member of the Armed Services Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. I thank the gentleman for yielding. This amendment would require the Secretary of Defense to report to the Congress on the use of nondisclosure agreements within the DOD. The use of nondisclosure agreements is a new and troubling way of gagging our military and DOD civilians. Congress should be aware of any effort by the Department to restrict information.

This amendment is about transparency. Congress cannot sit back and let the Department of Defense stiff-arm us. Congress has a constitutional duty to raise and support armies, provide and maintain a Navy, to make rules for the government, regulation of the land and naval forces. We can't allow the Department of Defense to prevent us from exercising our constitutional duty.

I understand the chairman has concerns about the language, but I would urge him to support the amendment and work with us in conference. We have lots of time left to work on this. I think, together, we can strengthen this. I think we're in agreement on concept. We need to know what we need to know to do our duty.

With that, I ask support of the amendment.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman. I rise in opposition. Here's the concern that we have about this amendment. Let's say that we have a servicemember who is suspected of sharing sensitive information with another country or someone they shouldn't share it with, and those investigating the alleged offense enter into a confidentiality agreement not to share any information about the investigation because it would impair the investigation.

As I read this amendment, within 2 weeks of entering that agreement it would have to be reported to the committees of the Congress substantial information about it. I don't see any protections in the amendment that would say that the disclosure of the agreement would have to be done in such a way so as not to impair the investigation.

Look, there's a difference between transparency and redundancy. There's a difference between transparency and paralysis. We need to have transparency so we can do our constitutional job. But if we have paralysis, we impair the executive branch from doing its job.

We share the goal of this amendment, but we reject the means, and we would urge a ''no'' vote on the amendment.

Mr. AKIN. May I ask the Chair how much time is remaining?

The Acting CHAIR. The gentleman from Missouri (Mr. AKIN) has 1 minute remaining. The other gentleman from

Missouri (Mr. SKELTON) has 1½ minutes remaining.

Mr. AKIN. I very much appreciate the tremendous cooperation that so existed on the Armed Services Committee. I'm sensitive to your concerns about this being overly broad in its drafting. I hate redtape and paperwork and am very open-minded to work along these lines. I think our concerns are very much the same on this issue. And I look forward to working with you.

Unfortunately, in trying to get the thing drafted the way we wanted, we ran out of time today. So we're just going to go ahead and offer the amendment, but I look forward as we have time in the weeks ahead.

I yield back the balance of my time.

Mr. SKELTON. The bill that we sent to the Senate and subsequently sent to the President for his signature is supposed to mean exactly what it says. It's in English language, it's clear, and we expect the Department of Defense to follow it to the letter, and those we direct duties to, to fulfill those duties correctly. And to send them a message that cannot be fulfilled, sadly, that this amendment requires, is just wrong.

So, consequently, I oppose this and hope that it will not pass.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. AKIN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 2.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 10, 11, 23, 28, 30, 31, 32, 35, 36, 37, 38, 40, 41, 42, 47, 48, 49, 50, 53, 56, and 58 offered by Mr. SKELTON:

AMENDMENT NO. 10 OFFERED BY MR. KRATOVIL

The text of the amendment is as follows:

At the end of subtitle B of title XII of the bill, add the following new section:

SEC. 1230. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) The specific substance of any existing formal or informal agreement with NATO ISAF countries regarding the following:

''(i) Mutually agreed upon goals.

''(ii) Strategies to achieve such goals, including strategies identified in 'The Comprehensive Political Military Strategic Plan' agreed to by the Heads of State and Government from Allied and other troop-contributing nations.

''(iii) Resource and force requirements, including the requirements as determined by NATO military authorities in the agreed 'Combined Joint Statement of Requirements' (CJSOR).

''(iv) Commitments and pledges of support regarding troops and resource levels.'';

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

''(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of the specific substance of any existing formal or informal agreement with non-NATO ISAF troop-contributing countries regarding the following:

''(A) Mutually agreed upon goals.

''(B) Strategies to achieve such goals.

''(C) Resource and force requirements.

''(D) Commitments and pledges of support regarding troops and resource levels.''.

(b) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A)—

(A) by striking ''individual NATO ISAF countries'' and inserting ''each individual NATO ISAF country''; and

(B) by inserting ''estimated in the most recent NATO ISAF Troops Placemat'' after '', including levels of troops and equipment'';

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

''(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.''; and

(4) in subparagraph (I) (as redesignated)—

(A) by redesignating clause (ii) as clause (iii); and

(B) by inserting after clause (i) the following:

''(ii) The location, funding, staffing requirements, current staffing levels, and activities of each Provincial Reconstruction Team led by a nation other than the United States.''.

(c) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (J) (as redesignated) by striking ''subsection (c)(4)'' and inserting ''subsection (c)(5)''.

AMENDMENT NO. 11 OFFERED BY MR. KRATOVIL

The text of the amendment is as follows:

At the end of subtitle D of title XXVIII (page 597, after line 7), add the following new section:

SEC. 2846. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods

''(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense shall permit and encourage the Secretaries of the military departments, heads of Defense agencies, and the heads of other instrumentalities of the Department of Defense to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by—

''(1) an electric utility;

''(2) independent system operator;

''(3) State agency; or

''(4) third-party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

''(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations act. The Secretary concerned or head of the Defense Agency or other instrumentality shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

''(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts provided in advance in an appropriations Act derived from subsection (b) above, 100 percent shall be available to the military installation where the proceeds were derived, and at least 25 percent of that appropriated amount shall be designated for use in energy management initiatives by the military installation where the proceeds were derived.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods.''.

AMENDMENT NO. 23 OFFERED BY MR. CUMMINGS

The text of the amendment is as follows:

At the end of title V (page 180, after line 11), add the following new section:

SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

''(C) A commissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves who serves or has served in a leadership position with either a military department command or combatant command.

''(D) A retired general or flag officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.

''(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.''.

AMENDMENT NO. 28 OFFERED BY MR. DRIEHAUS

The text of the amendment is as follows:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.

The Comptroller General shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

AMENDMENT NO. 30 OFFERED BY MR. GRAYSON

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new secton:

SEC. 830. COMPTROLLER GENERAL REPORT ON DEFENSE CONTRACT COST OVERRUNS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on cost overruns in the performance of defense contracts.

(b) MATTERS COVERED.—The report under subsection (a) shall include, at a minimum, the following:

(1) A list of each contractor with a cost overrun during any of fiscal years 2006, 2007, 2008, or 2009, including identification of the contractor and the covered contract involved, the cost estimate of the covered contract, and the cost overrun for the covered contract.

(2) Findings and recommendations of the Comptroller General.

(3) Such other matters as the Comptroller General considers appropriate.

(c) COVERED CONTRACT.—In this section, the term ''covered contract'' means a contract that is awarded by the Department of Defense through the use of a solicitation for competitive proposals, in an amount greater than the simplified acquisition threshold, and that is a cost-reimbursement contract or a time-and-materials contract.

AMENDMENT NO. 31 OFFERED BY MR. HARE

The text of the amendment is as follows:

At the end of subtitle F of title III (page 115, after line 25) insert the following new section:

SEC. 356. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note) is amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (g)(1), by striking ''2010'' and inserting ''2011''.

AMENDMENT NO. 32 OFFERED BY MR. HODES

The text of the amendment is as follows:

At the end of title V (page 180, after line 11), add the following new section:

SEC. 594. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 122) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

''(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

''(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

''(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

''(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

''(B) the adjutant general of each state, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

''(3) OPERATION.—

''(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

''(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

''(ii) examining the influence of military culture on risk and protective factors for suicide; and

''(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

''(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

''(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

''(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

''(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

''(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

''(C) COLLABORATION WITH CENTERS OF EXCELLENCE.— The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.''.

AMENDMENT NO. 35 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The text of the amendment is as follows:

Page 249, after line 22, insert the following new paragraph:

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

AMENDMENT NO. 36 OFFERED BY MS. LEE OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle B of title XII (page 453, after line 21), insert the following new section:

SEC. ____. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act or otherwise made available by this or any other Act shall be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

AMENDMENT NO. 37 OFFERED BY MR. LIPINSKI

The text of the amendment is as follows:

At the end of subtitle F of title V (page 155, after line 4), add the following new section:

SEC. 563. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.

(a) FINDINGS.—Congress makes the following findings:

(1) On November 20, 1943, units of the United States Marine Corps, supported by units of the United States Army and warships and aircraft of the United States Navy, conducted an amphibious landing on the Island of Betio, Tarawa Atoll, in the Gilbert Islands in the Pacific Ocean.

(2) The United States military forces faced an entrenched force of 5,000 Japanese soldiers.

(3) The Tarawa landing was the first American amphibious assault on a fortified beachhead in World War II.

(4) Just 76 hours later, the American flag was raised at Tarawa.

(5) More than 1,100 Marines and other members of the Armed Forces were killed during the battle.

(6) Most of the Marines, soldiers, and sailors who were killed during the battle were buried in hastily dug graves and cemeteries on Tarawa.

(7) Between 1943 and 1946, the remains of some of the Marines and other members of the Armed Forces were disinterred and reinterred in temporary graves by the Navy.

(8) After World War II, the remains of some of these Marines and other members of the Armed Forces were recovered and returned to the United States for burial.

(9) Due to mistakes in reinterment, poor records, as well as other causes, the remains of 564 Marines and other members of the Armed Forces killed in the battle of Tarawa are in unmarked, unknown graves.

(10) Since 1980, the Department of Defense has recovered remains from some unmarked graves that have been found through construction or other activity on Tarawa.

(11) The remains of members of the Armed Forces on Tarawa continue to be threatened by construction or other land disturbing activity.

(12) Recent research has shed new light on the locations of unmarked and lost graves of members of the Armed Forces on Tarawa.

(13) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed at Tarawa who lie in unmarked and lost graves.

(b) SENSE OF CONGRESS.—In light of these findings, Congress—

(1) reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars;

(2) recognizes the courage and sacrifice of the members of the Armed Forces who fought on Tarawa;

(3) acknowledges the dedicated research and efforts by persons to identify, locate,

and advocate for the recovery of remains from Tarawa; and

(4) encourages the Department of Defense to review this research and, as appropriate, pursue new efforts to conduct field studies, new research, and undertake all feasible efforts to recover, identify, and return remains of members of the Armed Forces from Tarawa.

AMENDMENT NO. 38 OFFERED BY MRS. MALONEY

The text of the amendment is as follows:

At the end of subtitle I of title V (page 180, after line 11), insert the following new section:

SEC. 594. REPORT ON PROGRESS IN COMPLETING DEFENSE INCIDENT-BASED REPORTING SYSTEM.

Not later than 120 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Defense shall submit to Congress a report detailing the progress of the Secretary with respect to the Defense Incident-Based Reporting System.

AMENDMENT NO. 40 OFFERED BY MR. MINNICK

The text of the amendment is as follows:

At the end of subtitle B of title VII (page 252, line 18), add the following new section:

SEC. 716. REPORT ON RURAL ACCESS TO HEALTH CARE.

The Secretary of Defense shall submit to the congressional defense committees a report on the health care of rural members of the Armed Forces and individuals who receive health care under chapter 55 of title 10, United States. The report shall include recommendations of resources or legislation the Secretary determines necessary to improve access to health care for such individuals.

AMENDMENT NO. 41 OFFERED BY MR. SARBANES

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. PROCUREMENT PROFESSIONALISM ADVISORY PANEL.

(a) GAO-CONVENED PANEL.—The Comptroller General shall convene a panel of experts, to be known as the Procurement Professionalism Advisory Panel, to study the ethics, competence, and effectiveness of acquisition personnel and the governmentwide procurement process, including the following:

(1) The role played by the Federal acquisition workforce at each stage of the procurement process, with a focus on the following:

(A) Personnel shortages.

(B) Expertise shortages.

(C) The relationship between career acquisition personnel and political appointees.

(D) The relationship between acquisition personnel and contractors.

(2) The legislation, regulation, official policy, and informal customs that govern procurement personnel.

(3) Training and retention tools used to hire, retain, and professionally develop acquisition personnel, including the following:

(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(b) ADMINISTRATION OF PANEL.—The Comptroller General shall be the chairman of the panel.

(c) COMPOSITION OF PANEL.—

(1) MEMBERSHIP.—The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) FAIR REPRESENTATION.—For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be counted as persons serving on the panel under subparagraph (A) or (B) of that paragraph.

(d) PARTICIPATION BY OTHER INTERESTED PARTIES.—The Comptroller General shall ensure that the opportunity to submit information and views on the ethics, competence, and effectiveness of acquisition personnel to the panel for the purposes of the study is accorded to all interested parties, including officers and employees of the United States not serving on the panel and entities in private industry and representatives of Federal labor organizations not represented on the panel.

(e) INFORMATION FROM AGENCIES.—The panel may secure directly from any department or agency of the United States any information that the panel considers necessary to carry out a meaningful study of administration of the rules described in subsection (a). Upon the request of the Chairman of the panel, the head of such department or agency shall furnish the requested information to the panel.

(f) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study to—

(A) the Committee on Oversight and Government Reform of the House of Representatives;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Homeland Security and Government Affairs of the Senate; and

(D) the Committee on Armed Services of the Senate.

(2) AVAILABILITY.—The Comptroller General shall publish the report in the Federal Register and on a publically accessible website (acquisition.gov).

(g) DEFINITION.—In this section, the term ''Federal labor organization'' has the meaning given the term ''labor organization'' in section 7103(a)(4) of title 5, United States Code.

AMENDMENT NO. 42 OFFERED BY MS. SCHAKOWSKY

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new section:

SEC. 830. ACCESS BY CONGRESS TO DATABASE OF INFORMATION REGARDING THE INTEGRITY AND PERFORMANCE OF CERTAIN PERSONS AWARDED FEDERAL CONTRACTS AND GRANTS.

Section 872(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455) is amended by striking ''the Chairman and Ranking Member of the committees of Congress having jurisdiction'' and inserting ''any Member of Congress''.

AMENDMENT NO. 47 OFFERED BY MR. SOUDER

The text of the amendment is as follows:

Page 24, line 10, strike ''or otherwise made available''.

AMENDMENT NO. 48 OFFERED BY MR. SPACE

The text of the amendment is as follows:

At the end of subtitle C of title V (page 134, after line 24), add the following new section:

SEC. 524. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note), as amended by section 523, is further amended by adding at the end the following new subsection:

''(c) SECURE METHOD OF ELECTRONIC DELIVERY.—

''(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

''(2) AUTHORITY TO CEASE DELIVERY.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.''.

AMENDMENT NO. 49 OFFERED BY MR. THOMPSON OF CALIFORNIA

The text of the amendment is as follows:

At the end of subtitle E of title XXVIII (page 611, after line 21), add the following new section:

SEC. 2858. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the parcels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the

conveyance. If amounts are collected from the city in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 50 OFFERED BY MR. TAYLOR

The text of the amendment is as follows:

At the end of subtitle C of title I (page 37, after line 17), add the following new section:

SEC. 126. CONVERSION OF CERTAIN VESSELS; LEASING RATES.

(a) USE OF FUNDS FOR CONVERSION.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2010 for weapons procurement, Navy, for Mk–46 torpedo modifications, the Secretary of the Navy may obligate not more than $35,000,000 for lease and conversion of any covered vessel that, as a result of default on a loan guaranteed for the vessels under chapter 537 of title 46, United States Code, has become the property of the United States, such that the Maritime Administrator has rights to dispose of the financial interest of the United States in the covered vessels.

(b) DETERMINATION OF LEASING RATES.—The Maritime Administrator shall coordinate with the Secretary of the Navy to determine leasing rates that meet the obligation of the United States with respect to any loan guarantee for the vessels.

(c) MODIFICATION TO A COVERED VESSEL.—The Secretary of the Navy may make necessary modifications to a covered vessel for military utility as the Secretary considers appropriate.

(d) COVERED VESSEL DEFINED.—In this section the term ''covered vessel'' means each of—

(1) the vessel Huakai (United States official number 1215902); and

(2) the vessel Alakai (United States official number 1182234).

AMENDMENT NO. 53 OFFERED BY MR. VAN HOLLEN

The text of the amendment is as follows:

At the end of title XXVII (page 544, after line 10), add the following new section:

SEC. 2723. SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER, BETHESDA, MARYLAND, IN RESPONSE TO INSTALLATION EXPANSION.

Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, Bethesda, Maryland, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.

AMENDMENT NO. 56 OFFERED BY MR. WHITFIELD

The text of the amendment is as follows:

Page 245, after line 23, add the following new subparagraph (C) (and redesignate existing subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively):

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals

AMENDMENT NO. 58 OFFERED BY MR. WILSON OF SOUTH CAROLINA

The text of the amendment is as follows:

At the end of title IX, add the following new section:

SEC. 9___. RECOGNITION OF AND SUPPORT FOR STATE DEFENSE FORCES.

(a) RECOGNITION AND SUPPORT.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (c) the following new subsections:

''(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the homeland security effort of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used for homeland security purposes exclusively at the local level and in accordance with State law.

''(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—(1) The Secretary of Defense may coordinate homeland security efforts with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or by a force established under subsection (c) and subject to the provisions of this section.

''(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

''(A) impede the ability of the Department of Defense to execute missions of the Department;

''(B) take resources away from warfighting units;

''(C) incur nonreimbursed identifiable costs; or

''(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

''(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty.

''(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

''(A) excess to the needs of the Department of Defense; and

''(B) suitable for use by a force established under subsection (c).

''(2) The Secretary of Defense may transfer personal property under this section only if—

''(A) the property is drawn from existing stocks of the Department of Defense;

''(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

''(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

''(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

''(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (c).

''(h) FEDERAL/STATE TRAINING COORDINATION.—(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.

''(2) Nothing in this section may be construed as requiring the Department of Defense to provide any training program to any such force.

''(3) Any such training program shall be conducted in accordance with an agreement between the Secretary of Defense and the State or the force established under subsection (c) if so authorized by State law.

''(4) Any direct costs to the Department of Defense of providing training assistance to a force established under subsection (c) shall be reimbursed by the State. Any agreement under paragraph (3) between the Department of Defense and a State or a force established under subsection (c) for such training assistance shall provide for payment of such costs.

''(i) FEDERAL FUNDING OF STATE DEFENSE FORCES.—Funds available to the Department of Defense may not be made available to a State defense force.

''(j) LIABILITY.—Any liability for injuries or damages incurred by a member of a force established under subsection (c) while engaged in training activities or State active duty shall be the sole responsibility of the State, regardless of whether the injury or damage was incurred on United States property or involved United States equipment or whether the member was under direct supervision of United States personnel at the time of the incident.''.

(b) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(n) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended in subsections (a), (b), and (c) by striking ''a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands'' each place it appears and inserting ''a State''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''PROHIBITION ON MAINTENANCE OF OTHER TROOPS.—'' after ''(a)'';

(2) in subsection (b), by inserting ''USE WITHIN STATE BORDERS.—'' after ''(b)'';

(3) in subsection (c), by inserting ''STATE DEFENSE FORCES AUTHORIZED.—'' after ''(c)'';

(4) in subsection (k), as redesignated by subsection (a)(1), by inserting ''EFFECT OF MEMBERSHIP IN DEFENSE FORCES.—'' after ''(k)''; and

(5) in subsection (l), as redesignated by subsection (a)(1), by inserting ''PROHIBITION ON RESERVE COMPONENT MEMBERS JOINING DEFENSE FORCES.—'' after ''(l)''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 109. Maintenance of other troops: State defense forces".

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

''109. Maintenance of other troops: State defense forces.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and minority.

I yield 2 minutes to my friend, who is on the Armed Services Committee, the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Mr. Chairman, I rise in support of the en bloc amendment to H.R. 2647. Two specific amendments that I offered are included in this package. I encourage my colleagues on both sides of the aisle to support these efforts.

The first modifies the congressionally mandated Report on Progress Toward Security and Stability in Afghanistan. The amendment requires a comprehensive assessment that improves our understanding of the role being played by our coalition partners in Afghanistan.

My amendment requires that the report include any specifics on existing agreements with NATO countries as well as non-NATO troop contributing nations regarding the following: mutually agreed upon goals, strategies to achieve those goals, resource and force requirements, and commitments of support regarding troop and resource levels.

It also requires a listing of the unfulfilled commitments of coalition partners, as well as the location and staffing requirements of each provincial reconstruction team led by a nation other than the United States.

The second amendment I offered allows defense facilities to receive financial incentives for implementing energy management policies. Current law permits installations to receive financial incentives for implementing energy management measures only from an electric utility, not from a third-party energy management provider.

Andrews Air Force Base, as an example, was poised to accept $300,000 in financial incentives for reducing their usage, but was advised that they had no authority to accept the incentive from an entity other than a utility.

My amendment would give defense facilities the authority to accept these financial incentives from third-party energy management providers.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume. While I will not oppose the amendment offered by the gentleman from Mississippi contained in this bloc, I claim the time in opposition to express a concern I have about the amendment as drafted.

Mr. TAYLOR's amendment would authorize the Navy to use $35 million from procurement of lightweight torpedoes, known as Mark-46, to convert two commercial ferries for military uses as intratheater lift platforms. These two commercial vessels were built through a Maritime Administration title 11 loan guarantee, which may soon be in default.

A separate amendment in the base bill directs the Maritime Administration to consult with the Navy before disposing of these vessels should the Maritime Administration receive title to them through default on the loan.

The Navy has stated that they may have an interest in the vessels, but would likely have to make significant improvements to them to render the vessels appropriate for military use. This will require some study and planning on the part of the Navy.

Should the Navy determine that these vessels have military utility, I would not object to the Navy leasing and converting these commercial ferries. But I do ask the chairman and the gentleman from Mississippi to work with me in conference with the other body to find an alternate offset for this effort.

Although the GAO has indicated that there may be nearly $50 million in excess funds for the lightweight torpedo program, the Navy is currently in negotiations with the supplier to procure at least 38 more torpedo upgrade kits with $23 million of this money.

In addition, the Navy is moving to a full and open competition for these upgrade kits starting in fiscal year 2010. A $35 million reduction is more than a third of the fiscal year 2010 request and would substantially limit the Navy's ability to complete this program and continue to buy more upgrade kits.

The Navy is using the pressure of this future competition to get the best price possible on these additional upgrade kits this year. These upgrade kits are necessary to improve the capability of these torpedoes against quiet, diesel electric submarines.

Therefore, I will support the amendment, but hope we can work together to find a more suitable offset in the conference.

I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I'm pleased to yield 1 minute to our friend and colleague, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I'm grateful to Chairman SKELTON for including one of my amendments in en bloc amendment 2 and another in en bloc amendment 3. Both address oversight and transparency of defense contracting. The first will allow Members of Congress to access the contractor performance database created under the FY 2009 National Defense Authorization Act. The database collects information about civil, criminal, and administrative proceedings that result in a conviction or a finding of fault against companies holding U.S. government contracts.

Currently, access to the database is limited to the chairman and ranking members of certain committees, and limits the ability of Congress to determine the performance of contractors.

The second requires annual reporting on individuals responsible for overseeing contracts, including reports of how many dollars each contracting officer is responsible for and a report on how many contracting officers are themselves contract employees.

In 2008, the GAO found that 42 percent of Army contract specialists are themselves contractors. The amendment would ensure that we have access to information illustrating changes in the contract oversight workforce that will help us in improving defense contributing.

Mr. AKIN. I rise now to yield 2 minutes to the distinguished gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. I rise to support the en bloc amendments. All of us know all too well that many young men and women returning from Iraq and Afghanistan have suffered serious physical and emotional injuries, including post-traumatic stress syndrome.

Camp Lejeune, Camp Pendleton, Fort Campbell, Kentucky, and Walter Reed have rehabilitative programs that include the therapeutic use of animals to treat these wounded warriors, and preliminary results show that these programs are particularly effective.

In the en bloc amendment I have an amendment that simply directs the Department of Defense, working with HHS and the Veterans' Administration, to conduct a study to determine whether the therapeutic use of animals to treat these wounded warriors should be expanded to other facilities and military installations around the country.

I urge support of the en bloc amendment and this amendment.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to our friend and colleague, the chairman of the Transportation and Infrastructure Subcommittee on the Coast Guard and Maritime Transportation, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding, and I rise in strong support of a great bill, the fiscal year 2010 National Defense Authorization Act. Additionally, Mr. Chairman, I'm proud that the language I offered to ensure that the National Guard and Reserve components are represented in the overall composition and scope of the Military Leadership Diversity Commission has been included in the en bloc.

By including the National Guard and Reserves, we ensure that the DOD does not present Congress with incomplete recommendations regarding the representation of gender- and ethnic-specific groups within the armed services.

My passion is to ensure that our armed services are representative of America and that the leadership pipeline reflects our Nation's diversity. And this amendment simply ensures that when the study and composition of this Commission is formulated, that the National Guard and Reserve components are included.

No component should be left behind in the DOD's shift to increase diversity in the Armed Forces. We can and we must do better for the sake of future gender- and ethnic-specific groups that will join the ranks to ensure minority representation, leadership and promote equality.

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Mr. MCKEON. I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, at this time I would yield 1 minute to our friend and colleague, the outstanding new Member from Florida (Mr. GRAYSON).

Mr. GRAYSON. I want to thank the chairman of the committee for allowing these amendments to go forward. This is a great bill; and in particular, I am happy to say that we have a good amendment in here that will finally get ahold of the subject of cost overruns.

I worked in defense procurement for 20 years. I worked fighting war profiteers in Iraq for 5 years before I came here; and one of the dirty dark secrets of defense contracting is the fact that contractors buy in. That's a term that is used by contractors to explain the situation where they compete for a time and materials contract or they compete for a cost reimbursement contract. They propose a certain cost or price, knowing full well they cannot meet that price. They get the contract, and they overcharge the government. It's a cost overrun. It happens every day of the week, and we need to get a fix on it so we can end it.

The first amendment that I have offered on this bill, which is the subject of my current statement, is to have the GAO identify cost overruns on a systematic basis and report to Congress in 90 days. I'm hopeful that that will give us a good fix on the scope of this problem and explain to us what we can possibly do to end this terrible tragedy which ends up cheating the taxpayer and cheating the troops.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to our friend and colleague from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. I want to thank Chairman SKELTON for accepting my amendment.

My amendment encourages DOD to act to recover the remains of 564 brave men who died in the Battle of Tarawa but are still unaccounted for. In 1943, 1,100 servicemen were lost in 76 hours as this island was taken from the Japanese. The violence and speed of the battle resulted in makeshift graves that are now missing. Acting now to find and relocate the bodies is particularly important because development on the small island threatens the search. Most importantly, retired Marine William Niven has recently documented the likely locations of many of the unaccounted-for remains. History Flight has also used ground-penetrating radar to find remains. But unfortunately DOD has no plans to conduct new research. I would like to commend Chicago Alderman James Balcer, a decorated Vietnam Marine, for his leadership on this issue.

I would like to insert into the RECORD a resolution passed in the Chicago City Council, urging action on the recovery of our brave servicemen on Tarawa.

Whereas, On November 20, 1943, the 2nd Division of the United States Marine Corps and a part of the Army's 27th Infantry Division fought in one of the bloodiest battles of World War II on the Pacific atoll of Tarawa; and

Whereas, The American invasion force, consisting of 17 aircraft carriers, 12 battleships, 8 heavy and 4 light cruisers, 66 destroyers, and 36 transports, the largest American force that had ever been assembled for a single operation in the war, stormed the Japanese-held island fortress of Betio on the atoll; and

Whereas, During the 76 hours of fierce combat, 1,106 United States Marines were killed in action and over 2,200 were wounded in an operation that decimated over 4,500 Japanese defenders; and

Whereas, The 2nd Marine Division buried their dead in 43 temporary graveyards, recorded their location and departed Tarawa the following month; and

Whereas, Military records indicate that the surface of the island of Betio was subsequently graded by the United States Navy during the war, and temporary grave markers were replaced with proper ones; and

Whereas, However, when the United States Army went to Tarawa after the end of the war to reclaim the bodies, it recovered only 402 bodies, apparently because many of the replacement markers were incorrectly located; and

Whereas, In addition to the 402 reclaimed bodies, 118 of those Marines killed in action at Tarawa were buried at sea and 88 were listed as missing in action during the war, leaving the bodies of nearly 500 Marines killed in action unaccounted for; and

Whereas, Recently a not-for-profit organization called History Flight began an endeavor to determine the location of the missing remains of the Marines, spending thousands of hours researching military archives, and visiting Betio to conduct interviews and to employ a firm to conduct tests with ground-penetrating radar; and

Whereas, The research produced results that found the remains of some missing Marines on Betio and found strong evidence that, although some of the bodies have been accidently disinterred since World war II, more bodies of the Marines who died on Betio can be recovered if the United States Government dedicates resources to this recovery effort; now, therefore, be it

Resolved, That we, the Mayor and Members of the City Council of the City of Chicago, assembled this twenty-second day of April, 2009, do hereby urge the United States Congress to pass legislation appropriating necessary funds to the United States Department of Defense so that it may recover the missing bodies of the Marines who were killed in the battle of Tarawa and who remain buried on the island of Betio, and to relocate the bodies in accordance with the wishes of the Marines' families; and we do hereby urge the President of the United States to approve such legislation when it is passed by the Congress; and be it

Further Resolved, That copies of this resolution be delivered to the President of the United States, the United States Secretary of Defense, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Illinois congressional delegation.

JAMES A. BALCER,
Alderman, 11th Ward.

The Acting CHAIR. The gentleman from California has 7 minutes remaining, and the gentleman from New Jersey has 4½ minutes remaining.

Mr. MCKEON. I have no further speakers, so I will continue to reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, it is my pleasure at this time to yield 1 minute to the gentlelady who is the Chair of the Water Resources Subcommittee, the gentlewoman from Texas (Ms. JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the leadership of the committee for this fine bill.

My amendment requires the Department of Defense to report on the need for and availability of mental health care services for servicemembers and their families that are stationed overseas. Many face depression and post-traumatic stress syndrome and are suicidal risks while trying to recover and readjust their lives. We've had more of this because we've had so many military members have to go back to the same war more than one time, and only a small percentage of them have been able to get any support.

I thank our chairman for accepting this amendment.

Mr. Chairman, I rise in favor of my amendment to H.R. 2647, the "National Defense Authorization Act for Fiscal Year 2010." Thanks to the chairman of the committee IKE SKELTON and ranking member MCKEON.

My amendment requires the Department of Defense to report on the need for and availability of mental health care services for service members and their families stationed outside of the United States.

Upon leaving the battlefield, soldiers' physical wounds are only half of their problems.

Mr. Chair, before being elected to public service, I was employed as the Chief Psychiatric Nurse at the VA Hospital in Dallas, Texas.

I have 15 years of hands-on experience with patient care, specialized in mental health.

My experience has taught me that mental health patients need to be treated with mercy, communication, information, and understanding.

My amendment today simply requests that the Defense Department report back to Congress on whether our health care workers abroad are adequately trained in detecting and treating mental illness and if we have the adequate resources and centers to treat these patients.

While fighting two wars, we have more veterans than ever before returning home.

Many face depression, PTSD, and suicidal risk while trying to recover and readjust to their lives at home.

So far, only a small percentage of servicemembers who may have been inflicted with PTSD or depression have been given the proper and necessary care.

Patients do not receive immediate evaluations or treatment.

They have to wait far too long to be given a sufficient amount of care.

It is, therefore, vital for the Department of Defense to assess the availability and quality of care of mental health centers abroad.

By gaining a proper understanding of the situation, we will be able to make the changes needed to aid our servicemembers through their recovery process.

This is why we must work towards fully understanding mental illnesses and continue to improve upon the care and treatment of mental health patients.

I urge my colleagues to support this amendment.

Mr. SKELTON. At this time I yield 1 minute to my friend, the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I want to thank Chairman SKELTON for yielding. I want to salute him for his work on this bill and for including an amendment that we crafted that would promote efficiency and effectiveness within the Federal acquisition process. This amendment would create a procurement professionalism advisory panel.

My interest in this comes from two perspectives. One was serving on the Oversight and Government Reform Committee last session and seeing many instances of fraud and abuse that we can do something about, and also working with contractors in my district who want to make sure that their partner on the other side of the table, the Federal Government, is strong and has good procurement.

This advisory panel will focus on whether the government's procurement personnel have adequate resources, are adhering to high ethical standards, are receiving high-quality professional development and otherwise are being the best they can be, which will ensure efficiency and effectiveness in the procurement process.

Mr. SKELTON. I yield 1 minute to my colleague, the gentleman from New York (Mr. WEINER).

(Mr. WEINER asked and was given permission to revise and extend his remarks.)

Mr. WEINER. First of all, let me express my great gratitude to the chairman and ranking member for including language that I had suggested and also into improving general transparency in the bill.

The language that I inserted, that hopefully will be a part of the manager's amendment when passed, will ask the GAO the fundamental question, not only how much do the wars in Afghanistan and Iraq cost to our Federal taxpayers, but how much do they cost localities like mine where literally hundreds of thousands of hours have been lost by patriotic New Yorkers, particularly in homeland security jobs like police, fire and EMS, going off to fight on the frontlines, and yet the city taxpayers still wind up paying for it. Hundreds of thousands of hours have been lost.

Now obviously the primary cost of the war is the lost lives and the injured men and women who serve for us, and we should always keep them in our thoughts and our prayers. But there also is a growing cost to localities, particularly ones with profound numbers of employees, like New York City has. How much is this costing? The GAO is going to have to come back to tell all of us in our localities how many of the Reservists have gone off but yet the local taxpayers still are winding up picking up those costs. These are important things to know. I want to thank the chairman for including it. I urge a ''yes'' vote on the manager's amendment so it can be included in the law.

The Acting CHAIR. The gentleman from California has 7 minutes remaining, and the gentleman from Missouri has 1½ minutes remaining.

Mr. MCKEON. I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, this is an excellent series of amendments that we have placed en bloc, and I want to express my appreciation not only to the staff but to the minority, to the ranking member on the work that they have done, agreeing to these amendments and making this effort today move forward very, very smoothly.

Mr. WILSON of South Carolina. Mr. Chair, there is a real and current threat to the United States and our allies around the world from countries, such as Iran and North Korea, who are developing with the intention to employ missiles which have devastating potential. With the provocative rhetoric and increasing missile tests by North Korea on an almost daily basis, this is not the time to cut funding for missile defense. I would like to commend Congressman MIKE TURNER of Ohio and Congressman TRENT FRANKS of Arizona for their tireless work on the Armed Services Committee in advocating for the defense of our nation through a strong missile defense.

However, Mr. Chair, I have to stand in opposition to the Franks Amendment that would increase funding for the Missile Defense Agency by $1.2 billion with offsets found in the Environmental Management fund. I cannot stress enough that I encourage Congress and the Administration to increase funding for missile defense; however, the mechanism proposed by this amendment is ill-advised.

The Environmental Management program within the Department of Energy is responsible for cleaning up the waste of our nation's nuclear weapons production sites. Specifically, in the State of South Carolina, the Savannah River Site is a key Department of Energy industrial complex dedicated to the National Nuclear Security Administration program that supports the Department of Energy national security and non-proliferation programs. The Environmental Management program addresses the reduction of risks at the Savannah River Site through safe stabilization, treatment, and disposition of legacy nuclear materials, spent nuclear fuel, and waste. The Savannah River Site remains an important asset to this country as it was during the Cold War.

Every member of this body is aware that the Franks amendment has nothing to do with reducing nuclear waste cleanup funding and that it has everything to do with setting spending priorities within the federal government. Unfortunately, when it comes to the Democrat majority and the Administration, a policy of fiscal restraint has been imposed on the Department of Defense, while the rest of the federal government enjoys a policy of fiscal largesse.

Mr. TOWNS. Mr. Chair, I rise to note my concerns about the Grayson amendment to H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. As Chair of the Committee on Oversight and Government Reform with jurisdiction over procurement issues, I share Mr. GRAYSON's desire to ensure that our procurement process uses taxpayer dollars most efficiently and obtains the lowest possible prices. However, I am concerned that the Grayson amendment could conflict with the Administration's acquisition reform policies, would remove the ability of acquisition professionals to determine the ''Best Value'' for the taxpayers' dollars, and would significantly overburden the heads of agencies.

President Obama made it clear in his Memorandum of March 4, 2009, Government Contracting, Memorandum for the Heads of Executive Departments and Agencies, that acquisition professionals should be entrusted to determine the ''best value'' for taxpayer dollars in each procurement: ''The Federal Government has an overriding obligation to American taxpayers. It should perform its functions efficiently and effectively while ensuring that its actions result in the best value for the taxpayers.'' The Administration has made it clear that acquisition professionals ''must have the flexibility to tailor contracts to carry out their missions and achieve the policy goals of the Government.'' The Grayson amendment would unnecessarily restrict ''Best Value'' analysis.

The Federal Acquisition Regulation (''FAR'') defines ''Best Value'' as ''the expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.'' Instead of pre-determining the most important factors for consideration in an acquisition, our current system places that judgment in the hands of the acquisition professionals. These professionals tailor the evaluation factors for each individual acquisition to the particular needs of that acquisition. This process results in the ''Best Value'' for each taxpayer dollar. The FAR requires that price must always be considered in every source selection. But importantly, its importance must be considered in comparison to other criteria, including past performance, compliance with solicitation requirements, technical excellence, management capability, personnel qualifications, and prior experience. Additionally, all the factors and significant subfactors that will affect contract award and their relative importance must be stated clearly in the solicitation.

I believe that the goal of Mr. GRAYSON's amendment is to prevent situations where price receives minimal consideration in the acquisition process. I share this concern, and the Committee has received information that price has been routinely ignored as a major evaluation factor. Reforms are needed to ensure that price is treated as a critical criterion that is not given short shrift in the best value analysis.

However, the Grayson amendment would set a rigid numerical formula for consideration of price, which may not be appropriate in all circumstances. By requiring price to be "at least equal to all other factors combined," this amendment would return our procurement process to the lowest price technically acceptable or sealed bid methods of the past, which failed to achieve the maximum yield for each tax dollar spent. Furthermore, this amendment would require the head of every agency who finds other factors more important than price (such as time of delivery, etc.) to issue a waiver. This process would be an overwhelming and unnecessary distraction for agency heads.

Mr. Chair, my concern about this amendment is about getting the best value for each tax dollar spent. I would like to continue to work together with Mr. GRAYSON to address his very legitimate concerns about the importance of price as an evaluation factor in the procurement process. However for the reasons discussed above, I cannot support this amendment in its present form.

Mr. HARE. Mr. Chair, I rise in strong support of the en bloc amendment #2 which includes an amendment I offered with my colleagues Congressmen BRALEY, TONKO and SCOTT MURPHY.

Mr. Chair, my district is home to the Rock Island Arsenal, the largest government-owned weapons manufacturing arsenal in the western world.

The Arsenal Support Program Initiative, commonly known as ASPI, has made a critical impact on the economic development of the Rock Island Arsenal and surrounding communities by bringing in new business and creating over 500 jobs.

Mr. Chair, ASPI was designed to help maintain the viability of our nation's arsenals by encouraging businesses to utilize and invest in the industrial base. It is also important to note that the Army supports ASPI because the program yields substantial cost savings for the government and contributes to the increased use of the industrial base by promoting public-private partnerships.

Mr. Chair, the underlying bill authorizes funding to continue the success of ASPI, but does not reauthorize the program, which is set to expire this year. My amendment simply seeks to extend the program authority through FY2011.

I want to thank Chairman SKELTON and Ranking Member MCKEON for agreeing to include my amendment in the en bloc package and urge my colleagues to support it.

Mr. SKELTON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

Mr. SKELTON. Mr. Chairman, pursuant to section 4 of House Resolution 572, I request that following consideration of amendments en bloc No. 4 that amendment No. 20 be considered.

The Acting CHAIR. Notice has been given.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Parliamentary inquiry.

The Acting CHAIR. The gentleman will state his parliamentary inquiry.

Mr. SKELTON. What was the ruling on the previous recommendation?

The Acting CHAIR. Notice was given to take amendment No. 20 at a different place in the order.

Mr. SKELTON. I thank the Chair.

AMENDMENT NO. 24 OFFERED BY MR. CUMMINGS

The Acting CHAIR. It is now in order to consider amendment No. 24 printed in House Report 111–182.

Mr. CUMMINGS. I have an amendment at the desk that was made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. CUMMINGS:

After section 3505 insert the following new section (and redesignate accordingly):

SEC. 3506. DEFENSE OF VESSELS AND CARGOS AGAINST PIRACY.

(a) FINDINGS.—Congress finds the following:

(1) Protecting cargoes owned by the United States Government and transported on United States-flag vessels through an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy is in our national interest.

(2) Protecting United States-citizen mariners employed on United States-flag vessels transiting an area designated by the Coast Guard or the International Maritime Bureau of the international Chamber of Commerce as an area of high risk of piracy is in our national interest.

(3) Weapons and supplies that may be used to support military operations should not fall into the hands of pirates.

(b) EMBARKATION OF MILITARY PERSONNEL.—The Secretary of Defense shall embark military personnel on board a United States-flag vessel carrying Government-impelled cargoes if the vessel is—

(1) operating in an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy; and

(2) determined by the Coast Guard to be at risk of being boarded by pirates.

(c) LIMITATION ON APPLICATION.—This section shall not apply with respect to an area referred to in subsection (b)(1) on the earlier of—

(1) September 30, 2011; or

(2) the date on which the Secretary of Defense notifies the Congress that the Secretary believes that there is not a credible threat to United States-flag vessels carrying Government-impelled cargoes operating in such area.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Thank you, Mr. Chairman. I also extend my deep thanks to Chairman SKELTON for working so closely with me on this amendment, and I applaud his leadership of the House Armed Services Committee.

As chairman of the Subcommittee on Coast Guard and Maritime Transportation, I have convened two hearings to examine maritime piracy, including one in May after two U.S.-flagged vessels, the Maersk Alabama and the Liberty Sun, both of which were carrying U.S. food aid, were attacked by Somali pirates. The attack against the Maersk Alabama left American Captain Richard Phillips hostage to the pirates. He was freed only through the decisive intervention of U.S. military forces.

Incidents of piracy in the Horn of Africa region are increasing. According to the International Maritime Bureau, in 2008 there were 111 actual and attempted Somali pirate attacks, resulting in the hijackings of 42 vessels. By mid May of this year, there had already been 114 actual and attempted Somali pirate attacks, resulting in 29 successful hijackings. Nonetheless, despite the obvious threat to United States mariners, the Department of Defense has been inexplicably reluctant to directly secure U.S.-flagged vessels transiting the Horn of Africa region, even when they are carrying government-owned cargoes.

While I have no doubt that our military would respond immediately if another U.S.-flagged vessel was attacked, the timeliness of their response could be hindered if Navy assets are far from the scene. Further, it is truly preferable to prevent an incident from occurring rather than to respond to a hostage situation. However, the DOD has repeatedly argued, including in the testimony before my subcommittee, that the area in which Somali pirates operate is so vast the Navy simply cannot prevent every attack by conducting patrols and, therefore, essentially merchant vessels should protect themselves. This perspective assumes that the only way the military can protect merchant shipping from pirates is to stage vessels across the entire million-square-mile theater of operations. Frankly, there are other ways to protect our merchant fleet.

The United States Maritime Administration estimates that approximately 54 U.S.-flagged vessels transit the Horn of Africa region during the course of a year. Of these, about 40 will carry U.S. Government food aid cargoes, and 44 have the ability to carry U.S. military cargoes. Only a handful of these vessels, fewer than 10 in a 3-month period, are estimated to be at serious risk of attack by pirates due to their operating characteristics.

Given these figures, my amendment would require the Department of Defense to embark military security personnel on U.S.-flagged vessels carrying United States Government cargoes when they transit pirate-infested waters if they are deemed to be at risk of being boarded by pirates.

Mr. Chairman, U.S. maritime labor unions collectively testified before my subcommittee in support of the immediate provision to U.S.-flagged vessels by the government of "the force protection necessary to prevent any further acts of piracy against them." In keeping with that position, the Transportation Trades Department of The

AFL–CIO; the Masters, Mates and Pilots Union; the Marine Engineers' Beneficial Association and others support this legislation. The maritime unions also wrote in their testimony, ''When a vessel flies the United States flag, it becomes an extension of the United States itself, regardless of where in the world the vessel is operating.''

With that, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, while I will not oppose the amendment offered by the gentleman from Maryland, I claim the time in opposition to express some reservations I have about the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Maryland's amendment would require the Secretary of Defense to place military personnel on U.S.-flagged vessels operating in high-risk piracy areas of the world's oceans. The gentleman's intention is good. All Americans are outraged about the recent outbreak of piracy and desire a comprehensive solution. But we also must recognize that commercial shipping lines bear responsibility to secure their cargoes and should not be given free protection by U.S. military personnel everywhere in the world. The solution to piracy cannot simply be a military one. Additionally, the sad fact is that the bulk of U.S. cargo and U.S. citizens travel on ships that are not U.S.-flagged vessels and would not be protected by this amendment.

□ 1300

Further, the Navy and Marine Corps do not have a sufficient number of Embarked Security Teams, known as ESTs, which receive specialized training, to protect even the relatively small number of U.S. flagged vessels. Based on operational tempo and dwell times, set by the Chief of Naval Operations, it's clear that expanding the deployment of ESTs would negatively impact other existing operational commitments. For this reason and others, the Navy does not support placing ESTs on U.S. flagged vessels for protection from pirates nor does the commander of Fifth Fleet, Vice Admiral Gortney.

The Navy has also pointed out that embarking U.S. servicemembers on nonsovereign immune vessels presents legal issues, including possible criminal and civil liability for the servicemembers.

Therefore, while I will not oppose this amendment because the underlying purpose is good, I would ask the chairman and the gentleman from Maryland to work with me in conference with the other body to develop a lasting solution that protects United States' interests and does not place an undue burden on the Navy.

Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, just before I yield to our chairman, I want to just say to the gentleman we are talking about only providing security to U.S. flagged vessels carrying United States Government cargoes operated by United States citizens. Surely we can provide that.

With that, Mr. Chairman, I yield to the chairman of the Armed Services Committee (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment. There may be a requirement to redraft part of it at a future date, but I think the purpose and the intent are correct.

Piracy is here. It's an age-old problem. From the Marines' hymn the phrase ''to the shores of Tripoli,'' that was a successful antipiracy effort on behalf of the United States Marines.

We have to do our very best to protect America, American vessels, Americans that are sailing the ships, and particularly the government cargo that's on them. So I applaud Mr. CUMMINGS for making this substantial step in the right direction in combating piracy.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I would urge the body to pass this amendment. I think it's a very important amendment. We have heard the testimony in our subcommittee and this is an appropriate way to address it. It's a reasonable way.

Mr. Chairman, I yield back the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. CUMMINGS).

The amendment was agreed to.

AMENDMENT NO. 34 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in House Report 111–182.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 34 offered by Mr. HOLT:

At the end of subtitle E of title X (page 374, after line 6), insert the following new section:

SEC. 1055. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) In January 2009, the Secretary of Defense tasked a special Department of Defense team to review the conditions of confinement at Naval Station, Guantanamo Bay, Cuba, to ensure all detainees there are being held ''in conformity with all applicable laws governing the conditions of confinement, including Common Article 3 of the Geneva Conventions'', pursuant to the President's Executive Order on Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities, dated January 22, 2009.

(2) That review, led by Admiral Patrick M. Walsh, included as one of its five key recommendations the following statement: ''Fourth, we endorse the use of video recording in all camps and for all interrogations. The use of video recordings to confirm humane treatment could be an important enabler for detainee operations. Just as internal controls provide standardization, the use of video recordings provides the capability to monitor performance and maintain accountability.''.

(3) Congress concurs and finds that the implementation of such a detainee videorecording requirement within the Department of Defense is in the national security interest of the United States.

(b) IN GENERAL.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (f), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.

(c) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (b), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (b). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10 of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(d) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term ''strategic intelligence interrogation'' means an interrogation of a person described in subsection (b) conducted at a theater-level detention facility.

(e) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (b); or

(2) the videotaping or other electronic recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006), or any successor thereto.

(f) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines designed to ensure that the videotaping or other electronic recording required under subsection (b), at a minimum—

(A) promotes full compliance with the laws of the United States;

(B) is maintained for a length of time that serves the interests of justice in cases for which trials are being or may be conducted pursuant to the Detainee Treatment Act of 2005 (title 14 of Public Law 109-163 and title 10

of Public Law 109-148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109-366), or any other provision of law;

(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. I particularly want to thank the distinguished chairman of the committee, our friend, Mr. SKELTON, for his support of this amendment. It is identical to the amendment passed by the House during consideration of the 2009 Defense Authorization last year with the exception of some changes in the findings which I think strengthen the case for this amendment. A similar intelligence-focused, CIA-focused detainee video recording provision was included in the fiscal year 2010 Intelligence Authorization Act that was voted out of the House Permanent Select Committee on Intelligence last week.

Mr. Chairman, the amendment's purpose is simple. It is to improve the intelligence operations of our Armed Forces by ensuring the video recording of each strategic interrogation of any person who is in the control or detention of the Department of Defense.

Let me be clear: this amendment does not impede combat operations. The bill explicitly states that troops in the field in contact with the enemy shall not be required to videotape or otherwise record tactical questioning.

It does require the Secretary of Defense to promulgate and provide to the Congress guidelines under which video recording of detainees shall be done. It does require that the recordings be properly classified and maintained securely just as any foreign intelligence information should be. It does require that the recordings be maintained for an appropriate length of time. What is the reason for this amendment? Because multiple studies have documented the benefits of video recording or electronically recording interrogations. Law enforcement organizations across the United States routinely use the practice both to protect the person being interrogated and the officer conducting the interrogations. It is the standard of best practice.

Some U.S. attorneys are on record as favoring this requirement for the FBI. And the Customs and Border Patrol does routinely videotape or electronically record key interactions and interrogations with those in their custody. Video recording is the standard within the United States for interrogations of all types in all agencies and for prosecutors.

Well, what about the Department of Defense? Is it appropriate there? Earlier this year a task force convened by Secretary of Defense Gates to review our detainee policies issued its report. This is known as the ''Walsh Report.'' The report was unequivocal. It said: ''We endorse the use of video recording in all camps and for all interrogations. The use of video recording to confirm humane treatment could be an important enabler for detainee operations. Just as internal controls provide standardization, the use of video recordings provides the capability to monitor performance and to maintain accountability.''

But more than this, more than maintaining the standards for behavior in the interrogation room, it strengthens our ability to collect intelligence and understand what's going on. The amendment would strengthen previous laws passed by Congress regarding the treatment of detainees, and it would maximize our intelligence collections from such interrogations.

In fact, the origin of this amendment came from my questioning of interrogators. When I asked how they get maximum information of nuances of language, languages that the interrogators might not have real fluency with. Who reviews the tapes? I said. And they said, There are no tapes. By having tapes, we can get the maximum benefit of the interrogation.

This amendment is endorsed by major human rights organizations. It's been certified by CBO not to result in additional spending. I urge my colleagues to support this amendment.

Mr. Chairman, I yield, if he wishes, such time as he may consume to the distinguished Chairman.

Mr. SKELTON. Mr. Chairman, as a former prosecuting attorney, I speak in favor of this amendment.

It serves two purposes. First, it protects our men and women in uniform who are conducting interrogations of detainees from frivolous claims of alleged abuse or coercion. Second, the videotapes will act as a deterrent for private contractors or other agencies who are conducting interrogations of the Department of Defense detainees from straying from those requirements of the Army field manual in the treatment of detainees. It is a way to ensure that it is done right. And when you have a correctly conducted interrogation, in all probability the results will be positive. I certainly think this is a major step in the right direction. Videotaping is good.

The Acting CHAIR. The time of the gentleman from New Jersey has expired.

Mr. MCKEON. Mr. Chairman, I rise in very strong opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

We have been down this road before. Last year Mr. HOLT proposed a similar amendment to our bill. In response we received statements from the Army and the Under Secretary of Defense for Intelligence stating their opposition to mandatory videotaping and interrogations. Today the Office of the Secretary of Defense has informed us that the Department strongly opposes this amendment.

According to DOD, the provision would cause three main problems: it would severely restrict the collection of intelligence through interrogations. It would undercut the Department's ability to recruit sources. And it would impose an unreasonable administrative and logistical burden on the warfighter. A provision like this would create a public record that would go straight into terrorists' counter-resistance training programs.

I strongly, as I said, oppose this amendment.

At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I also rise in great deference and respect for my chairman and Mr. HOLT in this difference of opinion.

I think there's a great significant difference between collection of data in interrogations conducted in a law enforcement arena in which the evidence is gathered to go into a court of law to be presented with a proper chain of evidence and that the sources and methods are not necessarily needed to be protected versus the interrogations that go on every day in the battle against Islamic jihadists. I don't believe that those interrogations routinely should be videotaped.

We are in an argument right now with respect to data, photographs and videos, taken between September 11, 2001, and January 2, 2009, as to whether or not that data should be made public. I, for one, believe it should not be made public. There are differences of opinion on that. I personally think we need to legislate a fix to prevent those photographs from being put in the public domain and further inflaming the Islamic jihadists whom we oppose.

So I would oppose this videotaping because I think, as my ranking member has said, it works against our efforts to try to get intelligence on the fly and it will work against us. So with that I encourage my colleagues to vote against the amendment.

Mr. MCKEON. Mr. Chairman, just to again reiterate what the Department of Defense has told us, this is a statement that we received yesterday afternoon from the Department of Defense. I would like to read just a couple of things from it:

''The Department of Defense strongly opposes the provision because it would severely restrict the collection of intelligence through interrogations, undercut the Department's ability to recruit sources, and impose an unreasonable administrative and logistical burden on the warfighter.

''A statutory video recording requirement will be a matter of public record. Detainees will, therefore, know through counter-resistance training that anything they say will be recorded and may be used against them publicly, in a courtroom, or to gain leverage with other detainees. This will inhibit detainees from cooperating with interrogators and undercut the interrogators' most effective technique, establishing rapport with the detainees. Moreover, if a video recording is, in fact, released to the public and it becomes known that a detainee has collaborated with U.S. intelligence, the safety of the detainee and his family would be jeopardized.

''Even if a detainee agrees to be recorded, there is a tendency for both the detainee and the interrogator to 'play to the camera,' creating an artificiality to the questioning, thereby degrading the quality of the intelligence information.''

□ 1315

Mr. HOLT. Will the gentleman yield?

Mr. McKEON. I yield the gentleman 30 seconds.

Mr. HOLT. I thank the gentleman.

The communication which you speak of came from a mid-level official at the Pentagon. The Secretary of Defense has not spoken on this. This is not a statement of administration policy against this. The only formal statement comes from the Walsh report, which I quoted from earlier, which said, We endorse the use of video recordings in all camps for all interrogations.

Perhaps this mid-level official at the Pentagon has not received the word that currently there are being developed improved procedures for detention and interrogation in this new administration.

The Acting CHAIR. The gentleman's time has expired.

Mr. McKEON. Mr. Chairman, the mid-level official is a lieutenant colonel. I think that is fairly high-ranking, field officer, and I think the record, as he stated, stands for itself. He is a legislative officer with the department.

The lieutenant colonel will not state on the record something that opposes his higher rank. I think we all know that.

With that, I urge all us to defeat this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 39 OFFERED BY MRS. MALONEY

It is now in order to consider amendment No. 39 printed in House Report 111–182.

Mrs. MALONEY. Mr. Chairman, I have a amendment at the desk, No. 39.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 39 offered by Mrs. MALONEY:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. OVERSEAS VOTING ADVISORY BOARD.

(a) ESTABLISHMENT; DUTIES.—There is hereby established the Overseas Voting Advisory Board (hereafter in this Act referred to as the ''Board'').

(b) DUTIES.—

(1) IN GENERAL.—The Board shall conduct studies and issue reports with respect to the following issues:

(A) The ability of citizens of the United States who reside outside of the United States to register to vote and vote in elections for public office.

(B) Methods to promote voter registration and voting among such citizens.

(C) The effectiveness of the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act in assisting such citizens in registering to vote and casting votes in elections.

(D) The effectiveness of the administration and enforcement of the requirements of the Uniformed and Overseas Citizens Absentee Voting Act.

(E) The need for the enactment of legislation or the adoption of administrative actions to ensure that all Americans who are away from the jurisdiction in which they are eligible to vote because they live overseas or serve in the military (or are a spouse or dependent of someone who serves in the military) are able to register to vote and vote in elections for public office.

(2) REPORTS.—In addition to issuing such reports as it considers appropriate, the Board shall transmit to Congress a report not later than March 31 of each year describing its activities during the previous year, and shall include in that report such recommendations as the Board considers appropriate for legislative or administrative action, including the provision of funding, to address the issues described in paragraph (1).

(3) COMMITTEE HEARINGS ON ANNUAL REPORT.—During each year, the Committees on Armed Services of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate may each hold a hearing on the annual report submitted by the Board under paragraph (2).

(c) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall be composed of 5 members appointed by the President not later than 6 months after the date of the enactment of this Act, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the House of Representatives;

(C) 1 shall be appointed from among a list of nominees submitted by the Majority Leader of the Senate; and

(D) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the Senate.

(2) QUALIFICATIONS.—An individual may serve as a member of the Board only if the individual has experience in election administration and resides or has resided for an extended period of time overseas (as a member of the uniformed services or as a civilian), except that the President shall ensure that at least one member of the Board is a citizen who resides overseas while serving on the Board.

(3) TERMS OF SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member shall be appointed for a term of 4 years. A member may be reappointed for additional terms.

(B) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

(4) PAY.—

(A) NO PAY FOR SERVICE.—A member shall serve without pay, except that a member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) REIMBURSEMENT OF TRAVEL EXPENSES BY DIRECTOR.—Upon request of the Chairperson of the Board, the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act shall, from amounts made available for the salaries and expenses of the Director, reimburse the Board for any travel expenses paid on behalf of a member under subparagraph (A).

(5) QUORUM.—3 members of the Board shall constitute a quorum but a lesser number may hold hearings.

(6) CHAIRPERSON.—The members of the Board shall designate one member to serve as Chairperson.

(d) STAFF.—

(1) AUTHORITY TO APPOINT.—Subject to rules prescribed the Board, the chairperson may appoint and fix the pay of such staff as the chairperson considers necessary.

(2) APPLICATION OF CIVIL SERVICE LAWS.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Board, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Board to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Board may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Board considers appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(2) OBTAINING OFFICIAL DATA.—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Board.

(3) MAILS.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Board, the Administrator of General Services shall provide to the Board, on a reimbursable basis, the administrative support services necessary for the Board to carry out its responsibilities under this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this section for fiscal year 2010 and each succeeding fiscal year.

The Acting CHAIR. Pursuant to House Resolution 572, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Thank you, Mr. Chairman.

This amendment would establish an overseas voting advisory board to provide guidance and oversight to the Federal Voting Assistance Program's efforts to increase ballot access for military and overseas voters.

I would like to thank the distinguished Chairman SKELTON for his support of this amendment.

The Voting Assistance Program, which is part of the Department of Defense, is the government's primary entity for assisting overseas voters' access to the ballot, including men and women serving in the military and Americans living abroad, who are our unofficial ambassadors. With the global economy, more and more Americans will be living abroad, and we need to make sure that their voices and votes are counted.

While the State Department cannot give an exact number, there are estimated to be between 4 and 6 million Americans living abroad. There are also hundreds of thousands of brave men and women abroad from Afghanistan to Germany, serving our country in the Armed Forces.

In recent election cycles, the Voting Assistance Program has failed to bring about increased overseas voting participation, even with extreme and increased cost to the taxpayer.

For example, in 2004, the Integrated Voting Assistance System, created by the Voting Assistance Program, cost over $500,000 with only 17 overseas voters participating. In 2006, the Voting Assistance Program did even worse by spending over $1.1 million on the same voting system, but it accounted for an increase of only eight votes placed in the system.

In 2008, the Voting Assistance Program Web site to help active members in the military to vote wasn't even put up and operative until July, just 4 months prior to the November election. From July 23 through November 4, 2008, of the roughly 1.6 million servicemembers across the Army, Navy, Air Force and Marine Corps, only 780 servicemembers requested ballots through the program. This really is disgraceful and disrespectful to the sacrifices made by our fighting men and women.

Mr. HONDA and I have offered this amendment to address the issues to overseas military and civilian voting now long before the next election. This panel will provide oversight for the Federal program that has struggled in a mission to ensure greater ballot access for Americans overseas and our military. The program's longtime director resigned her post in 2008, and at that time it appeared that the next director would be chosen in a closed process.

Along with many Members of this body on both sides of the aisle, we sent a letter to Defense Secretary Robert Gates urging him to conduct a fair and open hiring process for the program.

I am pleased that Secretary Gates did a national search and selected Mr. Robert Carey to be the next program director. I know and I respect his experience, and I believe he will bring fresh ideas and workable solutions to improve ballot access for all Americans living abroad.

And while he is very capable and will certainly bring long-awaited and much-needed overhaul of the program, the advisory panel will add additional strength, expertise, and depth and support for his efforts.

By passing this amendment, which will establish an oversight board, we can guarantee that the best policies are being pursued to provide better access to the ballot by bringing greater attention and support for the Voting Assistance Program for Americans living abroad for our military.

I thank my colleagues for supporting this amendment, and I urge a ''yes'' vote on the amendment.

I reserve the balance of my time.

The Acting CHAIR. Does any Member seek time in opposition?

Mr. MCKEON. Mr. Chairman, I rise to claim time in opposition, although I won't oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would establish an overseas advisory board.

Now, that will not be to tell people how to vote?

Mrs. MALONEY. Absolutely not. The purpose of the board is to increase voter participation. And in a global economy, believe me, there will be more and more Americans living abroad. We now have hundreds of thousands of military living abroad.

Mr. MCKEON. Reclaiming my time.

This will work to improve the process by which our men and women in uniform who are serving outside the United States register and vote in State and local and Federal elections.

I understand that Congress is already working to improve this process. I also understand that the Federal Voting Assistance Program, which is responsible for assisting our troops with the voting process, has a newly appointed director who will begin his duties next month.

With that, I support efforts to increase the opportunities for our servicemembers to vote. I congratulate the gentlelady from New York for bringing forth this amendment, and especially while they are serving in combat.

I know we have had questions during elections whether their votes were counted, whether they got back in time. So I really appreciate the effort she makes on their behalf and, therefore, I support and urge all of our Members to support this amendment.

I yield back the balance of our time.

Mrs. MALONEY. Reclaiming my time, I thank the gentleman for his support.

It certainly is a bipartisan effort to increase voter participation in our country, particularly for our brave men and women living abroad and serving in the military. In this new global economy, more and more Americans will be working abroad. This is a common goal for our Congress and for our democracy.

I thank the gentleman for his support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 3.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 43, 44, 7, 25, 27, 33, 46, 51, 52, and 54 offered by Mr. SKELTON.

AMENDMENT NO. 43 OFFERED BY MS. SCHAKOWSKY

The text of the amendment is as follows:

At the end of title VIII (page 291, after line 2), add the following new section:

SEC. 830. ADDITIONAL REPORTING REQUIREMENTS FOR INVENTORY RELATING TO CONTRACTS FOR SERVICES.

(a) ADDITIONAL REPORTING REQUIREMENTS.—Section 2330a(c)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(H) With respect to such contracts for services—

''(i) the ratio between the number of individuals responsible for awarding and overseeing such contracts to the amount obligated or expended on such contracts; and

''(ii) the number of individuals responsible for awarding and overseeing such contracts who are themselves contractors.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2011 and fiscal years thereafter.

AMENDMENT NO. 44 OFFERED BY MR. SCHRADER

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. NOTIFICATION OF MEMBERS OF THE ARMED FORCES OF EXPOSURE TO POTENTIALLY HARMFUL MATERIALS AND CONTAMINANTS.

(a) NOTIFICATION REQUIRED.—In the case of a member of the Armed Forces who is exposed to a potentially harmful material or contaminant, as determined by the Secretary of Defense, the Secretary shall, as soon as possible, notify the member, and in the case of a member of a reserve component, the State military department of the member, of the member's exposure to such material or contaminant and any health risks associated with exposure to such material or contaminant.

(b) IN-THEATER NOTIFICATION.—If the Secretary of Defense determines that a member of the Armed Forces has been exposed to a potentially harmful material or contaminant while that member is deployed, the Secretary shall notify the member of such exposure under subsection (a) while that member is so deployed.

AMENDMENT NO. 7 OFFERED BY MR. LOBIONDO

The text of the amendment is as follows:

At the end of title V (page 180, line 11), add the following new section:

SEC. 594. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.

Section 1044(a)(4) of title 10, United States Code, is amended by striking ''the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense,'' and inserting ''the Secretary), for a period of time (prescribed by the Secretary)''.

AMENDMENT NO. 25 OFFERED BY MR. DAVIS OF KENTUCKY

The text of the amendment is as follows:

Page 352, after line 12, add the following:

SEC. 1039. STUDY ON NATIONAL SECURITY PROFESSIONAL CAREER DEVELOPMENT AND SUPPORT.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study by an appropriate independent, non-profit organization. The organization selected shall study the design and implementation of an interagency system for the career development and support of national security professionals. The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the Executive agency may determine.

(b) MATTERS CONSIDERED.—The study required by subsection (a) shall, at a minimum, include the following:

(1) The qualifications required to certify an employee as a national security professional.

(2) Methods for identifying and designating positions within the Federal Government which require the knowledge, skills and aptitudes of a national security professional.

(3) The essential elements required for an accredited interagency national security professional education system.

(4) A system for training national security professionals to ensure they develop and maintain the qualifications identified under paragraph (1).

(5) An institutional structure for managing a national security professional career development system.

(6) Potential mechanisms for funding a national security professional career development program.

(c) REPORT.—A report containing the findings and recommendations resulting from the study required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress by December 1, 2010.

(d) DEFINITIONS.—For purposes of this section—

(1) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code;

(2) the term ''employee'' has the meaning given such term by section 2105 of title 5, United States Code; and

(3) the term ''national security professional'' means, with respect to an employee of an Executive agency, an employee of such agency in a position relating to the planning of, coordination of, or participation in, interagency national security operations.

AMENDMENT NO. 27 OFFERED BY MS. DELAURO

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), add the following new section:

SEC. 708. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a member of the Armed Forces with a post-deployment mental health screening that is conducted in person by a mental health provider.

(b) ELEMENTS.—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional not later than 120 to 180 days after the date on which the member returns from combat theater.

(2) Follow-ups by a case manager (who may or may not be stationed at the same military installation as the member) conducted by telephone at the following intervals after the initial post-deployment screening:

(A) Six months.

(B) 12 months.

(C) 18 months.

(D) 24 months.

(c) REQUIREMENTS OF COMBAT STRESS EVALUATION.—The combat stress evaluation required by subsection (b)(1) shall be designed to—

(1) provide members of the Armed Forces with an objective mental health and traumatic brain injury standard to screen for suicide risk factors;

(2) ease post-deployment transition by allowing members to be honest in their assessments;

(3) battle the stigma of depression and mental health problems among members and veterans; and

(4) ultimately reduce the prevalence of suicide among veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(d) CONSULTATION.—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(e) SELECTION OF MILITARY INSTALLATION.—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(f) PERSONNEL REQUIREMENTS.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric nurses, licensed professional counselors, or clinical social workers.

(2) Suicide prevention counselors.

(g) TIMELINE.—

(1) The demonstration project required by this section shall be implemented not later than September 30, 2010.

(2) Authority for this demonstration project shall expire on September 30, 2012.

(h) REPORTS.—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2010;

(2) an interim report every 180 days thereafter; and

(3) a final report detailing the results not later than January 1, 2013.

AMENDMENT NO. 33 OFFERED BY MR. HOLDEN

The text of the amendment is as follows:

At the end of subtitle G of title V (page 158, after line 9), add the following new section:

SEC. 575. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 3757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Army shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3757. Combat Medevac Badge''.

(b) NAVY AND MARINE CORPS.—

(1) IN GENERAL.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6259. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6259. Combat Medevac Badge''.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8757. Combat Medevac Badge

''(a) ISSUANCE.—The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

''(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8757. Combat Medevac Badge''.

(d) AWARD FOR SERVICE BEFORE DATE OF ENACTMENT.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

AMENDMENT NO. 46 OFFERED BY MR. SMITH OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle H of title V (page 175, after line 11), add the following new section:

SEC. 586. SENSE OF CONGRESS AND REPORT ON INTRA-FAMILIAL ABDUCTION OF CHILDREN OF MILITARY PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the intra-familial abduction to foreign countries of children of members of the Armed Forces constitutes a grave violation of the rights of military parents whose children are abducted and poses a significant threat to the psychological well-being and development of the abducted children.

(b) REPORT ON INTRA-FAMILIAL CHILD ABDUCTION EFFECTING ACTIVE DUTY MILITARY PERSONNEL.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and not later than December 31 of calendar year 2010 and each December 31 thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the programs, projects, and activities carried out by the Department of Defense to assist members of the Armed Forces whose children are abducted.

(2) CONTENTS.—The report required under paragraph (1) shall include information concerning the following:

(A) The total number of children abducted from military parents, with a breakdown of the number of children abducted to each country that is a party to the Hague Convention on the Civil Aspects of International Child Abduction (the ''Hague Convention'') and each country that is not a party to the Hague Convention.

(B) The total number of children abducted from military parents who were returned to their military parent, with a breakdown of the number of children returned from each country that is a party to the Hague Convention and each country that is not a party to the Hague Convention, including the average length of time per country that the children spent separated from their military parent, whether the Department of Defense helped facilitate any of the returns, specific actions taken to facilitate the return, and other Departments involved.

(C) Whether these numbers are shared with the Department of State for inclusion in the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

(D) An assessment as to how international child abductions impact the force readiness of affected military personnel.

(E) An assessment of the effectiveness of the centralized office within the Department of Defense responsible for implementing measures to prevent international child abductions and to provide assistance to military personnel, including—

(i) the coordination of international child abduction-related issues between the relevant agencies and departments with the Department of Defense;

(ii) the education of appropriate personnel;

(iii) the coordination with family support offices and other applicable agencies, both within the United States and in host countries, to implement mechanisms for assistance to left behind parents;

(iv) the coordination with the Department of State and National Center for Missing and Exploited Children to provide assistance to left behind parents in obtaining the return of their children; and

(v) the collection of the data required by subparagraphs (A) and (B).

(F) An assessment of the current availability of, and additional need for assistance, including general information, psychological counseling, financial assistance, leave for travel, legal services, and the contact information for the office identified in subparagraph (E), provided by the Department of Defense to left behind military parents for the purpose of obtaining the return of their abducted children and ensuring the force readiness of military personnel.

(G) The means through which available services, information, and activities relating to international child abductions are communicated to left behind military parents.

(H) The proportion of identified left behind military parents who utilize the services and activities referred to in subparagraph (F).

(I) Measures taken by the Department of Defense, including any written policy guidelines, to prevent the abduction of children.

(J) The means by which military personnel are educated on the risks of international child abduction, particularly when they first arrive on a base abroad or when the military receives notice that the personnel is considering marriage or divorce abroad.

(K) The training provided to those who supply legal assistance to military personnel, in particular the Armed Forces Legal Assistance Offices, on the legal aspects of international child abduction and legal options available to left behind military parents, including the risks of conferring jurisdiction on the host country court system by applying for child custody in the host country court system.

(L) Which of the Status of Forces Agreements negotiated with host countries, if any, are written to protect the ability of a member of the Armed Forces to have international child abduction cases adjudicated in the member's State of legal residence.

(M) The feasibility of including in present and future Status of Forces Agreements a framework for the expeditious and just resolution of intra-familial child abduction.

(N) Identification of potential strategies for engagement with host countries with high incidences of military international child abductions.

(O) Whether the Department of Defense has engaged in joint efforts with the State Department to provide a forum, such as a conference, for left behind military parents to share their experiences, network, and develop best practices for securing the return of abducted children, and the assistance provided for left behind parents to attend such an event.

(P) Whether the Department of Defense currently partners with, or intends to partner with, civilian experts on International Child Abduction, to understand the psychological and social implications of this issue upon Department of Defense personnel, and to help develop an effective awareness campaign and training.

AMENDMENT NO. 51 OFFERED BY MR. TIERNEY

The text of the amendment is as follows:

Page 57, line 13, insert ''and the proposed radars'' after ''proposed interceptor''.

AMENDMENT NO. 52 OFFERED BY MR. TIERNEY

The text of the amendment is as follows:

At the end of subtitle C of title II (page 67, after line 5), insert the following new section:

SEC. 227. STUDY ON DISCRIMINATION CAPABILITIES OF MISSILE DEFENSE SYSTEM.

(a) STUDY.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the technical and scientific feasibility of the discrimination capabilities of the missile defense system of the United States, as such system is designed and conceived as of the date of the study.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the study.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The Committees on Armed Services, Appropriations, and Oversight and Government Reform of the House of Representatives.

(2) The Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate.

AMENDMENT NO. 54 OFFERED BY MR. WALZ

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. REPORT ON JOINT VIRTUAL LIFETIME ELECTRONIC RECORD.

Not later than December 31, 2009, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress a report on the progress that has been made on the establishment, announced by the President on April 9, 2009, of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. The report shall—

(1) explain what steps compose the Secretaries' plan to fully achieve the establishment of the seamless record system between the two departments;

(2) identify any unforeseen obstacles that have arisen that may require legislative action; and

(3) explain how the plan relates to the mandate in section 1635 of the National Defense Authorization Act for Fiscal Year 2008

(Public Law 110-181; 10 U.S.C. 1071 note) that the Secretary of Defense and the Secretary of the Department of Veterans Affairs jointly develop and implement, by September 30, 2009, electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will be recognized for 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by the majority and the minority.

Mr. Chairman, I understand that the gentleman from Colorado (Mr. POLIS) wishes to propose a colloquy, and I yield 3 minutes to the gentleman.

Mr. POLIS. I thank the gentleman.

Mr. Chairman, I rise today to gain a better understanding of the status of the policy and law on the service of gay men and lesbians in the military, commonly referred to as Don't Ask, Don't Tell. The law and policy, established in 1993, disrupts unit cohesion as gay and lesbian servicemen and women worry constantly—''who knows what''—about their private lives.

Given the objective of the President to repeal the law and the evidence that the law and policy harmed military readiness and morale, what will be the strategy of the Committee on Armed Services for assessing this law?

Mr. SKELTON. I thank the gentleman for raising this issue. It's fair to say that much has happened since the law was adopted back in 1993, and I propose that the committee will continue to engage in a deliberative process to hear perspectives from all sides of the debate, but particularly to understand the perspectives of the civilian and military leadership of the Department of Defense and the perspectives of ordinary servicemembers.

If we conclude that repeal is the appropriate course, the success of the change will hinge on our full understanding of the implications of the change and the development of a law and policy that will preserve the readiness and morale of our military forces. Certainly hearings will be at the heart of the committee's effort to determine those necessary facts.

Mr. POLIS. Mr. Chairman, can we expect hearings to be conducted this summer?

Mr. SKELTON. Our Military Personnel Subcommittee has already held one hearing with outside experts. We will clearly need to hear the perspectives of the Department of Defense as well. Since the civilian leadership responsible for personnel matters within the Office of the Secretary of Defense has not yet been announced, I don't believe it would be appropriate to begin a formal reassessment process until the new Under Secretary for Personnel and Readiness has been allowed to settle into the position. But the committee will continue to hold hearings.

Mr. POLIS. Thank you, Mr. Chairman.

At this point, I would like to yield 30 seconds to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Thank you, Mr. Chairman.

Mr. Chairman, I would like to add my voice to the growing chorus calling for the repeal of the Don't Ask, Don't Tell law.

As you have suggested, many years have passed since the law has been adopted, and I believe that many of the reasons that the Members of Congress found compelling in 1993 will be considered outdated by current servicemembers and the American public today.

Mr. Chairman, I know our schedule in Armed Services is challenging, but I would encourage you to consider conducting hearings at the earliest possible date in the hope of correcting this policy that I believe undermines national security and military readiness.

I thank the gentleman for yielding.

Mr. POLIS. I thank the gentleman for his comments and I thank the chairman for the opportunity to discuss the issue.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. I thank the distinguished gentleman for yielding and for his help and the chairman's help in making this amendment, my amendment, part of the en bloc amendment.

This amendment requires the Department of Defense, Mr. Chairman, to report to Congress on the plight of our service members who, along with their children, suffer from intrafamilial international child abduction. The international movement of our servicemembers make them especially vulnerable to the risks of international child abduction.

Attorneys familiar with this phenomenon estimate that there are approximately 25 to 30 new cases of international child abductions affecting our servicemembers every year. One man, Commander Paul Toland, recently came into my office largely because of the publicity about David Goldman and his son, Sean Goldman, the Brazilian case that I have been working on. He heard about it, and he came in and said, You have got to hear my story. And it is a heartbreaking story.

Commander Toland was deployed to Yokohama, Japan. He and his wife, regrettably, had a split.

□ 1330

She is now tragically deceased. And yet for approximately 6 long years, he has been trying to get his daughter back and has been unable to. The custody of his child is with the maternal grandparents. Again, he has not been able to get his own child back. Commander Toland received poor advice from the Naval Legal Services Officer on how to adjudicate the case. Have others?

Be advised, The amendment will not entangle the Department of Defense in custody disputes. Rather it will instruct the Department of Defense to study and produce a comprehensive report to Congress about what they are doing to ensure that our servicemembers are receiving preventive education, legal protections and other assistance needed to avoid and, when necessary, resolve the international abduction of their children. This is the least we can do for those who serve our nation.

Our servicemen and women risk much in the service of our Nation. We must do all that we can to mitigate the risks to their families. I thank my colleagues for supporting this amendment, especially the ranking member and the distinguished Chair.

I rise in support of the amendment to require the Department of Defense (DOD) to report to Congress on the plight of our service members who, along with their children, suffer from intra-familial and international child abduction. The international movements of our service men and women make them especially vulnerable to the risks of international child abduction. This amendment will require a study to pinpoint the extent of the problem within our armed services and what the DOD is doing to prevent and remedy international child abduction within the armed services.

The particular issue of international child abduction came to my attention with the Sean Goldman case. As many of you know, Sean Goldman was abducted to Brazil by his mother for a family vacation when Sean was four years old. His mother divorced his father and refused to return the child to the United States, which was Sean's country of habitual residence and consequently should have been the legal jurisdiction in which custody was decided. Sean's father has been fighting for the return of his son for five years. Sean's mother is now deceased, and Sean's father still cannot get him back.

Since my involvement with this case, I have been receiving calls from parents left behind in an international child abduction—the particular plight of military parents caught my attention. Military parents are at heightened risk because they often marry when they are serving this country abroad, and may live in numerous countries, including the United States, while they build a family with their spouse. Upon divorce, one parent sometimes whisks the child away to a legal jurisdiction unfavorable to the left behind parent.

Such was the case of Commander Paul Toland, whose infant daughter was abducted by his estranged wife while he was stationed on our naval base in Yokohama, Japan. When he sought help from the Naval Legal Services Office on base, he was told to hire a local lawyer and deal with the issue himself in Japanese courts.

Whether through lack of training by the DOD or lack of attention by the personnel, this very wrong advice from the Naval Legal Services Office directed Commander Toland to

give up the legal jurisdiction of his home state and engage with a foreign legal jurisdiction that has NEVER returned a child to the United States. Commander Toland's former wife is now deceased, his daughter lives with her ailing grandmother in Japan, and he still cannot get her back. The fight has been six long years, and it continues with little hope.

Attorneys familiar with this phenomena estimate that there are approximately 25–30 new cases of international child abductions affecting our service men and women every year. Our service men and women risk much in their service to our nation. The DOD must do what it can to minimize their risks.

This amendment would not entangle the Department of Defense in custody disputes. Rather, this amendment will instruct the DOD to share with Congress what they are doing to ensure that our service men and women are receiving the preventative education, legal protection, and other assistance needed to avoid and resolve the international abduction of their children. This amendment asks the Department of Defense to report to Congress on the following items:

The total number of children abducted from military parents;

The total number of children who were later returned to left behind military parents;

What the DOD did to facilitate any of the returns, and what sorts of assistance the DOD offers to military parents—such as psychological counseling, financial assistance, legal services, and leave for travel;

The means through which available services, information, and activities relating to international child abductions are communicated to left behind military parents;

The training provided to those who supply legal assistance to the left behind military parents;

Measures taken by the DOD to prevent abductions;

Which of the Status of Forces Agreements negotiated with host countries are written to protect the military parent's ability to adjudicate abduction cases in the parent's state of legal residence;

The feasibility of including in present and future Status of Forces Agreements a framework for the resolution of child abduction;

Identification of potential strategies for engagement with host countries with high incidence of international child abductions;

Whether the DOD coordinates on abductions with other departments, such as the U.S. Department of State;

Whether the DOD currently partners with, or intends to partner with, civilian experts on international child abduction;

Whether the DOD has engaged in joint efforts with the U.S. Department of State to provide a forum, such as a conference, for left behind military parents to share experiences, network and develop best practices for securing the return of abducted children;

An assessment as to how international child abductions impact the force readiness of our service members.

We all want to do right by our service men and women. The study called for by this amendment will give us a window into what we are already doing, and what we can do better to protect our service men and women from the frustration and anguish of international child abduction.

Mr. SKELTON. Mr. Chairman, let me flash back to a previous amendment, the Akin-Forbes amendment. I just received a letter from the Assistant Secretary of Defense, dated today, regarding that amendment, which reads in part, While the Department supports transparency in government, we find the amendment as written directing the Secretary of Defense to submit a report on every employee covered under a nondisclosure agreement as overly burdensome and counterproductive in meeting the security challenges of today.

I yield 1 minute to my friend, my colleague, also a member of the Armed Services Committee, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of Mr. SKELTON's outstanding work on the underlying bill and also to support that portion of the en bloc amendment which sets up a mental health screening demonstration project cosponsored by Congresswoman DELAURO, Congressman MCMAHON of New York and myself.

This is an issue which addresses probably the most concerning issue that Admiral Mullen, Chairman of the Joint Chiefs, spoke to the Armed Services Committee about, which is the stress levels of our troops who have been repeatedly deployed in military conflict. General Odierno had a number of us over in December. Again, his number one concern was the uncomfortable and outrageous amount of suicides which is occurring in theater. I was with General Bagby in Europe a couple of weeks ago, who again stated that that is the biggest challenge facing our Armed Forces in Europe, who, again, are made up of many troops who have served in Iraq and Afghanistan. And the present system of screening for returning troops is simply to fill out a questionnaire. That is not enough.

This amendment will set up a demonstration project with a face-to-face evaluation with a mental health professional. This is the type of process that we need to deal with this unprecedented challenge.

Again, I urge strong support for the en bloc amendment which includes this important component.

Mr. MCKEON. I yield, at this time, Mr. Chairman, to the gentleman from Kentucky (Mr. DAVIS) 4 minutes.

Mr. DAVIS of Kentucky. Mr. Chairman, today I offer an amendment that will enable our Nation to more effectively plan and execute national security and interagency operations.

To enhance our national security, we must be able to effectively integrate the military and nonmilitary elements of our national power. This requires the effective integration of all agencies of the Federal Government, not only those with traditional national security roles. However, achieving highly integrated national security interagency planning and execution requires personnel who have the knowledge, skills and attributes to plan and participate in these interagency operations. At present, there is no permanent, institutionalized system for developing the skills and experience required.

Examples abound of the need for this change, and I will cite two briefly. My first relates to our ongoing interagency operations in Afghanistan, and I commend President Obama for his determination to pursue an integrated interagency approach to resolving that conflict.

As our national security community knows, helping the Afghan Government create a secure and stable society requires, among other things, that we assist farmers in growing crops other than poppies, which are used to produce opium. Unfortunately, the U.S. Department of Agriculture has never been used before now to provide personnel in support of operations like those in Afghanistan. Instead, the military has been required to fill the gap with people without agricultural experience.

While our soldiers are very adaptable, we would be better off if USDA were routinely engaged in overseas national security operations with other agencies, military and civilian, of the Federal Government.

Next I cite our experience in Iraq. In the early days of the Iraq occupation, there was no modern banking system in Iraq, and Iraqi security forces could only be paid in cash, which required them to leave their units and to spend days away from their units taking money home to their families. During this period, the deputy Treasury Secretary told me that if he was given the go-ahead, he was prepared to help Iraq establish a modern, electronic banking system which would have, among other things, enabled Iraqi soldiers to get their pay at home without leaving their units and ongoing combat operations.

If Treasury, and in particular a Treasury cadre of national security professionals, had been properly involved early on, the problem and rise of criminal gangs and militias could have been mitigated sooner, thereby contributing to increased Iraqi combat power, lightening the load on our troops during a very difficult period.

My amendment, simply put, would require the President to commission a study by an executive agency to develop national security professionals across departments of the Federal Government to provide skilled personnel for planning and conducting national security interagency operations.

It is critical that we achieve a transformation in national security education, training and interagency experience to produce national security professionals who are able to work seamlessly together. By requiring the President to commission such a study on an interagency national security professionals program, my amendment lays the foundation for that transformation.

I commend Chairman SKELTON. He has spent a lifetime supporting defense

reforms going back to Goldwater-Nichols and championing these reforms to further integrate our national security tools moving into the 21st century.

I thank Ranking Member MCKEON for his work on this issue during my 4 years on the Armed Services Committee and continuing now as our ranking member on the committee.

Mr. SKELTON. At this time, I yield 1 minute to my friend, the gentleman from Minnesota (Mr. WALZ).

Mr. WALZ. I want to thank the chairman and the ranking member for crafting a bill to keep this Nation safe and provide care for our warriors and their families.

I would also like to thank you for accepting this amendment as part of the en bloc amendment. It is a very simple amendment I'm offering that is asking that the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, submit a report to Congress by the end of the year telling us what progress they have made on the establishment of a joint virtual lifetime electronic medical record. This is to bring about seamless transition from when our warriors leave the service until they enter into the VA system, making sure they don't encounter all of the bureaucratic troubles, the holdups and the delays in processing of their claims.

As a 24-year veteran of our Armed Forces, I can tell you this is a critically important issue. It was backed and announced on April 9 by the President. This amendment will allow Congress to do its most critical function of oversight of the executive branch to make sure we are making progress to ensure the quality care of our veterans.

I thank the chairman and the ranking member for including it in a very fine bipartisan bill.

My amendment is very simple and, I believe, very significant: it would require the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, to submit to Congress a report on the progress that has been made on the establishment of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. The President announced on April 9 of this year that his Secretary of Defense and Secretary of VA would be working toward establishing that Joint Virtual Lifetime Record. My amendment simply aims to make sure the administration is doing what it says it would do, and to make sure that any required legislative assistance is identified. My amendment performs the crucial congressional oversight function of holding the administration accountable on its commitments. And this is a truly significant commitment, because it is widely understood that such a shared record system between DoD and VA is one of the keys to successfully providing our returning servicemen and women what we call a seamless transition as they return to civilian life. As a 24-year veteran of the National Guard and a member of the House Veterans' Affairs Committee, I know both from experience and from careful study that this challenge of ensuring that DoD and VA, two enormous and complex organizations with different missions, are cooperating to make sure that our troops, when they return home and become veterans, do not fall through the cracks at that moment is both one of the most difficult things to achieve and one of the best for guaranteeing that our veterans receive the best care possible ever after. I appreciate all the efforts the House Armed Services Committee has made to this effort, and I respectfully request that my amendment be included among them.

Mr. MCKEON. Mr. Chairman, we have no further speakers, and I would be happy to yield 2 minutes to the chairman.

Mr. SKELTON. I certainly thank the gentleman for that. I yield 1 minute to my friend, a very special lady, the Chair of the Appropriations Subcommittee on Agriculture, Rural Development and FDA, the gentlelady from Connecticut (Ms. DELAURO).

Ms. DELAURO. According to the Army, 143 soldiers committed suicide in 2008, the highest rate since the Army began keeping records nearly three decades ago.

Mr. Chairman, after asking our men and women in uniform to sacrifice so much, the very least that we must do is to ensure that they get the care they deserve.

This amendment, based on the Sergeant Jonathan Schulze Military Mental Health Services Improvement Act, is about making sure our troops receive adequate pre- and postdeployment mental health evaluations. It directs the Secretary of Defense to conduct a demonstration project at two military installations, one Active Duty and one Reserve, to assess the feasibility and efficacy of providing face-to-face post-deployment mental health screenings between a member of the Armed Forces and a mental health provider.

The 2-year project will include a combat stress evaluation conducted by a qualified mental health professional within 120 to 180 days of the date the soldier returns, and a case manager will follow up.

Let me say thank you to Chairman SKELTON for his collaboration and his commitment to this issue. We have no excuse for failing the soldiers who have given this Nation everything. Let's give them a long life, good health and quality care.

Mr. SKELTON. May I inquire, Mr. Chairman, the time remaining, please.

The Acting CHAIR. The gentleman from Missouri has 5½ minutes remaining.

The gentleman from California has 3 minutes remaining.

Mr. SKELTON. At this time, I yield 1 minute to my colleague, the gentleman from New York (Mr. MCMAHON).

Mr. MCMAHON. Thank you, Mr. Chairman.

Mr. Chair, I rise in support of this amendment which I offer along with my esteemed colleague from Connecticut, the great Congresswoman ROSA DELAURO, together with my great colleague from Connecticut, JOE COURTNEY, and my great colleague from the great State of New Mexico, HARRY TEAGUE.

Like my colleagues, I too am alarmed at the statistics coming out of the armed services. Nearly 150 soldiers took their lives last year, the highest figures since the wars in Iraq and Afghanistan began.

In 2009, it is already reporting 64 potential active-duty Army suicides. One-to-one mental health screenings with a certified mental health professional is the least that we can offer to our servicemen and women that sacrifice so much for this country.

This amendment creates a well thought-out pilot program that would assess the feasibility of such screenings and would hopefully lead to legislation in a broader sense.

For this reason, I urge my colleagues here today to support this amendment on behalf of the men and women who serve this country so proudly.

Mr. SKELTON. I yield 2 minutes to my friend, the gentleman from Massachusetts (Mr. TIERNEY)

Mr. TIERNEY. I want to thank the chairman for the time and for the bill that he has put on the floor today.

I rise in support of this en bloc amendment, particularly because it includes two amendments that were made in order under the rule. The bill as reported by the committee specifies that no funds may be obligated for the deployment of a long-range missile defense system in Europe until the Secretary of Defense submits a report to Congress certifying that the proposed interceptor that is going to be deployed has been realistically flight-tested and has demonstrated a high probability of working in an operational manner. That makes perfect sense.

In recent months, those studies have been conducted by various independent scientists, and they have shown that the radar proposed for the Czech Republic does not have enough range to perform effectively. As my colleagues know, the interceptors' capabilities are dependent on the ability and the accuracy of the radar. That is why I believe that it is imperative that the Secretary's report also certify about the proposed radars, and that first amendment requires just that.

The second amendment directs the JASON panel, which has been providing independent scientific advice and consultation to the government since 1960 on matters of defense, science and technology, to conduct a study on whether the discrimination capabilities being sought by the Missile Defense Agency are achievable.

The system has to be evaluated by its ability to successfully distinguish between an enemy's missile and any accompanying decoys countermeasures. And right now, there is little evidence to suggest that the system can make those kinds of distinctions.

Furthermore, this is a big challenge. As Dr. Phil Coyle, who was the former

director of operational test and evaluation at the Pentagon noted during a hearing that we convened, ''shooting down an enemy missile going 17,000 miles per hour is like trying to hit a hole-in-one in golf when the hole is going 17,000 miles per hour. If an enemy uses decoys and countermeasures, missile defense is like trying to shoot a hole-in-one while the hole is going 17,000 miles per hour and the green is covered with black circles the same size as the hole. The defender doesn't know what target to aim for.''

So this report should inform Congress on whether or not the ballistic missile defense system will actually be able to employ discrimination technology.

So I hope to thank Chairman SKELTON for approving these amendments in the en bloc package. I believe they will provide important oversight over the missile defense system.

And finally, as one who has long believed Congress must reexamine how it funds this program, I'm delighted that it takes a small but important step in reducing by $1.2 billion the funding for these programs. I hope it is the beginning of a trend on the way we go.

Mr. LOBIONDO. Mr. Chair, I rise in strong support of this third en bloc amendment. I want to thank Chairman SKELTON and Ranking Member MCKEON for including the LoBiondo, Delahunt, Coble, Taylor amendment in this bloc.

A couple of weeks ago I met with Master Chief Petty Officer of the Coast Guard, Skip Bowen, to discuss benefits available to Coast Guard service members.

He brought to my attention the fact that current law provides active duty members of the Armed Forces and Coast Guard and their dependents with access to legal assistance in connection with their personal civil affairs. The law also grants eligibility to certain DoD reservists who are called to active duty for more than 30 days. Unfortunately, the law does not provide the same eligibility to similarly situated Coast Guard reservists.

I am offering this amendment with Representatives DELAHUNT and COBLE, two Coast Guard veterans, to ensure current Coast Guard reservists have access to the same legal assistance as other DoD reservists upon release from active duty.

This legal assistance is critical in helping reservists understand their rights under the Uniformed Services Reemployment Rights Act, the Service member's Civil Relief Act, as well as probate, housing, consumer and tax laws.

There are currently over 8,100 reservists in the USCG, including over a hundred serving on active duty in Iraq providing port and waterways security.

I thank the Chairman and Ranking Member for working with me on this important issue and I encourage all members to support this en bloc amendment.

Mr. TEAGUE. Mr. Chair, I'm very happy to rise in support of this amendment and thank my colleagues for their work on this very important issue, especially the distinguished Gentlelady from Connecticut, Congresswoman DELAURO. I also thank Chairman SKELTON and Chairwoman SLAUGHTER for the opportunity to consider this amendment to the National Defense Authorization Act.

As you all may know, I recently I introduced H.R. 2931, the Kyle Barthel Veterans and Service Members Mental Health Screening Act. The bill calls for mandatory confidential mental health screenings for members of the Armed Forces. By requiring the in person screenings, we can reduce the stigma associated with the unseen injuries sustained by our men and women in uniform and ensure that these brave soldiers and veterans receive the treatment they need and deserve. Ultimately, by mandating in person mental health screenings, we will reduce the incidence of suicides and substance abuse among active duty personnel and veterans.

When I introduced this bill, I named it after a young man whose life was cut too short because we as a nation failed to give him the mental health treatment he needed and deserved. It is my belief that mandating screenings by a qualified mental health professional for every member of the military is the only way to begin indentifying and treating the invisible wounds of war.

While I would have liked an across the board mental health screening mandate to be a part of this bill, I also realize that we need to walk before we run. I believe that this amendment is the first step on the road to effective mental health illness prevention and treatment for service members and veterans.

Mr. Chair, I don't want to lose another Kyle. I don't want to lose another fine American service member or veteran to an invisible but very real illness. I don't want to ever have to go to another mother, father, wife, or husband or brother or sister and say ''I'm sorry we didn't do enough''.

Let's stand together and protect the health of our service members and veterans. Support this amendment, and work with me to mandate mental health screenings for service members in the future.

I urge my colleagues to support this important amendment.

Mr. SKELTON. Mr. Chairman, we have no more speakers on this en bloc amendment. I yield back.

Mr. MCKEON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments en bloc entitled No. 4.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc printed in House Report 111–182 consisting of amendments numbered 55, 57, 59, 62, 66, 67, 68, 69, 65, and 60 offered by Mr. SKELTON:

AMENDMENT NO. 55 OFFERED BY MR. WEINER

The text of the amendment is as follows:

At the end of title VI (page 134, after line 24), add the following new section:

SEC. 665. COMPTROLLER GENERAL REPORT ON COST TO CITIES AND OTHER MUNICIPALITIES THAT COVER THE DIFFERENCE BETWEEN AN EMPLOYEE'S MILITARY SALARY AND MUNICIPAL SALARY.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the costs incurred by cities and other municipalities that elect to cover the difference between—

(1) an employee's military salary when that employee is a member of a reserve component and called or ordered to active duty; and

(2) the municipal salary of the employee.

AMENDMENT NO. 57 OFFERED BY MR. GRIFFITH

The text of the amendment is as follows:

Page 67, after line 5, insert the following:

SEC. ___. SENSE OF CONGRESS REAFFIRMING THE REQUIREMENT TO THOROUGHLY CONSIDER THE ROLE OF BALLISTIC MISSILE DEFENSES DURING THE QUADRENNIAL DEFENSE REVIEW AND THE NUCLEAR POSTURE REVIEW.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress passed and the President signed the National Missile Defense Act of 1999 (Public Law: 106-38), which stated: ''It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).''

(2) Section 118 of title 10, United States Code requires the Secretary of Defense ''every four years, during a year following a year evenly divisible by four, to conduct a comprehensive examination (to be known as a''Quadrennial Defense Review'') of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years.''

(3) Among the requirements established by section 118 of title 10, United States Code, for the elements that must be included in the Quadrennial Defense Review are the following:

(A) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

(B) The specific capabilities, including the general number and type of specific military platforms, needed to achieve the strategic and warfighting objectives identified in the review.

(C) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

(4) Section 1070 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-116) requires the Secretary of Defense to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years ''in order to clarify United States nuclear deterrence policy and strategy for the near term.''

(5) Among the requirements established by section 1070 of the National Defense Authorization Act for Fiscal Year 2008 for the elements that must be included in the nuclear posture review is ''[t]he role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.''

(6) The Final Report of the Congressional Commission on the Strategic Posture of the United States, issued on May 7, 2009, concluded: ''Missile defenses can play a useful role in supporting the basic objectives of deterrence, broadly defined. Defenses that are

effective against regional aggressors are a valuable component of the U.S. strategic posture. The United States should develop and, where appropriate, deploy missile defenses against regional nuclear aggressors, including against limited long-range threats. These can also be beneficial for limiting damage if deterrence fails. The United States should ensure that its actions do not lead Russia or China to take actions that increase the threat to the United States and its allies and friends.''

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should thoroughly consider the role of ballistic missile defenses during the Quadrennial Defense Review and the Nuclear Posture Review.

AMENDMENT NO. 59 OFFERED BY MR. HOLT

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) FINDINGS.—Congress finds that veterans who are members of the Individual Ready Reserve (in this section referred to as the ''IRR'') and are not assigned to units that muster regularly and have an established support structure are less likely to be helped by existing suicide prevention programs run by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) IN GENERAL.—The Secretary of Defense shall ensure that all covered members receive a counseling call from properly trained personnel not less than once every 90 days so long as the member remains a member of the IRR.

(c) PERSONNEL.—In carrying out this section, the Secretary shall ensure the following:

(1) Personnel conducting calls determine the emotional, psychological, medical, and career needs and concerns of the covered member.

(2) Any covered member identified as being at-risk of self-caused harm is referred to the nearest military medical treatment facility or accredited TRICARE provider for immediate evaluation and treatment by a qualified mental health care provider.

(3) If a covered member is identified under paragraph (2), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

(d) REPORT.—Not later than January 31 of each year, beginning in 2010, the Secretary shall submit to Congress a report on the number of IRR members not assigned to units who have been referred for counseling or mental health treatment, as well as the health and career status of such members.

(e) COVERED MEMBER DEFINED.—In this section, a ''covered member'' is a member of the Individual Ready Reserve who has completed at least one tour in either Iraq or Afghanistan.

AMENDMENT NO. 62 OFFERED BY MR. SESTAK

The text of the amendment is as follows:

At the end of subtitle A of title VII (page 244, after line 8), insert the following new section:

SEC. 708. TREATMENT OF AUTISM UNDER TRICARE.

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(18) In accordance with subsection (g), treatment of autism spectrum disorders.''; and

(2) by adding at the end the following new subsection:

''(g)(1) For purposes of subsection (a)(18), and to the extent that appropriated funds are available for the purposes of this subsection, treatment of autism spectrum disorders shall be provided if a health care professional determines that the treatment is medically necessary. Such treatment shall include the following:

''(A) Habilitative or rehabilitative care.

''(B) Pharmaceutical agents.

''(C) Psychiatric care.

''(D) Psychological care.

''(E) Speech therapy.

''(F) Occupational therapy.

''(G) Physical therapy.

''(H) Group therapy, if a health care professional determines it necessary to develop, maintain, or restore the skills of the beneficiary.

''(I) Any other care or treatment that a health care professional determines medically necessary.

''(2) Beneficiaries under the age of five who have developmental delays and are considered at-risk for autism may not be denied access to treatment described by paragraph (1) if a health care professional determines that the treatment is medically necessary.

''(3) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of section 1079(a)(9) of this title.

''(4) In carrying out this subsection, the Secretary shall ensure that—

''(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a state, the Behavior Analyst Certification Board, or other accredited national certification board; and

''(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services.

''(5)(A) This subsection shall not apply to a medicare-eligible beneficiary.

''(B) Except as provided in subparagraph (A), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

''(i) this chapter;

''(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

''(iii) any other law.

''(6) In this section:

''(A) The term 'autism spectrum disorders' includes autistic disorder, Asperger's syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

''(B) The term 'habilitative and rehabilitative care' includes—

''(i) professional counseling;

''(ii) guidance service;

''(iii) treatment programs, including not more than 40 hours per week of applied behavior analysis; and

''(iv) other structured behavior programs that a health care professional determines necessary to develop, improve, maintain, or restore the functions of the beneficiary.

''(C) The term 'health care professional' has the meaning given that term in section 1094(e)(2) of this title.

''(D) The term 'medicare-eligible' has the meaning given that term in section 1111(b) of this title.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe such regulations as may be necessary to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(c) FUNDING.—

(1) FUNDING INCREASE.—The amount otherwise provided by section 1403 for TRICARE funding is hereby increased by $50,000,000 to provide funds to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(2) OFFSETTING REDUCTION.—

Reduce the amount of Operation and Maintenance, Army, by $25,000,000 to be derived from the Service-wide Communications.

Reduce the amount of Operations and Maintenance, Navy, by $15,000,000, to be derived from Service-wide Communications.

Reduce the amount of Research Development Test & Evaluation, by $10,000,000, to be derived from Advanced Aerospace Systems Integrated Sensor IS Structure, PE 68286E

AMENDMENT NO. 66 OFFERED BY MR. MCDERMOTT

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. MAP OF MINERAL-RICH ZONES AND AREAS UNDER THE CONTROL OF ARMED GROUPS IN DEMOCRATIC REPUBLIC OF THE CONGO.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(1) to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo; and

(2) to make such map available to the public.

The map required under this subsection shall be known as the ''Congo Conflict Minerals Map''. Mines located in areas under the control of armed groups in the Democratic Republic of the Congo, as depicted on the Congo Conflict Minerals Map, shall be known as ''conflict zone mines''.

(b) UPDATES.—The Secretary of Defense, in consultation with the Secretary of State, shall update the map required by subsection (a) not less frequently than once every 180 days until the Secretary of Defense certifies that no armed party to any ongoing armed conflict in the Democratic Republic of the Congo or any other country is involved in the mining, sale, or export of columbite-tantalite, cassiterite, wolframite, or gold, or the control thereof, or derives benefits from such activities.

AMENDMENT NO. 67 OFFERED BY MR. SCHIFF

The text of the amendment is as follows:

Page 86, after line 16, insert the following new section:

SEC. 248. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat 2695) is amended by adding at the end the following new subparagraph:

''(C) A federally funded research and development center of the National Aeronautics

and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program, for activities including, but not limited to, those conducted by the center under contract with or on behalf of the Department of Defense or through transfer of funds from the Department of Defense to the National Aeronautics and Space Administration.''.

AMENDMENT NO. 68 OFFERED BY MS. BORDALLO

The text of the amendment is as follows:

At the end of division A of the bill, insert the following new title:

TITLE XVI—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

SEC. 1601. SHORT TITLE.

This title may be cited as the ''Guam World War II Loyalty Recognition Act''.

SEC. 1602. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1603. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to the availability of appropriations authorized to be appropriated under section 1606(a), after receipt of certification pursuant to section 1604(b)(8) and in accordance with the provisions of this title, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1) and before payments are made under paragraph (3).

(3) SURVIVORS OF DECEASED INJURED RESIDENTS.—In the case of a compensable Guam victim who is deceased, the Secretary shall pay $7,000 for distribution to eligible survivors of the victim as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraphs (1) and (2).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) or (3) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent or a compensable Guam victim who is deceased shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term ''compensable Guam decedent'' means an individual determined under section 1604(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term ''compensable Guam victim'' means an individual determined under section 1604(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1604. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1603.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1603 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 1603 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79–224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 1603.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1603 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 1603(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 1603 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79–224), the implementing regulations issued by the

United States Navy pursuant thereto, or this title.

(11) PENALTY FOR FALSE CLAIMS.—The provisions of section 1001 of title 18 of the United States Code (relating to criminal penalties for false statements) apply to claims submitted under this subsection.

SEC. 1605. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 1606(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For purposes of carrying out sections 1603 and 1604, there are authorized to be appropriated $126,000,000, to remain available for obligation until September 30, 2013, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 1605, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2013.

AMENDMENT NO. 69 OFFERED BY MR. GRAYSON

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 830. REQUIREMENT TO JUSTIFY THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(2) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of clause (i); and

(2) by inserting after clause (ii) the following new clause:

''(iii) in the case of a solicitation in which factors other than cost or price when combined are more important than cost or price, the reasons why assigning at least equal importance to cost or price would not better serve the Government's interest; and''.

(b) REPORT.—Section 2305(a)(3) of such title is amended by adding at the end the following new subparagraph:

''(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report describing the solicitations for which a statement pursuant to paragraph (2)(A)(iii) was included.''.

AMENDMENT NO. 65 OFFERED BY MS. CASTOR OF FLORIDA

The text of the amendment is as follows:

At the end of title VI (page 230, after line 22), add the following new section:

SEC. 665. POSTAL BENEFITS PROGRAM FOR SENDING FREE MAIL TO MEMBERS OF THE ARMED FORCES SERVING IN CERTAIN OVERSEAS OPERATIONS AND HOSPITALIZED MEMBERS.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States Postal Service, shall provide for a program under which postal benefits are provided during fiscal year 2010 to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term ''qualified individual'' means a member of the Armed Forces described in subsection (a)(1) of section 3401 of title 39, United States Code, who is entitled to free mailing privileges under such section.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit (in this section referred to as a ''voucher'') to permit a person possessing the voucher to make a qualified mailing to any qualified individual without charge using the Postal Service. The vouchers may be in printed, electronic, or such other format as the Secretary of Defense, in consultation with the Postal Service, shall determine to be appropriate.

(2) QUALIFIED MAILING.—In this section, the term ''qualified mailing'' means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the character of personal correspondence or parcel post not exceeding 15 pounds in weight;

(B) is sent from within an area served by a United States post office; and

(C) is addressed to any qualified individual.

(3) COORDINATION RULE.—Postal benefits under the program are in addition to, and not in lieu of, any reduced rates of postage or other similar benefits which might otherwise be available by or under law, including any rates of postage resulting from the application of section 3401(b) of title 39, United States Code.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher for every month (or part of a month) during fiscal year 2010 in which the member is a qualified individual. Subject to subsection (f)(2), a voucher earned during fiscal year 2010 may be used after the end of such fiscal year.

(e) TRANSFER OF VOUCHERS.—A qualified individual may transfer a voucher to a member of the family of the qualified individual, a nonprofit organization, or any other person selected by the qualified individual for use to send qualified mailings to the qualified individual or other qualified individuals.

(f) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than one qualified mailing, whether that mailing is a first-class letter or a parcel; or

(2) after the expiration date of the voucher, as designated by the Secretary of Defense.

(g) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the program, including—

(1) procedures by which vouchers will be provided or made available in timely manner to qualified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(h) TRANSFERS OF FUNDS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this subsection for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) BASED ON FINAL DETERMINATION.—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than six months after the expiration date of the final vouchers issued under the program.

(3) CONSULTATION REQUIRED.—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(i) FUNDING.—

(1) FUNDING SOURCE AND LIMITATION.—In addition to the amounts authorized to be appropriated in section 301(1) for operation and maintenance for Army for fiscal year 2010, $50,000,000 is authorized to be appropriated for postal benefits provided in this section.

(2) OFFSETTING REDUCTION.—Funds authorized to be appropriated in section 301 in fiscal year 2010 for operation and maintenance are reduced as follows:

(A) For operation and maintenance for the Army, Army Claims is reduced by $10,000,000.

(B) For operation and maintenance for the Navy, System-Wide Navy Communications is reduced by $10,000,000.

(C) For operation and maintenance for the Air Force, System-Wide Air Force Communications is reduced by $30,000,000.

AMENDMENT NO. 60 OFFERED BY MR. GARRETT OF NEW JERSEY

The text of the amendment is as follows:

At the end of subtitle C of title XII of the bill, add the following new section:

SEC. 12xx. SENSE OF CONGRESS RELATING TO THE STATE OF ISRAEL.

It is the sense of Congress that—

(1) the State of Israel is one of the strongest allies of the United States;

(2) Israel and the United States face many common enemies; and

(3) the United States should continue to work with Israeli Prime Minister Netanyahu, the Israeli Government, and the people of Israel to ensure that Israel continues to receive critical military assistance, including missile defense capabilities, needed to address existential threats.

The Acting CHAIR. Pursuant to House Resolution 572 the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I urge the committee to adopt the amendments en bloc, all of which have been examined by both the majority and the minority.

At this time, I yield 2 minutes to my friend, the gentleman from Alabama (Mr. GRIFFITH).

Mr. GRIFFITH. Thank you, Mr. Chairman.

I rise today in support of my amendment in the en bloc amendments to the National Defense Authorization Act.

This amendment will require the Quadrennial Defense Review to be completed every 4 years to examine the national defense strategy, the force structure, the force modernization plans, infrastructure, budget plan and other elements of the defense program to determine our strategy for the next 20 years.

Additionally, my amendment reinforces the importance of the Nuclear Posture Review, which addresses the role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.

These reviews are an essential element of our national security perspective as are the Ground-based Midcourse Defense missile program, the Kinetic Energy Interceptor, the Multiple Kill Vehicle and the Airborne Laser program.

□ 1345

The Department of Defense is aware that the Ground-based Midcourse Defense, the GMD, is the only fielded and operational capability that can defend the U.S. against long-range ballistic missiles. However, the current budget cuts of $524 million from the program, deploying only 30 of the 44 GMD interceptors that were scheduled, we believe this logic should be questioned given the events occurring in North Korea and Iran.

Furthermore, we should reconsider the stop work order for the kinetic energy interceptor. This project is an essential part of our boost-phase ballistic missile approach, and I urge my colleagues to continue to support its development.

Congress should also support the continued development of the multiple kill vehicle. As rogue nations continue to advance their missile defense capabilities, multiple kill vehicle technology will be required to destroy countermeasures, warheads and ultimately the missiles shot from our enemies.

I support all of these projects because they are a deterrent to our enemies and they are the programs our warfighters in the field require. As we look at the missile tests and balance of power occurring in the Middle East and East Asia, this is not the time to reduce our missile defense budget and cut back on these programs. North Korea plans to launch a long-range Taepodong-2 missile in July, and is only a few years away from deploying a missile capable of hitting the United States.

We must prepare for the development and the deployment of more advanced technologies by our adversaries. These missile systems should all be considered essential elements. I urge passage of this amendment.

Mr. MCKEON. Mr. Chairman, I yield now 1 minute to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the ranking member and the Chair for the inclusion of our amendment with regard to Israel in the underlying bill.

I would like to speak for a minute with regard to one of our strongest allies in the Middle East, and that is the State of Israel. I am thankful for the strong relationship that we have, that our two countries share so much in common. We have both faced war and fought for peace and for freedom. We both continue to pursue liberty, despite ongoing opposition. We both face many common enemies.

Throughout my time in Congress, I have been a strong supporter of Israel's right to exist. When you think about it, it is even disturbing that we have to come here and talk about it in such terms. But the truth of the matter is, there are few countries, few peoples on Earth who are more in the cross hairs than Israel. Not even the U.N. can be called upon to defend Israel. In fact, the U.N. often stands with those who condemn Israel.

Israel has remained a shining beacon of democracy in a dark part of the world, standing with the United States against the threat of Islamic extremism, and we must be unwavering in our continuous support.

In conclusion, the United States should continue to work with Israel Prime Minister Netanyahu and the Israeli Government and with the people of Israel to ensure that Israel continues to receive critical military assistance, including the military defense needed to address this existential threat.

Mr. SKELTON. I yield one minute to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. I thank the distinguished Chair of the Armed Services Committee. I rise in support of this en bloc amendment which includes the Castor-Bilirakis amendment, an amendment I introduced jointly with my good friend and colleague, the gentleman from Florida (Mr. BILIRAKIS).

Under the Castor-Bilirakis amendment, each member of the armed services serving in combat operations would be provided with a monthly postal benefit that they can transfer to their families or to a charitable organization so they can afford to send care packages and other communications while they are serving bravely overseas. Just think of the benefit to our brave men and women serving in combat operations, a benefit to their morale, a boost in the morale when they receive that letter from home, when they receive that all-important care package.

This effort has been ongoing for many years. It has been included in past Defense authorization bills. It passed the House last year only to be taken out in conference. It is time to get this provision enacted as a standalone bill, H.R. 707, the Homefront to Heroes Act. We have more than half of the House of Representatives as cosponsors. It is time to get this done finally.

Mr. MCKEON. Mr. Chairman, I yield now to the gentleman from Florida (Mr. BILIRAKIS) 2 minutes.

Mr. BILIRAKIS. Mr. Chairman, I thank the ranking member for yielding. And thank you, Mr. SKELTON, for including this in the en bloc amendment.

I rise today in support of a provision included in this en bloc amendment which my colleague from Florida, Ms. CASTOR, and I have offered to provide postal benefits to our combat soldiers. This amendment recognizes the sacrifices made by servicemembers and their loved ones back home. Tough economic times have made it increasingly difficult for those who send care packages to troops to pay the resulting shipping costs. This amendment will help address that problem.

The legislation on which our amendment is based has strong bipartisan support garnering 237 cosponsors. In addition, it has gained a great deal of support from our constituents and people all across the country. It is with great humility that I rise today to honor our servicemembers and those who tirelessly support them.

I urge all of my colleagues to support this very important amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the distinguished chairman of the committee.

I have an amendment as part of this en bloc that would require the Secretary of Defense to ensure that members of the Individual Ready Reserve who have served at least one tour in either Iraq or Afghanistan receive a counseling call from properly trained personnel not less than once every 90 days to look at emotional, psychological, medical and career needs.

Mr. Chairman, the military personnel from the Secretary on down, and certainly the chairman of our committee, have devoted a great deal of attention to suicide prevention recognition and treatment. This is necessary because the IRR is one place where it is just too easy to fall through the cracks.

Coleman Bean of East Brunswick, New Jersey, enlisted in the Army in 2001, attended Fort Benning, served with the 173rd Airborne. He served in Iraq. Afterwards, he sought treatment for post-traumatic stress disorder. Maybe the VA diagnosis should have been accepted by the Army. In any case, after he was discharged, like other Army members, he still had 4 years of Ready Reserve commitment. He was called back to Iraq, served, returned to New Jersey in May of 2008 and committed suicide in September of 2008. He fell through the cracks. He had no advocate, no Army machinery to help him find his way through the system. He was literally on his own.

Mr. Chairman, this amendment is to address what I think is a gap in our suicide treatment efforts to deal with the Individual Ready Reserve. I urge passage of this amendment.

Mr. MCKEON. We have no further speakers, and I reserve the balance of my time.

Mr. SKELTON. I yield 1 minute to my friend and colleague, a member of the Armed Services Committee, the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Thank you, Mr. Chairman.

My amendment helps to build support for the military bill buildup on Guam by addressing a longstanding issue. We will authorize a substantial amount of military construction in this bill, but to keep up the morale and the obligation to the people of Guam, it is only right to also resolve the issue of war claims as part of this bill.

The war claims program for Guam administered by the U.S. Navy after World War II had shortcomings, and this amendment would address the resulting disparity of treatment for war claims for the Chamorros who endured the occupation of Guam.

The House passed this amendment as H.R. 44 in February, but the other body has not considered it. Adopting this amendment will provide an opportunity to resolve this issue.

And, again, many thanks to Chairman SKELTON and Ranking Member MCKEON for accepting this amendment en bloc and to all of their staff for their outstanding support in advancing this bill. I urge adoption of this amendment.

Mr. SKELTON. Let me take this opportunity, Mr. Chairman, to recognize several of our staff who, after wonderful service, are going on to new challenges in their careers:

Loren Dealy, who will handle communications for the Office of Legislative Affairs at the Department of Defense; Frank Rose who is off to work on strategic weapons and missile defense issues at the State Department; Bill Natter, who recently left to be the Deputy Under Secretary of the Navy; Sasha Rogers, who is off to get a master's of public policy; Christine Lamb, who is off to get an MBA; and Ben Glerum, who will be working on a law degree.

In addition, I wish to recognize those unsung heroes who allow our staff to put together a bill of this enormous size and complexity. Those staff members who are called staff assistants: Andrew Tabler, Zach Steacy, Liz Drummond, Megan Putnam, Rose Ellen Kim, Caterina Dutto, Kathleen Kelly, Mary Kate Cunningham, Scott Bousom, Trey Howard, Cindi Howard, Derek Scott and Katy Bloomberg all deserve a special thanks.

And I also want to thank Joe Hichen for a long effort with us, as well as Alicia Haley. Without their hard work, coordination, and patience, we would not be as successful as we are today.

A final thanks to the team in the Office of Legislative Counsel led by Sherry Chriss, and the Parliamentarians who provide such excellent support. We thank them, and we are very grateful for their hard work.

I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, this is probably the last time where I have enough time to thank the staff. I would like to thank all of the members of the staff.

I said when I was on the Education Committee, we used to have everybody's names written out; and so I turned to Tom, and he said, We don't do that, sir. We give all of the credit to the Members. So rather than list all of their names on both sides, I would like to thank you en bloc, all of the staff, for doing such a tremendous job to get me ready in very short time to do this work. They have done a yeoman's job, and it has been a real pleasure working with the chairman and working with the staff on this bill. I look forward to many more years to do it. Hopefully, we will change off chairman, but I won't get into that.

Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, let me say a special word of thanks to our ranking member, BUCK MCKEON. As we welcome you and you are off and running, you are doing an excellent job, and we thank you for your first-class efforts in making this come to pass. You've done wonderfully, and we should all be very grateful to you.

Mr. GARRETT of New Jersey. Madam Speaker, earlier today, the House unanimously passed my amendment to the National Defense Authorization Act for Fiscal Year 2010, H.R. 2647. This amendment expresses the sense of Congress that the United States and Israel have a shared national interest, that the latter is one of our strongest and most important allies, and that our government should pledge our continued support of Israel's defense and well-being.

In light of this, I would like to take a moment to draw attention to the ongoing captivity of Israeli Corporal Gilad Shalit. Cpl. Shalit is an Israeli soldier and a member of the Israel Defense Forces' (IDF) Armor Corps. Three years ago today, Cpl. Shalit and his fellow soldiers were attacked by Hamas terrorists on the Israel side of the Gaza Strip. Two soldiers were killed, and Cpl. Shalit was kidnapped.

Since that day in 2006, Hamas, with the continued protection and support of the Palestinian leadership, has held Cpl. Shalit in captivity, in clear defiance of the Geneva Convention and basic human decency. Hamas has not allowed the Red Cross or others to visit Cpl. Shalit. Instead, Hamas released videos highlighting the poor treatment of Cpl. Shalit and mocking Israel and the IDF. Military and diplomatic efforts to secure the release of Cpl. Shalit have been unsuccessful, and the Palestinian government continues to exploit his condition and his family's suffering.

In 2007 and 2008, I called for the release of Cpl. Salit, as well as Sergeant Major Ehud "Udi" Goldwasser and Sergeant First Class Eldad Regev. On July 16, 2008, Hezbollah returned the bodies of SGM Goldwasser and SFC Regev in exchange for over 200 convicted terrorists and other Palestinian prisoners. Hamas claims that Cpl. Shalit is still alive, and we know that his return is a matter of urgency. The captivity and poor treatment of Cpl. Shalit, in addition to the murder of the other soldiers, is unacceptable and only further demonstrates Hamas's unwillingness to be a responsible member of the global community.

As a nation that has experienced terrorist attacks, we know that this issue is not solely a regional issue, nor is it the problem of Israel alone. I am proud that this Congress today chose to stand with our friends in Israel, and call for the support of our key ally. Moreover, I call on President Obama, Secretary Clinton, and Ambassador Rice to use all available measures to secure the safe and timely return of Cpl. Gilad Shalit.

Ms. ROS-LEHTINEN. Mr. Chair, I rise in strong support of the amendment offered by my distinguished friend and colleague from New Jersey, Mr. GARRETT.

Since its creation in 1948, the State of Israel, surrounded by hostile neighbors, has been forced to develop technologically advanced defense capabilities to protect its existence as a democratic, Jewish state.

While this amendment addresses the totality of the U.S.-Israel military and security relationship, I would like to focus on the provision of critical missile defense assistance to Israel.

Israel is about to become the first country in the world to have a true national missile defense, and perhaps no other country has such a pressing need for one.

Almost twenty years ago, Iraq launched 93 Scuds at other Middle Eastern nations, including 39 at Israel.

Most recently, in 2006, Hezbollah launched scores of Katyusha rockets at civilian targets in northern Israel, imposing a state of siege on the population.

And we cannot forget the ongoing, relentless, decade-long rocket and mortar attacks from Palestinian militant groups in Gaza against innocents in southern Israel.

In addition to killing and injuring a number of Israelis, these militants have inflicted great psychological damage on the population, including Israeli children.

But the missile danger to Israel and the United States is even greater than what has challenged us before.

Today, Israel faces threats from both Iran and Syria—which have made clear their desires to develop nuclear weapons—and from the ballistic missile delivery systems that could reach Tel Aviv, other critical U.S. allies, and U.S. forces stationed throughout the region.

Iran remains committed to developing rockets capable of delivering warheads to Tel Aviv.

Syria, which has one of the largest missile stockpiles in the region, has, with Iran's help, reportedly developed a surface-to-surface missile that would enable Syria to launch attacks on key Israeli military and civil installations with precision.

Providing missile defense for Israel is obvious: It is a vital U.S. ally, a small democracy surrounded by foes armed with short, medium, and long-range projectiles and missiles.

I urge strong support for this amendment.

Mr. KING of New York. Mr. Chair, today I rise and am proud to join my colleagues in supporting the Castor/Bilirakis amendment to the National Defense Authorization Act for FY2010. This amendment would provide free mailing vouchers to members of the Armed Forces serving on active duty in Iraq and Afghanistan, that can then be transferred to loved ones who will be able to send letters and packages to soldiers at no cost. While our

soldiers do not have to pay for the letters they send home, their families often spend hundreds of dollars to send care packages and letters of their own.

I introduced similar legislation (H.R. 704) this Congress and a similar provision was also included in the FY2009 National Defense Authorization Act that passed the House, only to be stripped out during conference negotiations. As someone who has long been dedicated to providing for the needs of soldiers and their families, I welcome this long-awaited addition to the benefits of those who serve our country.

Mr. SKELTON. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

□ 1400

AMENDMENT NO. 20 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in House Report 111–182.

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. CONNOLLY of Virginia:

At the end of subtitle D of title III, add the following new section:

SEC. 3___. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended—

(1) by striking ''No Federal agency'' and inserting ''(a) REQUIREMENT.—Except as provided in subsection (b), no Federal agency''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—Subsection (a) does not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

''(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

''(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

''(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.''.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would clarify that section 526 of the Energy Independence and Security Act does not preclude Federal agencies from purchasing fuel that is not predominantly derived from tar sands or other high-carbon sources. At the same time, this amendment maintains the intent of section 526 by ensuring taxpayer money is not being used to subsidize highly polluting technologies.

Originally contained in the Carbon Neutral Government Act and incorporated in the Energy Independence and Security Act, section 526 precludes Federal agencies from entering into a contract that would result in construction of a refinery of fuel that produces more greenhouse gas pollution than conventional petroleum fuel. This exact amendment, introduced by Mr. BOREN of Oklahoma last year, passed the House on a voice vote; unfortunately, it was not adopted by the Senate. This language represents a compromise that preserves the intent of section 526 without tying the hands of Federal agencies that need to procure fuel.

Without using carbon capture and sequestration, turning coal into liquid fuel produces up to twice as much greenhouse gas pollution per unit of energy as conventional petroleum fuel, and fuel processed from tar sands generates 14 to 42 percent more greenhouse gas pollution per unit compared to production of conventional petroleum fuels. Section 526 has successfully protected taxpayers from costly and destructive subsidies of highly polluting fuel production.

The reality is that fuel derived from tar sands already comprises a small proportion—roughly 6 percent—of much of the gasoline and diesel fuel consumers purchase.

Mr. Chairman, this amendment simply clarifies that the hands of the Federal Government are not tied and that Federal agencies can, in fact, procure commercially available fuel that is available to them.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR (Mr. PASTOR of Arizona). The gentleman from California is recognized for 5 minutes.

Mr. MCKEON. Mr. Chairman, I rise to claim this time, but I am not in opposition to Mr. CONNOLLY's amendment. Although I do support the gentleman's amendment to clarify the purported intent of section 526 of the Energy Independence and Security Act of 2007, I believe it does not do enough.

The Department is aggressively seeking alternative fuel sources for their aircraft, vehicles, and naval vessels, and section 526 poses a serious barrier to these efforts. We need to encourage the Department to continue these efforts, not shackle them with greenhouse gas emission limits that are set from arbitrary and ambiguous standards.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield 1 minute to my friend from Florida (Mr. GRAYSON).

Mr. GRAYSON. I am pleased to have proposed, and have the support of the chairman, an amendment for a specific purpose, to improve Defense procurement. That purpose is to identify for the contracting agencies the correct tradeoff between costs and price and technical factors. As it stands right now, our statutory scheme for Defense procurement does not identify what the tradeoff should be.

For the sake of saving money and eliciting from contractors more cost-effective proposals, we are saying that the agencies must allow cost or price to be at least 50 percent of the evaluation scheme or explain why not. That is the purpose of this amendment. I anticipate it will save a great deal of money for the taxpayers and for the troops.

Mr. MCKEON. Mr. Chairman, I am happy to yield to the gentleman from Georgia (Mr. GINGREY) such time as he may consume.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I do rise in support of Representative CONNOLLY's amendment, but this amendment, Mr. Chairman, doesn't go nearly far enough. Let me try to explain in the limited time that I have.

The Energy Independence and Security Act of 2007 has in it a section 526, which does not allow any agency of the Federal Government to use a fuel source that has one scintilla increased amount of carbon dioxide footprint other than just standard old bubble-up petroleum. The Department of Defense uses about 350,000 barrels of refined petroleum product every day, most of that by the Air Force in the use of jet fuel.

In this country, we have so much domestic source of nonconventional bubble-up petroleum, and I'm talking about things like shale, in particular, and the liquefication of coal, converting coal into petroleum. In this country, Mr. Chairman, we probably have a 150-year reserve of coal, and yet we cannot touch that even though the Department of Defense has done research on the clean liquefication of coal, the clean mining of shale. Shale is a rock that's just soaked, it's like a sponge, it's just soaked with petroleum, and there are literally hundreds of millions of barrels of petroleum within that shale. And yet, because of this section 526 in the Energy Independence and Security Act of 2007, we cannot use it. We cannot use that at all.

So what we have found, of course, is that most of the petroleum that we import from foreign countries is not coming from OPEC; it's coming from Canada. And what's the problem? That oil that we get from Canada comes from tar sand. It's got a little sand in it, and it causes a little increase of production of carbon dioxide, a footprint that's more than conventional petroleum. So that's all the amendment does from the gentleman from Virginia.

I support the amendment, but what we need to do is eliminate section 526.

And I have an amendment that I signed on with the gentleman from Texas (Mr. HENSARLING) and the other gentleman from Texas (Mr. CONAWAY), and that's what we should have done. That amendment should have been made in order. We need to eliminate section 526 and take the handcuffs off the Department of Defense. We're talking about big bucks here, Mr. Chairman.

I do support the gentleman's amendment.

Mr. CONNOLLY of Virginia. Just a comment, Mr. Chairman.

I thank the support of my friend, but I want to clarify for the record that, as a matter of fact, we already have tar sand oil. About 6 percent of the gasoline supply in the United States already has it. And we already have the liquefication of coal used in the United States, and the bill I hope we will pass tomorrow or Saturday, in fact, will allow a lot more of it.

Mr. Chairman, I yield 1 minute to the distinguished Chair of the committee, Mr. SKELTON.

Mr. SKELTON. I thank the gentleman. And I stand in support of the Connolly amendment to section 526 of the Energy Independence and Security Act, which provides an exception for certain generally available fuels while retaining the greenhouse gas emission standard that 526 sets for new alternative fuels.

Let me, Mr. Chairman, say a word of thanks. We have thanked the staff, under the leadership of Erin Conaton. They have just done so very, very well. And we thank the members, BUCK MCKEON, who is doing so well, and the subcommittee chairmen and the ranking members all made their excellent statements. But there is one group we need to give a special thanks to, and that's the young men and young women in uniform as well as the civilian employees of the Department of Defense. They are very special, and we are appreciative and very grateful for their efforts.

Mr. MCKEON. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman from California has 1½ minutes remaining.

Mr. MCKEON. I would just like to second what the chairman was saying and thank all of those men and women in uniform and the civilian employees. He was very sincerely wanting to thank all of them.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield 30 seconds to my good friend from California (Mr. SCHIFF).

Mr. SCHIFF. I am very grateful to the gentleman and want to speak very briefly on an amendment I've introduced to authorize NASA's federally funded research and development centers to participate in DOD research and development programs.

JPL's scientific leadership represents an invaluable source of key expertise to DOD. JPL has performed research for DOD for decades. This amendment simply clarifies JPL's authority to continue to work with the Defense Department and closely parallels an amendment to perform the same function for the Department of Energy. We have worked with NASA to ensure this does not interfere with JPL's primary mission to build spacecraft and perform scientific research for NASA. This way we can ensure that important collaborations between JPL and DOD will continue.

Mr. Chair, today I am introducing an amendment that explicitly authorizes NASA's federally funded research and development centers to participate in Department of Defense research and development programs.

Many of us are familiar with NASA's world-renowned research and development center, the Jet Propulsion Laboratory, in Pasadena, California. JPL, which is managed for NASA by the California Institute of Technology, has designed, built and controlled many of America's most successful unmanned spacecraft. Unmanned space probes, from the *Ranger* and *Surveyor* missions that paved the way for *Apollo,* to the *Voyager* spacecraft that explored the outer planets and continue to send back data even as they leave the solar system, have increased our comprehension of our celestial neighborhood beyond anything contemplated half a century ago. Since we first sent robotic emissaries to our neighboring planets, every American space probe that has visited another planet was managed by JPL.

The journal Science named JPL's discovery of evidence of past water on Mars as 2004's ''Breakthrough of the Year''. JPL's spectacular missions have brought us incalculable scientific data and have sustained Americans' passion for spaceflight at a time of greatly diminished human presence in space. These spacecraft have reinforced America's scientific and technological preeminence.

JPL's scientific leadership represents an invaluable source of key expertise for the Department of Defense. The Jet Propulsion Lab has performed research for the Department of Defense for decades by responding to DoD Broad Agency Announcements. This amendment simply clarifies JPL's authority to continue to work with the defense department, and closely parallels an amendment which performed the same function for Department of Energy National Labs in 1998. I have worked with NASA to ensure that the amendment does not interfere with JPL's primary mission, to build spacecraft and perform scientific research for NASA. By including this amendment, we ensure that important collaborations between the Jet Propulsion Laboratory and the Department of Defense will continue into the future. I urge my colleagues to approve this amendment.

Mr. POLIS. Mr. Chair, I rise in support of the amendment offered by Mr. CONNOLLY of Virginia.

Mr. Chair, this amendment is an important clarification of section 526 of the Energy Independence and Security Act. This amendment clarifies that Federal agencies are not precluded from purchasing fuel that is not predominantly derived from higher carbon sources. While at the same time, this amendment maintains the original provision's intent by ensuring that our tax dollars are not spent on inefficient and highly polluting energy sources.

To my constituents in Colorado this particularly means that energy sources like oil shale won't be able to take our state's most precious resource . . . water.

Energy sources like oil shale take excessive amounts of energy to produce, making the net amount of energy we receive unjustifiable. Furthermore our western states understand that the most valuable resource we have isn't fossil fuels but water.

The process of developing oil shale is incredibly water intensive and our communities, rivers, and taxpayers simply can't afford it.

I thank Mr. CONNOLLY for his work on this amendment and to Mr. WAXMAN in creating the original provision.

This amendment is a responsible step for taxpayers, for western communities, and our energy policy alike.

Mr. CONNOLLY of Virginia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. MCGOVERN of Massachusetts.

Amendment No. 4 by Mr. MCGOVERN of Massachusetts.

Amendment No. 9 by Mr. FRANKS of Arizona.

Amendment No. 15 by Mr. AKIN of Missouri.

Amendment No. 34 by Mr. HOLT of New Jersey.

Amendment No. 20 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 278, not voting 23, as follows:

[Roll No. 453]

AYES—138

Abercrombie
Baca
Baldwin
Berkley
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Carson (IN)
Castor (FL)
Christensen
Clarke
Clay
Coble
Cohen
Costello
Courtney
Dahlkemper
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Driehaus
Duncan
Edwards (MD)
Ellison
Eshoo
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Grijalva
Hall (NY)
Hare
Harman
Heinrich
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Jones
Kagen
Kanjorski
Kaptur
Kilpatrick (MI)
Kilroy
Kucinich
Larson (CT)
Lee (CA)
Loebsack
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCollum
McDermott
McGovern
Michaud
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Richardson
Rohrabacher
Rothman (NJ)
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schrader
Scott (VA)
Serrano
Sestak
Shea-Porter
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Tierney
Towns
Tsongas
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Woolsey
Yarmuth

NOES—278

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Chandler
Childers
Cleaver
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, M.
Dicks
Dingell
Donnelly (IN)
Dreier
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hoekstra
Holden
Hoyer
Hunter
Inglis
Issa
Jenkins
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Norton
Nunes
Nye
Olson
Ortiz
Paulsen
Pence
Peterson
Petri
Pierluisi
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Radanovich
Rahall
Rangel
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Sablan
Salazar
Scalise
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—23

Becerra
Berman
Cantor
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

□ 1447

Messrs. GARRETT of New Jersey, SPACE, BUTTERFIELD, Ms. GIFFORDS, Messrs. CLEAVER and POE of Texas changed their vote from ''aye'' to ''no.''

Messrs. QUIGLEY, LARSON of Connecticut, COHEN, BOSWELL, ABERCROMBIE, OBEY, and ISRAEL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. MCGOVERN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 190, not voting 25, as follows:

[Roll No. 454]

AYES—224

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Costello
Courtney
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perriello
Peters
Petri
Pierluisi
Pingree (ME)
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Speier
Spratt
Stark
Sutton
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—190

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Childers

Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Crenshaw
Cuellar
Culberson
Dahlkemper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Dreier
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Perlmutter
Peterson
Pitts
Platts
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Snyder
Souder
Space
Stearns
Stupak
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Becerra
Berman
Cantor
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Kingston
Larson (CT)
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1452

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FRANKS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 244, not voting 24, as follows:

[Roll No. 455]

AYES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bean
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Dreier
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Souder
Space
Stearns
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wittman
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (WA)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Davis (TN)
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner
Welch

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1456

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. AKIN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. AKIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 226, not voting 27, as follows:

[Roll No. 456]

AYES—186

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Doggett
Dreier
Duncan
Emerson
Engel
Fallin
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Halvorson
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hodes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Nadler (NY)
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Richardson
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

NOES—226

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Yarmuth

NOT VOTING—27

Becerra
Berman
Boyd
Cao
Capuano
Clyburn
Conyers
Crowley
Davis (IL)
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Meek (FL)
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Stark
Sullivan
Velázquez
Weiner
Woolsey

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1459

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. WOOLSEY. Mr. Chair, on June 25, 2009, I was unavoidably detained and was not able to record by vote for rollcall No. 456. Had I been present I would have voted: "No"—Akin of Missouri Amendment No. 15.

AMENDMENT NO. 34 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 193, not voting 22, as follows:

[Roll No. 457]

AYES—224

Abercrombie
Ackerman
Adler (NJ)
Andrews
Baca
Baldwin
Bartlett
Bean
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Christensen
Clarke
Clay
Cleaver
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Richardson
Rodriguez
Rohrabacher
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—193

Aderholt
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carter
Chaffetz

Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Diaz-Balart, M.
Dingell
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Holden
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (CT)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Souder
Space
Stearns
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1505

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 23, as follows:

[Roll No. 458]

AYES—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Becerra
Berman
Cao
Capuano
Clyburn
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Maffei
Putnam
Reyes
Sanchez, Loretta
Smith (TX)
Sullivan
Velázquez
Weiner

□ 1509

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Chair, during House consideration of H.R. 2647, the National Defense Authorization Act I, along with several other Members of Congress, was unavoidably detained in a meeting on immigration policy at the White House with President Obama. Had I been present, I would have voted against the McGovern/Jones/Pingree Amendment, for the McGovern/Sestak/Bishop (GA)/Lewis (GA) Amendment, against the Franks/Cantor/Sessions/Broun/Roskam Amendment, against the Akin/Forbes Amendment, for the Holt Amendment, and for the Connolly Amendment.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr.

PASTOR of Arizona, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, pursuant to House Resolution 572, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. FORBES. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FORBES. Yes, sir, I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Forbes of Virginia moves to recommit the bill H.R. 2647 to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendment:

At the end of title X, insert the following new section:

SEC. 1055. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE AND CERTAIN VEHICLES AND AIRCRAFT.

(a) FUNDING.—

(1) PROCUREMENT OF AIRCRAFT, ARMY.—The amount otherwise provided by section 101(1) for procurement of aircraft, Army, is hereby increased by $92,000,000, of which—

(A) $32,000,000 is to be available for the procurement of UH–60 Blackhawk helicopters; and

(B) $60,000,000 is to be available for the procurement of CH–47 helicopters.

(2) PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amount otherwise provided by section 101(3) for procurement of weapons and tracked combat vehicles, Army, is hereby increased by $797,800,000, of which—

(A) $138,400,000 is to be available for the procurement of Stryker vehicles;

(B) $162,400,000 is to be available for the procurement of High Mobility Multi-Purpose Wheeled Vehicles;

(C) $197,000,000 is to be available for the procurement of the family of Medium Tactical Vehicles; and

(D) $300,000,000 is to be available for the procurement of Mine Resistant Ambush Protected, All-Terrain Vehicles.

(3) PROCUREMENT OF AIRCRAFT, AIR FORCE.—The amount otherwise provided by section 103(1) for procurement of aircraft, Air Force, is hereby increased by $510,200,000, of which—

(A) $110,000,000 is to be available for the procurement of MQ–9 Unmanned Aerial Vehicles; and

(B) $400,200,000 is to be available for the procurement of C–130J aircraft.

(4) MISSILE DEFENSE.—The amount otherwise provided by section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by $1,200,000,000 to provide funds for the Missile Defense Agency, of which—

(A) $600,000,000 is to be available for the ground-based midcourse defense system;

(B) $237,000,000 is to be available for the Airborne Laser program;

(C) $177,100,000 is to be available for the Multiple Kill Vehicle;

(D) $165,900,000 is to be available for the Kinetic Energy Interceptor; and

(E) $20,000,000 is to be available for the Space Tracking and Surveillance System.

(b) OFFSETTING REDUCTION.—The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $2,600,000,000, to be derived from sites that are projected to meet regulatory milestones ahead of schedule or are at greatest risk of being unable to execute Public Law 111–5 and fiscal year 2010 funding as planned for fiscal year 2010.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

□ 1515

Mr. FORBES. Mr. Speaker, this motion to recommit improves this bill by fully providing for our troops on the battlefield, protecting the American people at home from ballistic missile threats, and doing so without borrowing from any significant program.

First, this motion provides $1.4 billion in equipment requested by our men and women in combat and which this House agreed they needed because we included it in the 2009 supplemental the first time. This funding is for MRAP vehicles, Blackhawk helicopters and UAVs, which have persistently been some of our troops' highest priorities for Iraq and Afghanistan.

Mr. Speaker, after the House included this funding in the supplemental, the Senate included a provision to provide a $100 billion global bailout to the IMF. In order to pay the bill, the equipment needed by our servicemen and women in action was stripped from the supplemental.

I do not think any Member of this distinguished body believes we should have provided any loan to the IMF, or any other international body, without first taking care of our men and women on the battlefield.

Mr. Speaker, this bill will have some critical components of this motion and would restore 1,600 additional Humvees and combat vehicles, 250 MRAP vehicles to protect our soldiers from roadside bombs, four additional helicopters and four additional aircraft so our soldiers don't have to drive those roads in the first place, and six unmanned aerial vehicles to address critical shortfalls in intelligence and reconnaissance.

In addition to fulfilling the wartime needs of our troops, this motion would add $1.2 billion to restore missile defense funding to the fiscal year 2009 levels.

Last year, this Congress provided $10.5 billion for missile defense. Since that time, North Korea and Iran's nuclear and missile capabilities have demonstrably grown as credible threats to the security of the United States.

North Korea has threatened to ''wipe out'' the United States and reportedly is preparing an intercontinental ballistic missile launch that could reach Hawaii or the continental United States.

In April, the President himself said ''Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies.''

Despite these increasing threats, the bill cuts missile defense by $1.2 billion from last year. And this includes a 35 percent reduction to a vital missile defense system in Alaska and California designed to protect the United States homeland.

These cuts lack supporting analysis and challenge common sense. If North Korea does what it says, or if the President is right about Iran, this may be one of the most crucial votes we take.

The $2.6 billion to pay for the equipment our troops need and to maintain last year's missile defense funding level will come from a Department of Energy account that has already received more than $5 billion in stimulus funding on top of a baseline request of $5.5 billion.

We may hear concerns from the other side of the aisle that we are skimming off the top of important environmental cleanup projects. However, Energy Department officials have stated publicly that the stimulus funds go to the lowest priority projects. I also would like to note that cleanup funds do not expire, and the billions of dollars of stimulus funds provided for this effort won't expire for 5 years. It is more than reasonable to expect that the Secretary of Energy can responsibly reallocate the resources he receives across the environmental management portfolio.

Therefore, the real question before the House is whether we should allocate $2.6 billion to the Department of Energy for their admittedly lowest priority cleanup projects, or, to allocate this $2.6 billion for much-needed equipment for our troops in combat and to defend our Nation against the rising threats of missile attacks.

Mr. Speaker, the choice is clear. The decision should be even clearer. And with that, Mr. Speaker, I urge all my colleagues to vote for this motion.

I yield back.

Mr. SKELTON. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, this is one of the most interesting motions to recommit I have ever seen. In truth, in fact, in looking it over, which is a multipage motion, it is an effort to rewrite the work of two subcommittees within the Armed Services Committee, the Strategic Forces Subcommittee and the Air and Land Subcommittee.

And we have already, a few moments ago, discussed at length on this floor a good part of this, which is the missile defense area, which we gave $9.3 billion toward. But what I really find interesting in this is that the budget will cut the cleanup for radioactive waste and special materials in half.

At this time, I yield 2 minutes to the gentlelady from California (Mrs. TAUSCHER), the subcommittee chairman.

The SPEAKER pro tempore. The gentleman may not yield blocks of time, but the gentleman may yield.

Mrs. TAUSCHER. Thank you, Mr. Speaker.

California, Texas, Colorado, New Mexico, Washington, South Carolina, Tennessee, Idaho, Georgia. Anybody live there? Those are the States that are expecting this cleanup money. Your Governors are expecting this cleanup money. Mayors of communities are expecting this cleanup money.

This isn't just a little slush in tanks that we are trying to clean up, ladies and gentlemen. This is the 50-year residue of the Cold War; dangerous, dangerous proliferation risks, dangerous health and safety risks.

These States have agreements, usually because they have sued the Federal Government, to have this money be spent for this cleanup. So if you think this is a triviality, if your phone is ringing right now, it is probably your Governor saying do not take this money away from us because our communities are at risk.

That is why you need to oppose this motion to recommit.

We have had hearing after hearing. We have had subcommittee markups and full committee markups. None of this was brought up. This is a convenient way to change the subject. The subject is support this mark. Defeat this motion to recommit.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii, the chairman of the Air and Land Subcommittee, Mr. ABERCROMBIE.

The SPEAKER pro tempore. The gentleman may not yield blocks of time.

The gentleman from Hawaii is recognized.

Mr. ABERCROMBIE. Mr. Speaker and Members, I'm the chairman of the Air and Land Subcommittee. And I really feel very, very deeply that this recommit motion made right now really is not in order in the way we work. The phrase was used ''on the other side of the aisle.'' There are no ''sides of the aisle'' in the Air and Land Subcommittee. Every single member of that committee is recognized by this chairman as not only equal in terms of their input, but equal in terms of their commitment to the defense of this country.

You folks know me here. This kind of thing does not take place in our subcommittee. There is no ''side of the aisle'' when it comes to the defense of this Nation.

Let me just give a couple of quick examples. On the Stryker vehicle, we have $338 million in there on top of the $200 million plus that we put in the supplemental. We were never given any other number despite any opportunity anybody could have had to bring that number forward.

On the Mine Resistant Ambush Protected all-terrain vehicles, $5.45 billion for 1,000 vehicles, upgrades, retrofits and operation and maintenance. If there is one thing that this chairman, IKE SKELTON, has done in the committee, for both Republicans and Democrats who have the responsibility and obligation as members of the Armed Services Committee, is to see to it that readiness is first, foremost and fundamental in our deliberations.

I ask you, I ask you as a fellow member of the Armed Services Committee, not as a Democrat or as a Republican, to reject this on the basis that our committee did its work the way it should do its work. We set a standard for bipartisanship, in fact nonpartisanship, when it comes to determining what is the interests of the fighting men and women of the United States of America.

Mr. SKELTON. How much time is remaining, please?

The SPEAKER pro tempore. Five seconds remain.

Mr. SKELTON. I thank the gentlelady. I thank the gentleman. This is a bad motion to recommit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FORBES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 244, not voting 19, as follows:

[Roll No. 459]

AYES—170

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (AL)
Davis (KY)
Dent
Diaz-Balart, M.
Donnelly (IN)
Dreier
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Stearns
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wittman
Wolf
Young (AK)
Young (FL)

NOES—244

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Broun (GA)
Brown, Corrine
Butterfield
Capps
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (WA)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lummis
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Ortiz
Pallone
Pascrell

Pastor (AZ)
Paul
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NOT VOTING—19

Becerra
Cao
Capuano
Conyers
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Jackson-Lee (TX)
Kennedy
Lewis (GA)
Lofgren, Zoe
Olver
Putnam
Reyes
Sullivan
Velázquez
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains on this vote.

□ 1543

Mrs. BIGGERT changed her vote from ''aye'' to ''no.''

Mrs. KIRKPATRICK of Arizona changed her vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 389, noes 22, answered ''present'' 1, not voting 21, as follows:

[Roll No. 460]

AYES—389

Abercrombie
Ackerman
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—22

Baldwin
Duncan
Ellison
Filner
Frank (MA)
Griffith
Jackson (IL)
Kucinich
Lee (CA)
Michaud
Miller, George
Moore (WI)
Olver
Paul
Polis (CO)
Serrano
Stark
Tierney
Waters
Waxman
Welch
Woolsey

ANSWERED ''PRESENT''—1

Brown, Corrine

NOT VOTING—21

Aderholt
Becerra
Buyer
Cao
Capuano
Carnahan
Crowley
Diaz-Balart, L.
Flake
Gutierrez
Hastings (FL)
Herger
Kennedy
Larson (CT)
Lewis (GA)
Markey (MA)
Putnam
Reyes
Sarbanes
Sullivan
Velázquez

□ 1550

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. SARBANES. Mr. Speaker, on rollcall No. 460, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, this afternoon, I was present at a two-hour meeting at the White House with the President of the United States. As such, I was unfortunately not able to be present for the following votes:

On the inclusion of the McGovern/Jones/Pingree Amendment. Had I been present, I would have voted "Aye."

On the inclusion of the McGovern/Sestak Amendment. Had I been present, I would have voted "aye."

On the inclusion of the Franks Amendment. Had I been present, I would have voted "no."

On the inclusion of the Akin/Forbes Amendment. Had I been present, I would have voted "no."

On the inclusion of the Holt Amendment. Had I been present, I would have voted "aye."

On the inclusion of the Connolly Amendment. Had I been present, I would have voted "aye."

On the motion to recommit H.R. 2647. Had I been present, I would have voted "no."

On final passage of H.R. 2647. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on June 25, 2009, I was absent for eight rollcall votes. If I had been here, I would have voted:

"Aye" on rollcall vote 453; "Aye" on rollcall vote 454; "No" on rollcall vote 455; "No" on rollcall vote 456; "Aye" on rollcall vote 457; "Aye" on rollcall vote 458; "No" on rollcall vote 459; "Aye" on rollcall vote 460.

PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, earlier today, June 25, 2009, due to a medical situation involving a member of my family, I was not present for rollcall votes 453 through 460. Had I been present, I would have voted in the following manner:

"Aye" on rollcall 453: The McGovern/Jones/Pingree Amendment; "Aye" on rollcall 454: The McGovern/Sestak/Bishop/Lewis Amendment; "No" on rollcall 455: The Franks/Cantor Amendment; "No" on rollcall 456: The Akin/Forbes Amendment; "Aye" on rollcall 457: The Holt Amendment; "Aye" on rollcall 458: The Connolly Amendment; "No" on rollcall 459: The Motion to Recommit on H.R. 2647; "No" on rollcall 460: Final Passage of H.R. 2647.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was meeting with President Obama at the White House on immigration reform earlier today and missed rollcall votes 453–460. If present, I would have voted "aye" on rollcall votes 453, 454, 457, 458 and 460 and "nay" on rollcall votes 455, 456, and 459.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on June 25, 2009 I missed rollcall votes 454 and 460. Had I been present, I would have voted "yes" on both.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2647, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, and that the Clerk be authorized to make the additional technical corrections, which are at the desk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend remarks and in which to insert extraneous materials in the RECORD on the bill that was just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

Mr. WEINER. Mr. Speaker, because I was attending a conference at the White House on immigration reform, I was unavoidably detained and would like to state for the RECORD that, had I been present, I would have voted ''yes'' on the McGovern-Jones amendment, would have voted ''yes'' on the McGovern-Sestak amendment, would have voted ''no'' on the Franks amendment, would have voted ''no'' on the Akin amendment, would have voted ''yes'' on the Holt amendment, would have voted ''yes'' on the Connolly amendment, and would have voted ''no'' on the Republican motion to recommit.

PERSONAL EXPLANATION

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent to be recognized to note that I also was at a meeting for the last 2 hours, with the President at the White House, on immigration and unavoidably missed the votes. Had I been present, I would have voted ''yes'' on the McGovern-Jones amendment, ''yes'' on the McGovern-Sestak amendment, ''no'' on the Franks amendment, ''no'' on the Akin amendment, ''yes'' on the Holt amendment, ''yes'' on the Connolly amendment, and ''no'' on the motion to recommit.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. I ask unanimous consent to place in the RECORD how I would have voted because I was unavoidably detained at a 2-hour meeting with the President on the issue of immigration.

I would have voted ''yes'' on the adoption of the McGovern-Jones. I would have voted ''yes'' on the adoption of the McGovern-Sestak. I would have voted ''no'' on the Franks-Cantor. I would have voted ''no'' on the Akin-Forbes amendment. I would have voted ''yes'' on the Holt amendment. I would have voted ''yes'' on the Connolly amendment and ''no'' on the Republican motion to recommit.

PROVIDING FOR CONSIDERATION OF H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. POLIS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments printed in part B of the report of the Committee on Rules; (3) not to exceed three of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; (4) not to exceed one of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; and (5) not to exceed one of the amendments printed in part E of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B, C, D, or E of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 2996, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlelady

from North Carolina, Dr. FOXX. All time yielded during consideration of the rules is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 578.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Madam Speaker, House Resolution 578 provides for consideration of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations bill for fiscal year 2010.

I rise in support of the rule and the underlying bill, the Interior, Environment, and Related Agencies Appropriations bill for fiscal year 2010. I thank Chairman OBEY and Chairman DICKS and the Appropriations staff for their hard work and dedication in bringing this bill to us.

Madam Speaker, I am a lucky man. I am truly blessed to represent communities in Colorado like Vail, Breckenridge, and Boulder, some of the most awe-inspiring forests, mountains, and wilderness that our country has to offer and I had the opportunity to witness as a kid growing up to this day.

□ 1600

Visitors from across the globe come to my district in Colorado and others like it across the Nation year-round to get a taste of what we experience every day. Amidst this beauty, Coloradans grow up understanding the great responsibility we all share to protect our precious natural resources for generations of Americans to enjoy.

This bill, I'm proud to say, reflects that great responsibility and priority by providing a total of $32.3 billion for the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Indian Health Service, and related agencies—an increase of $4.7 billion over the 2009 enacted levels.

These funds are absolutely critical in addressing the problems that have come with historic underfunding and have a tangible impact not only on communities in my district, but across the country. This bill also keeps its foundation in fiscal responsibility and contains over $320 million in program terminations for programs that simply don't work, reductions in other savings for the fiscal year 2009 level, and over $300 million from the budget request. Included in this amount is a $142 million recission from EPA prior year STAG account funds based on an inspector general report of unliquidated obligations and $18 million in reductions from a number of requested increases for EPA administrative functions.

This bill also terminates $28 million for a new initiative in Federal aid in wildlife restoration programs due to concerns about implementation of this program.

Our natural environment plays such a critical role in the quality of our lives not only in my district, but across the country, and this bill will help continue the proud tradition of Federal stewardship of our public lands.

I reserve the balance of my time.

Ms. FOXX. I yield myself 3½ minutes. I appreciate my colleague yielding time and, like my colleague from Colorado, I feel extremely fortunate to live where I live in my district—I think the most beautiful area of this country.

But, Madam Speaker, the underlying bill we have here today, the Interior Appropriations Act, that most of my colleagues on both sides of the aisle are being denied the ability to offer amendments to, is filled with wasteful spending. The bill itself is a 17 percent overall increase in funding from last year's bill, and most programs are increased not only above the 2009 levels, but also above the levels the President requested.

This does not reflect the hard economic times our country and our constituents are experiencing right now and is instead spending borrowed money that we do not have.

This bill contains an astounding 38 percent increase in funding for the Environmental Protection Agency. When combined with stimulus funding approved earlier this Congress, which I did not support, the EPA will receive more than $25 billion in a single calendar year, which is the equivalent of three-quarters of the entire Interior Appropriations Act we have before us.

This kind of excessive spending does not reflect but it mocks the economic challenges our constituents are experiencing.

The money that Speaker PELOSI and the Obama administration want to spend today is all borrowed money. We do not have this money. Our constituents do not have this money. And the Federal Government does not have this money.

The Democrat leaders have made the irresponsible decision to borrow in order to spend it at their whim. This bill will increase the deficit even more by borrowing and spending money we don't have.

We can no longer blame the deficit and economic difficulties today on the previous administration because the Democrat leaders are continuing to dig America into a bigger and bigger hole with more reckless spending.

This borrowed money is all being spent by Speaker PELOSI and the Obama administration and, as a result, the unemployment rate continues to rise and the deficit continues to rise also.

This bill contains also several hundred earmarks. The earmark system is flawed. And we know that even some of the earmarks in this bill have had questions raised about them.

This legislation contains several giveaways for and preferential treatment to green companies in order to promote the green climate. This bill applies Davis-Bacon, which will create wasteful spending that we do not need to have.

Madam Speaker, I urge my colleagues to vote against this rule in order to allow this body to appropriately and adequately offer their ideas and engage in the debate that our constituents deserve.

I reserve the balance of my time.

Mr. POLIS. This bill has several cuts that I went into in a number of different areas showing strong fiscal discipline in this difficult fiscal environment. And I would agree with the gentlelady that we need to ensure that we return to fiscal responsibility and indeed balance our budget and certainly preserve our national heritage as an important part of long-term fiscal responsibility.

I'd like to yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I want to thank the gentleman from Colorado, my colleague on the Rules Committee, for yielding me the time.

Madam Speaker, I am proud to stand here in support of this rule and of the underlying legislation. This Interior Appropriations bill is a bill that respects our environment. I'd especially like to thank Chairman Dicks for his leadership, and I want to thank him also for accepting my amendment to increase funding for the Land and Water Conservation Fund Stateside Assistance program by $10 million and for including it in the manager's amendment.

The LWCF Stateside Assistance program is one of the most successful Federal-State-local partnerships in the history of the Department of the Interior. The LWCF Stateside Assistance program matches funds to assist communities in creating new public parks, creating open space, and developing public resources and creating jobs.

The States, cities, counties, and towns that apply for and accept Federal funding from the LWCF Stateside Assistance program agree to match the Federal investment on a dollar-for-dollar basis, and often match significantly more than the Federal share.

Since its inception, it has provided funding for over 41,000 State and local projects in 98 percent of all U.S. counties. There is not a congressional district that has not been impacted in a positive way by an LWCF stateside project.

Having said that, Madam Speaker, I also want to rise in strong opposition to an amendment that will be offered by my colleague from Utah, Mr. CHAFFETZ, later on today, which would eliminate, which would eliminate the LWCF Stateside Assistance program.

Madam Speaker, as I have already stated, the LWCF Stateside Assistance program has supported projects in 98

percent of all United States counties, including the counties that are included in the State of Utah that are in the district of my friend who's offering this amendment.

This program serves a vital, national need, which helps fulfill conservation efforts while promoting healthy living for all Americans. LWCF funding provides critical funding to protect and enhance our parks, protect our wildlife, and retain the quality of our conservation spaces.

Again, I want to thank Chairman DICKS for working with me on this issue, and I look forward to continuing efforts on behalf of the LWCF Stateside Assistance program.

I urge my colleagues to support the rule and to support the underlying bill.

Ms. FOXX. I will now yield 5 minutes to my colleague from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentlelady for yielding. I come to this side of the well because I fear the distance between us has grown so great that we can no longer hear each other from the chasm that divides us. It's time to stop talking at each other and start listening to one another.

When I first read this rule, I wasn't so much angry as I was deeply saddened. I was saddened by what we have allowed this institution to devolve into—little more than a Third World dictatorship. And we are all to blame because we have all allowed this to happen.

We can point fingers at one another ad nauseam, claiming, We did this to you; you did that to us; et cetera, et cetera. Unfortunately, pointing fingers has never solved a problem.

I was also saddened because the Rules Committee had it within their grasp, within their power to pull us back from this precipice that we find ourselves on. But they chose not to. They took a pass.

As I said at the Rules Committee hearing last night, History is replete with people who found an excuse to do the wrong thing. It takes a little courage to do the right thing.

It's time for us to stand up and show the courage to do the right thing—not as Democrats, not as Republicans, but as Members of Congress. It's time to restore this House to the time-honored traditions of open debate, which we inherited from those who came before us, when Members had the right and the ability to represent their constituents.

I find it ironic that around the world people hope for, pray for, even die for the simple right to have their voices heard. They look to us not because they want to be Americans, but because they want for themselves what we have, or at least what we had—the right to be heard. Yet here, in this penthouse of democracy, we are going exactly the opposite direction by trying to silence all opposition.

We all know this rule is wrong. We all know it damages this institution. I know in my heart that Mr. HOYER, the majority leader, knows this rule is wrong. I know in my heart Mr. OBEY, the chairman of the Appropriations Committee, knows this rule is wrong. I know that Ms. SLAUGHTER, the chairwoman of the Rules Committee, knows this rule is wrong.

Yet here we are, all in the name of expediency, silencing the voices of the Americans who elected us to Congress to speak on their behalf. We are sacrificing what is right to just get the job done.

There will come a time when Republicans will once again become the majority party. We don't know when that will be. It might be 2 years, it might be 10 years, it might be 20 years. But it will happen—and we all know that. I will tell you that members of my party will want to use the actions today, your rules, as a precedent—a precedent to shut you out of the process, a precedent to silence your voices, a precedent to deny your ability to represent your constituents, a precedent to take the easy road instead of doing the hard work of democracy.

I want you to know here today that I won't be a part of using this precedent against you. I will stand up for your rights as a minority when you find yourselves in the minority. It's the very heart of democracy. And I'll do it because I care more about the integrity of this institution than I do about sticking to an arbitrary schedule scratched out on some piece of paper.

I fear, I truly fear that you know not the damage that you do to this institution with these rules.

Mr. POLIS. This proposed rule makes in order 12 Republican amendments and indeed only one Democratic amendment, a manager's amendment, which includes two Democratic amendments. I think it is fair to both parties. Included in the allowed amendments are five earmark amendments.

I would like to yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the distinguished member of the Rules Committee, Mr. POLIS, for yielding me the time. Madam Speaker, as chairman of the Committee on Natural Resources, I do rise today to express my strong support for the fiscal year 2010 appropriation bill for the Interior, Environment, and Related Agencies.

For many years, many programs in the Department of the Interior were severely underfunded, leaving us with a legacy of tired visitor facilities and a backlog of needs for many natural resources programs. The legislation before us today funds the most important programs harmed by years of starvation budgets. I'm very supportive of the funding increases for our public lands.

Madam Speaker, I do wish to commend the Subcommittee on Interior Appropriations chairman, my classmate, Mr. NORM DICKS, and Ranking Member SIMPSON for the work that they have put in on this legislation. They have provided a needed increase to U.S. Forest Service for both wildlife prevention and wildlife suppression. The legislation also provides the necessary funding for the National Park Service to ensure that park visitors can experience our national parks in their full glory. I'm also pleased to see an increase in funding for the Land and Water Conservation Fund.

Further, I applaud the spending items contained in the pending measure for Indian Country. Through treaties entered into many years ago, the United States has a trust responsibility and moral obligation to provide for our Native Americans.

The unmet needs of Indian Country can never be addressed by a 1-year spending bill. However, we are making good progress with the increased funding for law enforcement, health care, and education in this legislation. These funding levels show our commitment to meet both our legal and moral obligations to Native Americans.

From the standpoint of our natural resources, the preservation of our heritage and keeping faith with Indian Country, this is a very good bill, and I urge my colleagues to support it.

Ms. FOXX. I now yield 3 minutes to our distinguished colleague, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I need to stand and congratulate our Rules Committee for all the hard work they are doing in creating precedent around here. Until last year, in the history of this House the ability to limit speaking rights and amendments was always done by a unanimous consent agreement. So the Rules Committee must indeed be working overtime to establish which issues will never be discussed on this floor.

When the ranking member of the Resources Committee, the ranking member of two of the subcommittees can go 0–9 in proposed amendments, it must be truly an effort on the part of the Rules Committee to guard free speech on this floor—as long as the topic is something on which they agree should be discussed.

□ 1615

For, indeed, we are not simply debating about dollars here. We are debating about dollars to create national security, for dollars have consequences to them.

There was one proposed amendment, which I proposed in there obviously, that dealt with the border security and border guards. Our border guards right now are concentrating their efforts on urban areas. Their efforts are working. But what that is doing is funneling the traffic of illegal immigrants into this country through side lands that are all owned by the Department of Interior and the Forest Service, which constitutes 41 percent of our borders. Madam Speaker, 80 percent of all drugs smuggled are going through those lands. The foot traffic is destroying those wilderness areas. In 2002 alone, eight major wildfires were established

by the foot traffic in that area. The Goldwater training range was shut down because of illegal immigrants trespassing upon that land. Some of those areas are controlled by drug cartels. Some are subject to violence. And one of the problems that we face is, the Border Patrol actually has to pay money to the Interior Department to have access to some of those lands.

One of the Border Patrol agents was threatened with lawsuits and even arrests by a Federal land manager for attempting simply to enter a wilderness area and land a helicopter to pick up a wounded victim. The Border Patrol has to notify land managers if they ever change procedure, even if they are in hot pursuit of an individual. All those issues should be addressed in this particular area.

This device, which I have right here, is one of the listening devices that the Border Patrol needs to communicate with each other. It is placed in jeopardy simply because the Department of Interior now wants it to have limitations. A threat of a lawsuit by an environment group indicated that a memorandum of understanding has to be used to put restrictions on this even though this technology is important and even though environmental assessments said this has no impact. It is temporary. It is mobile. It does not leave a footprint. And if any of these areas were to be created as wilderness, this would have to be, by the memo of understanding, moved.

This picture is of a cactus illegally cut down. It's a crime scene. The illegals who cut this cactus down used this to stop a passenger, then to rob and beat him and then leave him on the scene. The irony is, by the laws we have, if the Border Patrol were to try to move this, that violates the Endangered Species Act if this was one of the endangered species. If it is protected, to take it at all becomes a Federal crime.

Now those are the issues that are at hand. Those are the issues that should be discussed. Those are the issues that are important to America, and those are the issues the Rules Committee decided are not worthy of being discussed on this floor. Good job.

Mr. POLIS. Madam Speaker, I would like to yield 3 minutes to the Chair of the subcommittee whose hard work brings us this bill here today, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I appreciate the gentleman yielding time.

I just want to say to my colleagues that I believe this is an extraordinarily good bill. Mr. SIMPSON and I worked together on a bipartisan basis to craft this legislation. Our staffs worked together very effectively; and we had an open process, an open subcommittee markup where any member could have offered any amendment that they wanted. We had a full committee markup where any member of the Appropriations Committee could have offered an amendment, either side of the aisle; and many were offered.

I just want you to know that I understand Mr. SIMPSON's statement here. He feels badly that we don't have an open rule. I would have preferred an open rule. But when we took control of the House, all of a sudden we had an extension of time on these bills. I can remember the last year I was the ranking member, Mr. TAYLOR was the chairman. I think we went about 8 hours. The next year when I became chairman, it was over 20 hours, and it was an exhaustive process.

I just think we have to remember that we've got to get these 12 bills passed. The greatest sin, in my judgment, is to not do our work; and there are some people in this House who don't want to see the work get done because then they can point the finger of failure at the majority. I have to support my leadership because they have offered their hand—they went over and they talked to Mr. BOEHNER. They talked to Mr. LEWIS, who is here on the floor. And they said, We would like to work out an agreement on these bills on how we can proceed. And they were rebuffed.

So we started out, and we found that there was going to be, on the first bill, a huge number of amendments. There was going to be a long-term delay in getting the work done. So we had no choice but to go to the Rules Committee and get a structured rule. I would have preferred an open rule, but I support what our leadership has done. I think until the leadership gets together and works out a different way, we're going to be doing it this way. It takes both sides here to cooperate and to realize that we have to limit the number of amendments, either by an agreement or by a structured rule.

Now this is a very good bill. I hope that this dispute about the procedure doesn't get in the way of the fact that this is one of the best—maybe the greatest—Interior appropriations bill that has ever been enacted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. Madam Speaker, I would like to yield an additional minute to the gentleman from Washington.

Mr. DICKS. I want to say something. Over the last 8 years, between 2001 and 2008, during the previous administration, the budget for the Interior Department was cut by 16 percent. The budget for the EPA was cut by 29 percent; and the budget for the Forest Service, if you take fire out, was cut by 35 percent. These were huge cuts in these programs. The Park Service was in trouble. The Fish and Wildlife Service was in trouble. We had to step in, and we did this on a bipartisan basis. In fact, when I was in the minority, Mr. TAYLOR and I, Mr. Regula and I worked to try to increase the funding for the Park Service so we wouldn't see it deteriorate. Now we have a better budget, and it helps us correct some of the problems. Still we have huge backlogs of work that have to be done in the Park Service, in the Fish and Wildlife Service, at the BLM. So even with a better budget, we still do not have enough money to take care of all the issues that we need to address.

But this is a good bill that deserves our support, and this rule deserves support.

Ms. FOXX. Madam Speaker, I think it's important to point out to the American people that there are only 60 members on the Appropriations Committee, which means that only 60 out of 435 Members in this body had the opportunity to amend the bill that's under consideration here. If we had an open rule, every Member would have had that opportunity.

I'd also like to mention that my colleague from Colorado said, Only one Democrat amendment was accepted and 12 Republican amendments. But that reinforces the point that even Members of his own party were turned away from offering amendments, and that isn't right.

Madam Speaker, I would like to yield now 2 minutes to our distinguished colleague from California (Mr. NUNES).

Mr. NUNES. Madam Speaker, 636 days and counting. This is the number of days that have passed since I asked the Democrats in this body to take direct action and avoid destruction of the San Joaquin Valley. Instead, we've had 636 days of inaction, 636 days of a man-made drought, a California dust bowl.

Last week there was a close vote, apparently too close for the Democrat leadership. The bipartisan amendment I offered would have stopped the Obama administration from taking additional measures to starve the people of the San Joaquin Valley of water. The Democrat leadership will not risk the possibility of defeat again. No mistakes this time. No vote will be allowed on the House floor this week on my new amendment to the Interior bill.

The hypocrisy of this situation is that the Democrat majority champions working families but in reality is just backing the radical environmental element in this country. For the San Joaquin Valley, the Democrats in this House have chosen the 3-inch minnows over working families. What we are witnessing is the greatest elected assembly in the history of the world starving its citizens of water, acting like a despot who tortures the innocent just to stay in power. Make no mistake—raw power is what we're witnessing, power that injures and wounds, exercised at the highest levels of this government, straight from the Obama White House and the Democrat leadership in this Congress. They will say anything and do anything to keep power. Their victims are my constituents, the people of the San Joaquin Valley, who have done nothing to deserve this cruelty at the hands of this government. The clock is ticking. There's very little time left. This Congress must act and act now.

At this moment, Madam Speaker, Members of this body are at the White

House having a luau; and in the meantime, there's 40,000 people without jobs in the San Joaquin Valley because of the inaction by the Democrats and this Congress. Come back. Stop the luau. Stop the partying, and come back, and vote ''no'' on this rule and allow an amendment on this bill to bring people of the San Joaquin Valley.

Come back. Stop the party. Come back now.

Mr. POLIS. Madam Speaker, to address the gentleman from California—in a previous discussion at the Rules Committee, we talked about the fact that the Secretary of the Interior, Secretary Salazar, has agreed to visit San Joaquin Valley and learn more about the situation firsthand to address the very legitimate concern that the gentleman from California has raised.

As a fellow Coloradan, I can attest to the savvy ability of our former Senator, former Attorney General, former water lawyer, one of the most knowledgeable minds and best minds that we have in the area of water law, water rights and water. I know that the gentleman from California shares our desire to address the legitimate issue raised by his constituents. I have every degree of confidence that the Secretary will play a constructive role in doing that.

The health of our communities is our most precious resource. This bill provides a historic and much needed investment in the Environmental Protection Agency, $10.5 billion, a large portion of which will improve our water and wastewater infrastructure. As a westerner, I understand the vast challenges we face with water. Establishing the water infrastructure that encourages and promotes conservation is of incredible importance for regions that will only see their water sources become fewer and farther between as demands grow.

In Colorado, we rely on clean water not just for municipal and agricultural use—many of our communities are supported by visiting kayakers, fly fishermen and outdoorsmen from across the country who flock to our pristine rivers and in doing so, are a key driver of the success of our economy. Our environment, communities, industries and businesses all stand to gain under the water provisions of this bill. Without significant infrastructure investment and improvement, our water quality could be further compromised, endangering the future health and economic viability of our communities nationwide and our environment. Building upon the job creation and stimulus of the American Recovery and Reinvestment Act, this bill will provide loans and assistance to more than 1,500 communities across this country and will also create as many as 40,000 new construction jobs to help get our economy going again. Moreover, Madam Speaker, wildfire season has grown exponentially over the last decade, and it is just beginning in Colorado and across the West. The cost of fighting fires has continued to increase. The House recently passed the FLAME Act, and I hope the Senate will move quickly to do the same. The communities in my district are growing increasingly worried about another fire season that has the potential to be very dangerous to both property and to people. We've been hit hard, as have many communities across our country, by the mountain pine beetle epidemic, an epidemic that has killed millions of acres of trees. Hard-hit counties in my district, like Grand County and Summit County, have had their mighty lodgepole pines felled across the district, turning the area into a potential powder keg for forest fires, bringing the threat of wildfire literally to our backyards. Over the past 10 years, this outbreak has spread, and it is devastating the Mountain West. There is a strong correlation between previous outbreaks of mountain beetles and forest fires 10 years after the event. We are now coming upon the 10-year time frame when the risk of forest fires is at its maximum.

This bill is of particular note to my home State of Colorado as it reinstates a vital program, the good neighbor authority, which is currently helping to protect communities from wildfire threats with collaboration at both the State and Federal levels. Collaboration is key to forest fire prevention. Climate modeling predicts a large change in the frequency of precipitation and intensity of drought in the area, which will only add to our increasing wildfire risk.

This bill provides a significant increase for programs that address wildland fire mitigation and suppression at both the Forest Service as well as within the Department of the Interior, and that will directly aid our communities that are most at risk. In past years, Federal wildfire accounts have fallen dangerously low. This bill provides $3.6 billion to address wildfires, including $1.49 billion for suppression and $611 million for hazardous fuels reduction. It also provides $357 million for wildland fire suppression contingency reserve funds, which are critical to protect the health of our communities and health of our public lands. This bill is an important part of our overall strategy to prevent forest fires across the West and on public lands across our country.

Madam Speaker, I would like to reserve the balance of my time.

□ 1630

Ms. FOXX. Madam Speaker, our colleague from California made an impassioned plea in the Rules Committee and again here on the floor today, and I have to ask the question: The Secretary of the Interior has been there to see the situation in the San Joaquin Valley. What more does he need to see? What is it going to take to take action to turn this water back on? How much more damage needs to occur before the Obama administration needs to take action or will take action on the needs there? As a person who grew up without water, I am very, very sensitive to this issue, and I know what a devastating thing it can be not to have water.

Madam Speaker, I would now like to yield 3 minutes to my colleague from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. I thank the gentlewoman for yielding.

Madam Speaker, I strongly urge opposition to this undemocratic rule. The majority is apparently unwilling at best or afraid at worst of debating whether the Environmental Protection Agency should have the authority to change the Clean Air Act without congressional opinion.

I went to the Rules Committee last night and asked them to make in order my amendment that would prohibit the EPA from using funding to implement or enforce its Notice of Proposed Rulemaking finding six greenhouse gases constitute a threat to the public's health and welfare. On April 24, 2009, the EPA issued a proposed rulemaking that it had found six greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride—pose a significant threat to the public's health and welfare. This endangerment finding is a precursor for the EPA to regulate these gases' emission, with or without explicit authority from Congress to do so.

My amendment would have simply returned this explicit authority to Congress to regulate greenhouse gases. Without this amendment, the EPA could threaten sweeping changes without giving any consideration whatsoever to its effects on the economy since the EPA's mandate is environmental and public health. Passing this amendment could have removed a threat so that we can consider climate change legislation in an open, deliberative process.

If the majority's national energy tax scheduled for debate later this week gets signed into law, eventually the EPA can move forward on enforcing this explicit action by Congress. But there has been no action taken yet. Rather, the courts have decided the EPA has the authority to make such a determination, which is hardly what Congress intended when it passed the Clean Air Act.

Unfortunately, the Rules Committee blocked this amendment. Furthermore, Congressman LEWIS and Congressman BLACKBURN had similar amendments, and the Rules Committee denied all three. If we had an open rule, we could not be debating all three of our amendments. We would be debating one. Unfortunately, because of the Democrats' unprecedented lockdown rule, we don't get a chance to debate at all. This is a travesty for democracy.

I urge all Members to reject the Democratic leadership's attempt to stifle debate and impose its will on the House by defeating this embarrassing rule.

Mr. POLIS. Madam Speaker, the economy of Colorado and many other States rely on the health of our public lands. Our public lands draw visitors every year to explore Rocky Mountain National Park, hike the Collegiate Peaks Wilderness, or enjoy skiing on our hundreds of world-class slopes.

To protect the historic and natural beauty of our State and our country, this bill includes much-needed increases for both the national parks as well as the wildlife refuges. The $2.7 billion provided for the National Park Service includes a $100 million increase to operate the parks and $25 million for the Park Partnership Program.

I was lucky enough to have grown up in Boulder, Colorado, hiking in Mount Sanitas, the Flat Irons, and Flagstaff Mountain, areas under public management. This bill will protect and defend some of America's truly great public lands so that children all across the country can grow up enjoying our environment and interacting with it every day just as I and many of my colleagues did.

We provide over $500 million to operate the National Wildlife Refuge System, $20 million above the request. These funds will provide critically needed staff for many areas, implement climate change strategies and improve conservation efforts. Currently more than 200 of the 550 National Wildlife Refuges have no on-site staff. This bill also provides $386 million for the Land and Water Conservation Fund, including an $11 million increase for the stateside land acquisition account in the National Park Service.

Colorado's landscape goes hand in hand with its character. All of us define where we come from by the character of our natural heritage. We're lucky to have as many beautiful places across our country set aside as public lands. Over half of the State of Colorado is held in public trust as a national forest. My district is home to the Indian Peaks Wilderness and the White River. The White River is the single most visited national forest in the Nation, and we have many other marvelous attractions as well in the public trust.

This bill invests in public land management, State assistance, and science programs at the U.S. Forest Service. The nonfire Forest Service budget is $2.77 billion, including $100 million for the Legacy Road and Trail Remediation Program at the Forest Service to protect streams and water systems from damaged forest roads. This effort is a key part of our effort to protect the national forests and grasslands.

American arts and artists, not to mention their invaluable impact on education and recreation, are another important American resource which we must protect. Under this bill, the National Endowment for the Arts and the National Endowment for the Humanities will each receive $170 million, a $15 million increase above 2009 for each endowment. This bill also supports the Smithsonian Institution here in Washington, D.C. and across the country, the world's largest museum complex, with an increase of $15 million above the President's request and $43 million above 2009 levels.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I love our national parks. My husband and I visit them whenever possible because we believe that they are crown jewels in our environment in this country. But by putting this and future generations further into debt, we are making it less likely that the population of this country is going to be able to visit these wonderful national parks.

I offered an amendment yesterday in the Rules Committee that was intended to save taxpayer money that was also not made in order; so we will not be debating it on the floor of the House today, much to my disappointment and all of our constituents' detriment. My amendment was a commonsense amendment to H.R. 2996, the fiscal year 2010 Interior Appropriations Act. It would save taxpayers $10 million by eliminating proposed funding for local climate change grants.

During a time when families across America are making sacrifices in order to keep food on their tables, Congress should be finding ways to reduce unnecessary spending. My amendment would have taken a small step in the right direction by removing $10 million in taxpayer funds for local groups to come up with ambiguous projects to counter climate change.

The Federal Government has increasingly entrenched the American people in trillions of dollars of debt. It is irresponsible and negligent to continue spending Federal taxpayer funds on frivolous projects that should be funded locally such as the one that I tried to take the money from. Unfortunately, in blocking debate on my amendment, the majority did not side with the taxpayers to eliminate this wasteful grant project. Instead, the majority has worked to frivolously and unnecessarily spend the public's money without listening to any of their input or ideas.

Madam Speaker, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, with regard to fiscal responsibility, this is an issue that we all care about for this generation and future generations. Americans across the country are tightening their belts in response to our financial meltdown, and the government is doing the same.

Opponents of this bill may claim that the $4.7 billion increase over 2009 is extravagant or unwise. But the programs in this bill are expected to return more than $14.5 billion to the Treasury next year. The Department of the Interior alone has estimated to return more than $13 billion to the Treasury through oil, gas, and coal revenues, grazing and timber fees, recreation fees and the revenues from the sale of the duck stamps, not to mention the secondary impact of tourism on economies like the one in my district in Colorado. And the EPA's Leaking Underground Storage Tank program, which is financed by a 0.1 percent tax per gallon of gas, has a balance of more than $3 billion that offsets the deficit.

The provisions in this bill have been built with strong bipartisan support and were designed to pay for themselves. And by protecting the health of our Nation's drinking water, boosting support for our beautiful parks and wild lands, and, in turn, our national tourism industry, and reducing the threat of global climate change, I can't think of a wiser investment to make or a better time to make it than now.

Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, as my colleagues have spoken so eloquently before me about the process by which this rule has been brought to the floor by the majority, I want to talk again about what's wrong with this closed process.

Never before in the history of this Congress have we seen this kind of action by the majority party. As my colleagues have expressed during today's debate on this rule, as well as the past two appropriations debates, bringing appropriations bills to the floor under a closed rule is unprecedented. It's very important that the American people understand that. It does an injustice to both Democrats and Republicans who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time.

By choosing to operate in this way, the majority has cut off the minority and their own Democrat colleagues from having any input in the legislative process. By choosing to stifle debate, the Democrats in charge have denied their colleagues on both sides of the aisle the ability to do the job that they have been elected to do. That job is to offer ideas that represent and serve their constituents. The Democrats are denying Members the ability to offer improvements to legislation, and this is an injustice to our colleagues on both sides of the aisle.

Article I, section 9 of the Constitution places the responsibility to spend the people's money in our hands as Members of Congress. This is a great responsibility given only to this congressional body with the expectation that we will engage in rigorous debate over how to best appropriate taxpayer funds. However, the majority has chosen to refuse Members any participation in this decisionmaking and instead has anointed itself as the sole appropriators in this legislative body. The Democrats in charge are limiting what ideas can be debated on the floor and what constituents can be adequately represented in this House.

Our constituents in both Republican districts and Democrat districts are

struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of participating in a debate of how their hard-earned taxpayer dollars are being spent by the Federal Government.

Why is the majority blocking debate on such an important legislation? Are they afraid of debate? Are they protecting their Members from tough votes? Are they afraid of the democratic process?

After promising to make this Congress the most open and honest in history, Speaker PELOSI has time and time again worked to shut out both Republicans and Democrats from participating in debate and taking part in the legislative process. And I would like to give one quote from the Speaker when she was trying desperately to take control of this House. This is her quote:

''Bills should generally come to the floor under a procedure that allows open, full, and fair debate, consisting of a full amendment process that grants the minority the right to offer its alternatives, including a substitute.''

This is exactly the opposite of what the Speaker is doing. Why is she going back on her word? Is she afraid that the American people will disagree with her? Is she keeping other Democrats from having to make tough decisions on difficult votes? Is she afraid of democracy, the very principle upon which our country was founded?

□ 1645

Madam Speaker, it's very concerning to me that the Democrats in charge have chosen to silence the minority yet again. In doing so, they have chosen to keep the millions of constituents the minority represents from having a voice on the floor of the people's House.

Several of my colleagues, both Republicans and Democrats, offered amendments to the Rules Committee, amendments which were arbitrarily not made in order by the majority.

These amendments included asserting Second Amendment rights on Federal lands, protecting private property rights, preventing excessive regulation of greenhouse gases, eliminating excessive earmark spending across the Nation, increasing our ability to produce energy domestically, and cutting unnecessary funds in order to save our constituents money.

The list goes on and on, but these amendments will not be heard on this floor because, for some reason, the majority is afraid of allowing debate on these topics.

And we fear it's going to get even worse because they are working very hard to bring to the floor a bill on climate change. They stopped calling it global warming and now are calling it climate change.

This bill, H.R. 2454, is a $646 billion tax that will hit every American family, small business and family farm. Speaker PELOSI's answer to the country's worst recession in decades is a national energy tax that will lead to higher taxes and more job losses for rural America and small businesses.

It will shift jobs to China and India. The bill will result in an enormous loss of jobs that would ensue when U.S. industries are unable to absorb the cost of the national energy tax and other provisions, like sending jobs overseas. There is little debate that the tax would outsource millions of manufacturing jobs to countries such as China and India. According to the independent Charles River Associates International, H.R. 2454 would result in a net reduction in U.S. employment of 2.3 million to 2.7 million jobs each year of the policy through 2030.

Higher gas prices. The American Petroleum Institute reports that the cost impacts of H.R. 2454 could be as much as 77 cents per gallon for gasoline, 83 cents per gallon of jet fuel, and 88 cents for diesel fuel.

The Heritage Foundation has estimated that as a result of these increased prices, the average household will cut consumption of gasoline by 15 percent, but forcing a family of four to pay at least $600 more in 2012. It's going to be a huge impact.

It's also going to unfairly target rural America. Rural residents spend 58 percent more on fuel and travel 25 percent farther to get to work than Americans living in urban areas.

Farm income would drop as a result of H.R. 2454, according to a Heritage Foundation study, $8 billion in 2012, $25 billion in 2024, and over $50 billion in 2035; decreases of 28 percent, 60 percent, and 94 percent, respectively.

More importantly, 25 percent of U.S. farm cash receipts come from agricultural imports. U.S. farmers would be at a severe disadvantage compared to farmers and nations which do not have a cap-and-tax system and correspondingly high input costs. Over 100 State and agricultural groups oppose the cap-and-tax bill.

Madam Speaker, what it appears is happening here in this House is nothing less than a tremendous power grab and an attempt to control every aspect of our lives.

With that, Madam Speaker, I would like to yield 3 minutes to our colleague from the State of Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Thank you, Madam Speaker, and I rise to enter into a brief colloquy with my friend from Washington (Mr. DICKS).

In this bill, in the underlying bill, there are monies for land acquisition, national forest land acquisition. I know that the gentleman and I have a little different view on that. I am not necessarily in favor of land acquisition for the Federal Government, and I know you have a different view on that.

But there is a provision in this bill that allows for land acquisition within my district, and I have specifically said in the past that I don't want to have any more land acquisition in my district.

My understanding, and the way the language is is that there would be some allowance for that land acquisition to happen in other Members' districts, principally in western Washington, until—at least we have an opportunity in my district. Counties are concerned about that because it takes land off the tax rolls.

So I would wonder if the ranking member would work with me on this land acquisition so that we can at least satisfy the counties' concerns should this land acquisition move forward.

With that, I would yield to my friend from Washington.

Mr. DICKS. Thank you for yielding. Is this the Cascade ecosystems in Mount Baker, Wenatchee?

Mr. HASTINGS of Washington. That is the land I am talking about, yes.

Mr. DICKS. And this is in the Forest Service?

Mr. HASTINGS of Washington. Yes, that's correct.

Mr. DICKS. This is the first I have known of this. My colleague from Washington State, I understand your very long and very principled position on this issue. I would be delighted to take a look at this and report back to the gentleman on what I have found out and see what the situation is with the Forest Service.

Mr. HASTINGS of Washington. Good.

Reclaiming my time, I appreciate that. Again, the basis of that is I have heard from my local county commissioners, smaller rural counties than what is on the other side of the mountains, and they are concerned about the loss of revenue, rightfully so. And so I want to make sure that on anything like that they are at least made whole.

And I appreciate the gentleman taking a look at that, and I look forward to working with him. And I would yield if he has more to say on that.

Mr. DICKS. Yes. I appreciate the gentleman bringing this to our attention, and we look forward to working together, as we have on many projects throughout the years.

Mr. HASTINGS of Washington. Good.

I thank the gentleman for taking that and for his work, and I look forward to working with him.

Mr. POLIS. Madam Speaker, I would like to yield 2 minutes to the gentleman from Washington, the Chair of the subcommittee, Mr. DICKS.

Mr. DICKS. I want to point out that in this bill, at the request of the local cities and counties of our country, we have appropriated some money that will be used for climate change and to deal with the impacts of climate change.

And I would just point out, since this issue was raised on the other side of the aisle, that if we were going to do meaningful work on climate change, it's going to take our local communities to be involved, to work with their transportation systems and their energy systems and do all the other work that's necessary to deal with the

consequences of climate change. So I think this was a very wise investment. The local communities, the League of Cities, the counties, are all very enthusiastic about this.

Administrator Lisa Jackson put out an announcement the other day about this program. I am sure there will be hundreds of applications from all over this country. Climate change is one of the most serious issues facing our country.

We held hearings and brought in representatives from all the Federal agencies, and they all tell us unequivocally that they can already see the impacts of climate change on the Federal lands across the country. I mean, people are talking about bug infestation and they are talking about the effect of this bug infestation, which has a devastating effect on our forestry and our trees.

And then we have the fire issues that relate to this. The fire season now is 1 month longer on each end. So we have drought, bug infestation. We have longer fire seasons. So we have all these things that are happening because of global warming and climate change, and we have to deal with that. And we have to have our communities involved. We have to have our rural communities involved.

So I think the investments that we are making here and the research that we are doing is very necessary. There are still some people, it's amazing to me, who still have some doubts about this from a scientific perspective. So that's why we are doing all these things in the Interior bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentlewoman from North Carolina has 1½ minutes remaining.

Ms. FOXX. Madam Speaker, my colleague from Colorado a moment ago said this bill is going to create jobs. I love that old saying, ''Fool me once, shame on you. Fool me twice, shame on me.''

I wonder if this bill is going to create jobs like the stimulus package has created jobs since our unemployment has gone up significantly since the stimulus package was passed. I would also like to point out that Spain, which counted on having so many jobs from green issues, has the highest unemployment rate in Europe right now.

Madam Speaker, I am going to urge my colleagues to vote ''no'' on the previous question so that I can amend the rule to allow all Members of Congress the opportunity to offer his or her amendment to the Interior Appropriations bill under an open rule.

Madam Speaker, I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX: Madam Speaker, I urge my colleagues to vote ''no'' on the previous question and ''no'' on the rule.

I yield back the balance of my time.

Mr. POLIS. Madam Speaker, the jobs that this bill creates are very real: repairing our roads, doing trail work. Over 40,000 jobs are created, just as real as the jobs that are created under the American Recovery Program.

As I was driving through the mountain area of my district just last week, I saw signs alongside the road that these jobs are created by the American Recovery and Reinvestment Act. There were men and women at work making necessary improvements in our infrastructure and preparing it for the next generation. This bill provides crucial investment in America's resources, natural and human.

As representatives of the people and land of this great Nation, it's our responsibility to protect our resources and be good stewards of our forests, our parks, our wild lands, and our waters. This bill reinforces that imperative and makes sure that we keep our resources safe and take great steps to ensure that future generations will be able to enjoy them for years to come.

I urge a ''yes'' vote on the previous question and the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H. RES. 578

OFFERED BY MS. FOXX OF NORTH CAROLINA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling on January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Madam Speaker, I rise to a question of privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas on January 20, 2009, Barack Obama was inaugurated as President of the United States, and the outstanding public debt of the United States stood at $10.627 trillion;

Whereas on January 20, 2009, in the President's Inaugural Address, he stated, ''[T]hose of us who manage the public's dollars will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.'';

Whereas on February 17, 2009, the President signed into public law H.R. 1, the American Recovery and Reinvestment Act of 2009;

Whereas the American Recovery and Reinvestment Act of 2009 included $575 billion of new spending and $212 billion of revenue reductions for a total deficit impact of $787 billion;

Whereas the borrowing necessary to finance the American Recovery and Reinvestment Act of 2009 will cost an additional $300 billion;

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to $23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends $19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends $19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to $17.1 trillion over five years, $5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends $4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee proposed an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than $6 trillion compared to the President's budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective $100 million in the next 90 days;

Whereas the challenge to cut a collective $100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at $197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at $69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at $80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was $11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to $37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit;

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled ''Democratic Declaration: Honest Leadership and Open Government,'' page 2 states, ''Our goal is to restore accountability, honesty and openness at all levels of government.'';

Whereas according to a document by Congressional Democrats entitled ''A New Direction for America,'' page 29 states, ''Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.'';

Whereas on November 21, 2006, The San Francisco Chronicle reported, ''Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principles of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.' '' (The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, ''[We] promised the American people that we would have the most honest and open government and we will.'';

Whereas on December 17, 2006, The Washington Post reported, ''After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.' '' (The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, ''We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.'' (CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, ''If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.'';

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains $64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be preprinted in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each $1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each $3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a preprinting requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

□ 1700

The SPEAKER pro tempore. Does the gentleman from Georgia wish to present argument on why the resolution is privileged for immediate consideration?

Mr. PRICE of Georgia. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PRICE of Georgia. Madam Speaker, questions of privileges of the House come to floor by virtue of rule IX of the House of Representatives which states, in part, questions of privileges shall be first those affecting the rights of the House collectively, its safety, dignity and the integrity of its proceedings. Integrity of its proceedings, Madam Speaker.

The Commerce, Science, Justice, Appropriations bill that was outlined in the resolution that has just been read—clearly, the actions taken by the Democrats in charge, clearly have disenfranchised every single Member of this House, limiting their ability to effectively represent their constituents.

Madam Speaker, these actions, these actions by the Democrats in charge have violated, I believe, and I believe that the Members of the House would concur, have violated the integrity of our proceedings, and therefore I believe that this resolution constitutes a privileged resolution.

I yield back.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from Georgia under the standards of rule IX, the Chair is mindful of the principle that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House. Prior rulings of the Chair in that regard are annotated in section 706 of the House Rules and Manual.

The resolution offered by the gentleman from Georgia proposes a special order of business by directing the Committee on Rules to report a certain kind of resolution, and for that reason does not present a question of the privileges of the House.

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. DICKS. I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table the appeal will be followed by 5-minute votes on ordering the previous question on House Resolution 578; and adopting House Resolution 578, if ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 174, not voting 14, as follows:

[Roll No. 461]

YEAS—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Blunt
Conyers
Deal (GA)
Ehlers
Engel
Flake
Hastings (FL)
Kennedy
Kirk
Lewis (GA)
Polis (CO)
Slaughter
Sullivan
Terry

□ 1736

Messrs. JOHNSON of Illinois and FRANKS of Arizona changed their vote from ''yea'' to ''nay.''

Ms. EDWARDS of Maryland, Mr. HOYER and Ms. LORETTA SANCHEZ of California changed their vote from ''nay to ''yea.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore (Mr. LYNCH). The unfinished business is the vote on ordering the previous question on House Resolution 578, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 132, not voting 10, as follows:

[Roll No. 462]

YEAS—241

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—182

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bachmann
Butterfield
Conyers
Flake
Gerlach
Hastings (FL)
Kennedy
Lewis (GA)
Polis (CO)
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1743

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 184, not voting 11, as follows:

[Roll No. 463]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Terry
Thompson (PA)
Thornberry
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Flake
Gerlach
Hastings (FL)
Kennedy
Kosmas
Lewis (GA)
Miller, George
Polis (CO)
Reichert
Sullivan
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1750

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. KOSMAS) at 9 p.m.

RESIGNATION AS MEMBER AND APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Permanent Select Committee on Intelligence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 23, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the House Permanent Select Committee on Intelligence, effective today.

Sincerely,

JOHN KLINE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon:

Mr. KING, New York

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group:

Mr. OBERSTAR, Minnesota, Chairman
Mr. MEEKS, New York, Vice Chairman
Ms. SLAUGHTER, New York
Mr. STUPAK, Michigan
Ms. KILPATRICK, Michigan
Mr. HODES, New Hampshire
Mr. WELCH, Vermont
Mr. MANZULLO, Illinois
Mr. STEARNS, Florida
Mr. BROWN, South Carolina
Mrs. MILLER, Michigan

APPOINTMENT OF MEMBERS TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, clause 10 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group:

Mr. CHANDLER, Kentucky, Chairman
Mr. SIRES, New Jersey, Vice Chairman
Mr. CLYBURN, South Carolina
Mr. ETHERIDGE, North Carolina
Mrs. DAVIS, California
Mr. BISHOP, New York
Mr. MILLER, North Carolina
Mr. PETRI, Wisconsin
Mr. BOOZMAN, Arkansas
Mr. CRENSHAW, Florida
Mr. ADERHOLT, Alabama
Mr. LATTA, Ohio

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2996, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 578 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2996.

□ 2105

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. CONNOLLY of Virginia in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. DICKS) and the gentleman from Idaho (Mr. SIMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

It is my privilege and pleasure to present the fiscal year 2010 Interior, Environment and Related Agencies Appropriations bill to you today. This very fine bill is the product of many hours of hearings and briefings, always with bipartisan input and excellent participation. I am particularly pleased to present the bill with my friend, MIKE SIMPSON.

The bill before us provides historic increases for the environment, natural resources, and Native American programs, especially Indian health. It also includes significant allocations to protect our public lands, invest in science, and support important cultural agencies.

At a total of $32.3 billion, this bill is an increase of 17 percent above last year. Chairman OBEY recognizes that the programs funded through this bill have been chronically underfunded and provided the allocation necessary to reverse that trend.

From 2001 through 2009, when adjusted for inflation, the budget request for the Interior Department went down by 16 percent, the EPA went down by 29 percent, and the nonfire Forest Service accounts went down by 35 percent. This bill invests taxpayers' dollars in our natural resources, and for this investment all Americans will see great returns.

Some will argue that we are spending too much in this bill, but let's look at the facts. The largest increase by far is for drinking water and wastewater infrastructure. The demand for assistance to repair, rehabilitate, or build new infrastructure is immense. This subcommittee received 1,200 requests for such assistance from both sides of the aisle.

Every one of us wants clean and safe drinking water for our constituents. This increase is long overdue. In fact, the first administrator, Christine Todd Whitman, under President Bush in 2002 did a study that showed that there was a $668 billion backlog for these kinds of programs. This kind of infrastructure is desperately needed. That's why we added money here and added money in the stimulus package.

Yes, this bill includes a $4.7 billion increase above the 2009 level, but let me remind my colleagues that the programs in this bill will return more than $14.5 billion to the Treasury next year. That's revenue. The Department of the Interior alone is estimated to return more than $13 billion to the Treasury through oil, gas and coal revenues, grazing, timber, recreation fees, and the revenues from the sale of the duck stamps.

I should also note that the EPA's Leaking Underground Storage Tank program, financed by a 0.1 percent tax per gallon of gas sold, has a balance of more than $3 billion that offsets the deficit. Clearly, the programs in this bill go a long way towards paying for themselves.

But let me be clear. This bill is not all increases. We had to make difficult choices. Through hearings and briefings, we carefully reviewed the proposed budget and have recommended a number of reductions and terminations. Some of these were the result of recommendations made by the GAO and the Inspector General. In total, we recommend program reductions or terminations of over $320 million from the 2009 levels and $300 million from the budget request.

The bill before us today provides historic increases and focused funding to protect the environment. Clean water and drinking water infrastructure received $3.9 billion, enough to provide assistance to more than 1,500 communities.

We included authority for subsidized assistance to those cities and towns which cannot afford conventional loans. These funds would provide drinking water that meets public health standards and clean water to restore important ecosystems. The bill invests $667 million to restore major American lakes, estuaries, and bays. It fully funds the President's request of $475 million for the Great Lakes Restoration Initiative and makes significant investments to protect other great American water bodies such as Puget Sound, Long Island Sound, the Gulf of Mexico, and the Chesapeake Bay.

To address global climate change, this bill provides $420 million for climate change adaptation and scientific study. This includes $178 million for research, planning and conservation efforts within the Department of the Interior and $195 million for EPA science, technology development and regulatory programs, including grants to local communities to cut greenhouse gas emissions. I am especially proud that the bill includes $15 million for the National Global Warming and Wildlife Science Center at the U.S. Geological Survey.

The bill also addresses our Nation's commitment to Native Americans with increases for health care, law enforcement, and education in Indian country. This bill provides a total of $6.8 billion for Indian programs, an increase of $654 million above the 2009 level.

We recommend an historic increase of $471 million above 2009 for the Indian Health Service to improve the quality and availability of critical health care services. It also includes $182 million above 2009 for the Bureau of Indian Affairs to support justice, law enforcement, education, and social services in Native American communities.

We recommend a major investment in Forest Service and Department of the Interior programs that fight and reduce wildfires. The bill has an unprecedented total of $3.66 billion for all of the fire accounts. We have increased overall wildfire suppression funding by 39 percent over 2009, including $357 million for the new wildfire suppression contingency reserve accounts.

In response to testimony received at a number of hearings, we also recommend a $611 million investment in hazardous fuels reduction. It is clear that focused fuels reduction is important if we hope to reduce the number and severity of wildfires in the future and protect communities and watersheds.

The bill provides a $198 million increase above 2009 for the National Park Service to invest in the iconic lands and infrastructure that comprise our national heritage. I am also particularly proud of our efforts to improve the National Wildlife Refuge System. We have provided $503 million, a $40 million increase over 2009, for the refuge system to reduce critical staffing shortages, implement climate change strategies, and improve conservation efforts.

The bill also supports land management, State assistance, and science programs at the Forest Service by increasing nonfire programs by $160 million above 2009. The bill provides $100 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads. This is a key part of our effort to protect the national forests and grasslands.

And finally, we have provided an increase of $86 million above the 2009 level for the cultural agencies supported by this bill. We recommend $170 million for both the National Endowment for the Arts and the National Endowment for the Humanities. The endowments are vital for preserving and encouraging America's creative and cultural heritage.

□ 2115

The bill also supports the Smithsonian Institution, the world's largest museum complex, with an increase of $43 million above 2009.

I'm especially proud of the way we produced this bill. Mr. SIMPSON has been an outstanding ranking member whose thoughtful contributions over the course of 20 hearings has helped us to make this a better bill. During those hearings, we heard from 37 government witnesses and 99 members of the public. We received written testimony from an additional 94 witnesses. I was most impressed with the minority's attendance at those hearings. This bill is the product of a bipartisan effort, and I truly believe it is a better bill because of that.

I want to take a moment to thank our staff who have worked long hours without weekend breaks to help prepare this bill. Delia Scott, our clerk; Chris Topik, Greg Knadle, Beth Houser, Juliette Falkner, Melissa Squire, and Greg Scott on the majority staff have worked in a bipartisan manner with David LesStrang and Darren Benjamin on the minority staff.

In addition, Pete Modaff and Ryan Shauers on my staff, and Malissah Small and Megan Milam from Mr. SIMPSON's staff have worked hard and

have been a great help to the subcommittee staff.

In closing, I want to remind members that although the increases I have outlined are substantial, their impacts will be even greater. Our subcommittee funds programs that span a broad spectrum of issues, from our cultural and historic heritage to the water we drink and the land we walk on. Our agencies fight fires, protect great water bodies, and tend to the needs of the first Americans.

These programs are vital to every American. They will improve the environment for everyone. And they work to fulfill our Nation's trust responsibilities.

I'm proud of this bill and ask that you support it.

I reserve the balance of my time.

Mr. SIMPSON. I yield myself such time as I may consume.

Madam Chairwoman, let me begin my remarks by expressing thanks to Chairman DICKS for the reasonable and evenhanded manner in which he's conducted the business of the Interior Subcommittee this year. While we may disagree about the needed 17 percent increase in our subcommittee allocation, our work together has been a bipartisan, collaborative effort. We are certainly not going to agree on every issue, but even when we disagree, Chairman DICKS and I continue to work well together, and I thank him for that.

I'd also like to commend the chairman for the extraordinary oversight activity of our subcommittee this year. As he mentioned, oversight is one of the committee's most important functions, and we have upheld that responsibility by holding 20 subcommittee hearings since the beginning of the year involving over 100 witnesses. I don't know many other subcommittees that can match that record.

I also want to applaud the chairman's decision to provide full pay and fixed costs for each of the agencies under this subcommittee's jurisdiction.

We're both concerned by the fact the President's budget submission for the U.S. Forest Service covered only 60 percent of the pay and fixed costs, while the budget request for the Department of Interior included 100 percent of pay and fixed costs. To date, the committee has received no explanation or justification from the administration for this discrepancy.

I'm also pleased by the needed attention this legislation provides our Native American brothers and sisters. There are many unmet needs within Indian country—in education, health care, law enforcement, drug abuse prevention, and other areas—and this bill does a great deal to address these issues.

Chairman DICKS and I agree on many things, including our obligation to be good stewards of our environment and public lands for future generations. However, we part when it comes to the need for an allocation as generous as the one Chairman OBEY has provided in this bill.

The 302(b) allocation for this bill is $32.3 billion, a $4.7 billion, or 17 percent, increase over last year's enacted level. This increase comes on the heels of historic increases in this subcommittee's spending in recent years.

Interior and the Environment spending between 2007 and 2009—including base bills, emergency supplementals, and the American Recovery and Reinvestment Act—has increased by 41 percent—and that's before this year's 17 percent increase.

Chairman OBEY is fond of saying, Show me a smaller problem and I'll show you a smaller solution. While I may not be able to show him a smaller problem, I can show him a historically bigger problem where the ''solution'' of more and more deficit spending has not worked—including the Great Depression of the 1930s and Japan in the 1990s.

But it isn't just the spending that concerns me. This legislation is funding large increases in programs without having clearly defined goals or sufficient processes in place to measure the return on our investment. We are making rapid investments in water, climate change, renewable energy, and other areas—all of them worthy endeavors—but with relatively little planning and coordination across multiple agencies and the rest of government.

Our country has some serious environmental challenges that need to be addressed. And this bill has an overly generous allocation to meet many of those needs. But, with all due respect to Chairman OBEY, too often we believe that our commitment to an issue is measured by the amount of money we spend rather than how we're spending that money. History has shown us that bigger budgets do not necessarily produce better results.

The climate change issue is an illustration of this point. ''Climate change'' is today what the term ''homeland security'' was in the days and months following the terrorist attacks of September 11th. Anyone who came into our offices, any of our offices, to discuss an issue, spoke of it in the context of ''homeland security.'' The argument was, We have to do X, Y, or Z, for our homeland security depends upon it.

Well, today many of our priorities are related to climate change. I agree with Chairman DICKS this is an issue we need to study carefully and know more about. It's affecting the intensity of our fires and even the duration of our fire season.

But what have we learned from the money this subcommittee and other committees have already provided? Are we spending $420 million on climate change next year to learn something new or relearn what we already know?

I'm also concerned that many climate change functions within this bill won't be coordinated with similar efforts undertaken by other Federal agencies, resulting in a duplicating of effort. We ought to require coordination across the entire Federal Government on an issue as important as this, and one on which we are spending as much money government-wide as we are.

It's for this reason that the minority offered an amendment—adopted during the full committee consideration—requiring the President to report to Congress 120 days after submission of the 2011 budget request on all obligations and expenditures across government on climate change programs and activities for FY 2008, 2009, and 2010. It's not because we're opposed to climate change programs, but because they need to be coordinated government-wide.

Given the uncertain economic times our country is facing, I'm also troubled by the unsustainable pattern of spending in this legislation. This subcommittee and Congress ought to be as concerned about the impact of too much spending as we are about the potential impact of climate change and other issues.

Chairman DICKS has spoken on many occasions about what he describes as ''the dark days'' and ''the misguided policies and priorities of the previous administration.'' Still, for any perceived or real inadequacies of past policies or budgets, it would be a mistake for any of us to believe we can spend our way to a solution to every challenge we face.

The Federal Reserve Chairman, Ben Bernanke, recently told Congress that it's time for the Obama administration to develop a strategy to address record deficits or risk long-term damage to our economy. He said, ''Unless we demonstrate a strong commitment to fiscal sustainability in the longer term, we will have neither financial stability nor healthy economic growth.''

A good bill is a balanced bill. But providing a disproportionate level of funding to one agency creates an imbalance that undermines the legitimate needs of other deserving agencies. That is why I question a $10.6 billion budget for the EPA—a 38 percent increase from last year. This is on top of the $7.2 billion the agency received in the stimulus package and the $7.6 billion it received in the enacted 2009 Interior bill.

Taken together, the EPA will receive over $25 billion this calendar year alone. That's about the size of this subcommittee's entire budget just 2 years ago.

While the EPA will receive an extraordinary, historic funding increase, it's worth noting the U.S. Forest Service was recently rated as one of the worst places to work in the Federal Government by a study conducted by the Office of Personnel Management. It isn't clear why Forest Service employees feel as they do, but it may be linked to the incredible funding challenges the Service has faced in recent years due to the growing cost of fire suppressions.

From our hearings, we know that almost 50 percent of the Forest Service

budget is now consumed by the cost fighting wildfires. In past years, the Forest Service has had to borrow hundreds of millions of dollars from other accounts just to pay for fire suppression. Without any question, this creates uncertainty among Forest Service employees.

President Obama is to be commended for tackling the issue of budgeting for fire suppression by proposing a fully funded fire suppression budget as well as a contingency reserve fund. And I commend Chairman DICKS for providing the Forest Service with resources to address many fire-related needs.

Still, based upon recent fire patterns and the monumental increase in demand for fire suppression dollars, I feel strongly that the wildfire contingency reserve fund should be funded at the President's request level of $357 million. This reserve fund is similar to the emergency fund source contained in the FLAME Act, which passed the House in March on an overwhelming 412–3 vote.

That is why the minority offered an amendment—adopted during full committee consideration—which increased the fire contingency reserve fund from $250 million in the chairman's mark to the President's requested level of $357 million. If virtually every other item in this legislation is funded at or above the President's request level, there should be no justifiable reason to exclude fire suppression. And I want to thank the chairman for accepting that amendment in the full committee.

We paid for this increase by rescinding $107 million from the EPA's prior year balances. According to the May, 2009 report issued by the EPA's Inspector General's office, the EPA presently has $163 million on the books that have been sitting there unspent since 1999. The EPA does some good work, but if those dollars haven't been spent in 10 years, we ought to put them to good use fighting fires.

While Chairman DICKS has done a good job addressing many critical issues in this bill, I don't believe that a $4.7 billion, or 17 percent, increase over the FY 2009 enacted level is justified or warranted. This unprecedented increase follows a $3.2 billion, or 13 percent, increase between FY 2008 and FY 2009 spending bills, as well as an $11 billion infusion from the American Recovery and Reinvestment Act. Frankly, we just can't afford this.

In closing, I would again like to thank Chairman DICKS for the evenhandedness that he has shown in working with us. We work well together, and I think this bill shows that.

In closing, I'd like to thank both majority and minority staff for their long hours and fine work in producing this legislation. On the majority side, this includes Delia Scott, Chris Topik, Julie Falkner, Greg Knadle, Beth Houser, Melissa Squire, Ryan Shauers, and Pete Modaff.

On the minority side, let me thank my staff—Missy Small, Megan Milam, Kaylyn Bessey, and Lindsay Slater, as well as the committee staffers, Darren Benjamin and David LesStrang. If the Members of this House worked as well together as the majority and minority staffers do, we'd get a lot more done in this place.

I reserve the balance of my time.

Mr. DICKS. I'd like to yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT) for the purpose of a colloquy.

Mr. TIAHRT. I thank the chairman of the committee, Chairman DICKS, for the opportunity to discuss this important issue. After serving with Chairman DICKS as ranking member of this subcommittee during the 110th Congress, I know how hard he has worked to make sure that communities have access to EPA grants to help with their State and tribal assistance grants and clean water needs.

It has come to my attention that the fiscal year 2009 Appropriations Act contained money for the city of Manhattan and Riley County for the Konza sewer line. However, with the delay in getting the money, the city had to go ahead with construction of the sewer line and now needs to use the money for a water line. EPA is supportive of the correction.

I will include in the RECORD a letter from the EPA Region 7 office expressing their support for the correction.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Kansas City, June 25, 2009.

Re Technical Correction to STAG Earmark Grant Authorization for Riley Co, Kansas.

Hon. TODD TIAHRT,
Rayburn House Office Building,
Washington DC.

DEAR REPRESENTATIVE TIAHRT: Representative Boyda requested funding for Riley Co. for the Konza sewer main extension in a letter to the Chairmen Obey dated March 14, 2008. By the time that grant was authorized, the sewer project was nearly completed.

EPA does not normally approve construction completed before a grant is awarded because the procurement action would not comply with EPA grant regulations. If the grantee has additional water or wastewater construction pending, we prefer to direct the grant funds to a pending project. We discussed this with the County and suggested that they contact Representative Jenkins office to request a technical correction so that the grant could be used to fund the construction of the Konza waterline extension project. Since the County and the City of Manhattan are sharing costs on the project, and since Manhattan has agreed to do the contracting for the water line, I also suggested that the grant name be changed from Riley Co. to the City of Manhattan so that EPA could award the grant funds directly to Manhattan.

Although these changes are a Congressional decision, EPA does support using the funds for the waterline project, so that an area adjacent to Manhattan which currently has an inadequate source of drinking water, can receive high quality drinking water from Manhattan to help protect the public health of those living in the Konza area.

Please do not hesitate to contact me at (913) 551–7417 or gibbins.don@epa.gov if you have any questions or need additional information.

Sincerely,

DONALD E. GIBBINS,
EPA Grant Project Officer, Wastewater & Infrastructure Management Branch, Water, Wetlands & Pesticides Division.

Mr. DICKS. Will the gentleman yield?

Mr. TIAHRT. I would be glad to yield.

Mr. DICKS. It is my understanding the community went forward with the necessary work in light of the Federal delay and now would like to use the money for a waterline. Is that correct?

Mr. TIAHRT. It is correct. My fellow Kansan, the distinguished Member of the 2nd District of Congress, Ms. Lynn Jenkins, has worked hard on this issue. It is a critical need of her constituents. The region is experiencing high growth due to the ongoing troop buildup at Fort Riley with the return of the Big Red One.

The City of Manhattan, Kansas, and Riley County are cooperating to provide municipal-level services along the K–177 corridor near Fort Riley. Strong interest has been expressed in the area by the development community, and there have been limitations on future growth on Manhattan's west side.

The 2003 update of the Manhattan Urban Area Comprehensive Plan, which was a joint planning initiative with the city and the county, specifically identifies the K–177 gateway area as a potential urban growth corridor if municipal level services are provided. That's why the city could not wait on the sewer line project. It is already underway and being managed by the county.

The city will be responsible for the design, bidding, and overseeing of the water project. The cost of both the water and sewer projects will be shared by the Federal Government, the city of Manhattan, and Riley County.

Clearly, it was congressional intent that Manhattan's needs be funded. I understand the committee is not making technical corrections on EPA projects in this bill and is working out a new policy to do so in the future.

□ 2130

I hope that the chairman will take into consideration Manhattan's need and as the process moves forward work with Ms. JENKINS and myself to correct the issue. The delegation has been working with the EPA regional office in Kansas City, but in order to proceed the project description in Public Law 111–8 should read, ''The city of Manhattan for water line extension project.''

I thank the chairman for his consideration on this important issue.

Mr. DICKS. I understand my colleague's problem. We're going to work with him and try to work this out with the other body. But I realize how serious this is, and we'll work with him until we get a satisfactory solution.

Mr. TIAHRT. I thank the chairman.

Mr. DICKS. Madam Chair, if I could be recognized again, I want to yield 2 minutes to Congressman GERALD E. CONNOLLY of Virginia for the purposes of a colloquy.

Mr. CONNOLLY of Virginia. I thank my distinguished friend, the chairman of the subcommittee.

Heritage programs have proven to be effective vehicles for increasing tourism and conservation. Many citizens have worked with their Members of Congress to designate new heritage areas. Thanks largely to the work of my colleague Frank Wolf, one of these new areas is the Journey Through Hallowed Ground National Heritage Area. I appreciate the chairman including funding for this and other new heritage areas in this markup as well as that of the ranking member, Mr. SIMPSON, and I ask if he foresees an opportunity to revisit that financial support in appropriations cycles.

I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman from Virginia for acknowledging this important program. Would the gentleman agree that a critical component to freeing up additional dollars for the partnership program would be to have our existing heritage areas move towards self-sufficiency?

Mr. CONNOLLY of Virginia. Yes, I agree with the distinguished chairman. In order to maintain and expand upon the existing program, we must ensure that existing heritage areas establish independent funding resources as originally envisioned. My district is the prime example of the importance of Federal funding. The historic village of Buckland is home to a Native American step mound, the home of a Jefferson-era northern Virginia Congressman, homes of an antebellum freeman community, and a Civil War battleground. It is one of the best preserved examples of a village planned on the traditional British axial layout. Many of the local residents have worked together to acquire and protect the historic structures and landscapes in Buckland. However, they cannot do it alone with development pressure in the National Capital Region threatening to degrade this fully intact historic site. This is a prime example of where additional funding could be used to augment substantial private funds to preserve an entire village in this case and surrounding landscape representing American history from the Native Americans to the Civil War and beyond. Madam Chairman, I thank the chairman for his interest and commitment to the heritage partner programs and look forward to working with him in the future.

Mr. DICKS. Madam Chairman, I look forward to working with the gentleman from Virginia on this very important issue.

Mr. SIMPSON. Madam Chairwoman, I would yield 2 minutes to my good friend from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

I must begin by expressing two reservations about the legislation in front of us. The first is the manner in which it arrived at the floor. Like my colleagues on my side, we're used to and treasure the idea that appropriations bills should come to this floor under an open rule so every Member can come forward and offer good suggestions, and the product can be improved. We didn't do that in this case, and I think that's regrettable. The bill would have been better; and frankly, I think the process a little less rancorous.

Second, I want to express my sentiments in agreement with Mr. SIMPSON about the spending levels here. There's a lot of good projects in this bill. But whether or not we can sustain them over the long term I think is a very legitimate question that we're going to have to wrestle with again and again in bill after bill.

Having said that, Madam Chairwoman, I'd like to balance my comments with three very positive observations about this product. The first is the process under which we arrived at a bill. I have to echo Mr. SIMPSON's appreciation for Chairman DICKS' wonderful cooperation and open process. Certainly the chairman and the ranking member worked together well. They included all of this, and I'm very grateful for that.

Second, I agree with the chairman and the ranking member's emphasis on the importance of water projects. I too represent many small communities that struggle to have sufficient revenue to actually build the water systems they need. That's an appropriate focus, and I am grateful for that. And finally, Madam Chairwoman, all too often in this body the First Americans have been the last Americans. That's certainly not the case in this bill. The chairman, in particular, deserves extraordinary credit for the effort and resources he's put behind Native American concerns in health care, law enforcement and education. I am personally very grateful for it. It's one of the best efforts we've seen certainly in over a decade.

In conclusion, Madam Chairwoman, I hope we can do a little bit better going forward in working on the spending and the prioritization. But I appreciate the process, and I'm confident we can improve this bill as we work it through.

Mr. DICKS. I would like to yield myself 2 minutes for the purpose of having a colloquy with the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Thank you, Mr. Chairman.

I am here today to seek the chairman's assistance with an important matter involving the Choctaw Nation of Oklahoma, a matter with which he has been most helpful and understanding. I am also proud my friend Mr. COLE from Oklahoma, who is a Chickasaw, a great friend of the Choctaw people, is here and helping me as well.

The issue is the effect of the moratorium on school participation in the BIA academic funding system and its effect of preventing the Choctaw Nation of Oklahoma from carrying out its plan to operate a first through sixth grade school program. The original moratorium was to be temporary to afford the BIA a chance to control its construction policy; yet it, in fact, precluded the Choctaws from reconstituting their program, which was unilaterally cut by the termination policy of the 1950s, in spite of the fact that the tribe built a new school and, thus, saved the government considerable expense.

I appreciate your pledge to work with me and the Choctaw Nation of Oklahoma to address this problem. And I deeply appreciate the committee including language in your report accompanying H.R. 2996, now under consideration, directing the Bureau of Indian Affairs ''to study and report to the committee within 180 days after the enactment of this Act on the impacts of allowing reinstatement of termination-era academic programs or schools that were removed from the Bureau School System between 1951 and 1972.'' This includes the reestablishment of Jones Academy of Oklahoma as part of the Bureau School System.

Mr. Chairman, the Choctaw Nation has paid all construction and maintenance costs, and Jones Academy has received extensive positive recognition from multiple sources, yet the tribe is prohibited from operating Jones as a Federal grant school or for reestablishing their preexisting program. I would like to submit for the RECORD a prescription of the current Jones Academy program.

It is to meet this concern that I ask for a clarification, Mr. Chairman. Is it the chairman's understanding that the study and report should be done in consultation with the tribes involved, as required by Public Law 95–561, and that the costs to be provided are to be those associated with the current tribal programs and practices and the current state of the school programs involved as opposed to the rural farm-based boarding programs of the 1950s?

Mr. DICKS. Reclaiming my time, it is our understanding that the Member's statement of our intent is correct.

Mr. BOREN. If I may ask one more question, is it the committee's intention at this time, absent a timely report by BIA directly responsive to the committee report language, to work to include Jones Academy as part of the Bureau School System?

The Acting CHAIR (Ms. EDWARDS of Maryland). The time of the gentleman has expired.

Mr. DICKS. I yield myself 1 additional minute.

The gentleman from Oklahoma has contacted me, and I have assured him, Chief Pyle and the Choctaw Nation of Oklahoma that the ranking member and I share with the entire subcommittee his desire to support these efforts to provide quality educational opportunities for the students from many tribes nationwide who attend

Jones Academy. I will work towards inclusion of the Jones Academy, should the BIA be untimely or unresponsive to the committee's directive. But I doubt that they will be.

Mr. BOREN. Thank you, Mr. Chairman.

JONES ACADEMY

INTRODUCTION

Jones Academy is a Native American residential learning center for elementary and secondary school age children. The boarding school is located in southeast Oklahoma and houses co-ed students grades 1 through 12. Established in 1891, the facility is under the auspices of the Choctaw Nation of Oklahoma. The campus sits on 540 acres five miles east of Hartshorne, OK on Highway 270.

STUDENT POPULATION

150 to 190 students attend Jones Academy—50 to 60 elementary students (1st–6th)—100 to 130 junior high & high school students (7th–12th)

25 to 30 tribes are represented at Jones Academy

10 to 15 states are represented at Jones Academy

ACADEMICS

August 2005, grades lst–6th began being taught at Jones Academy—School years 2005–06 & 2006–07: Jones Academy achieved a perfect API (Academic Performance Index) on state achievement tests

August 2008, Choctaw Nation opened $10.2 million elementary school at Jones Academy

Jones Academy has an alternative school for students (7th–12th), that are behind in their credits (self-paced curriculum)

Approximately 120 students (7th–12th) attend the Hartshorne Public school System

Tutoring is offered five nights a week for all students

Several academic software programs are utilized to enhance student academic achievement

Rewards for academic achievement provided by Jones Academy and the Choctaw Nation STAR program plus the Jones Academy Scholarship for former students enrolled in postsecondary institutions of higher learning and/or training

Vocational Training through the Kiamichi Technology Center

Choctaw Language is offered

MEDICAL

Health Screenings—including physicals and dental services for all students—provided by the Choctaw Nation Health Services and follow-up appointments as needed

All students receive eye checks with follow-up and glasses purchased as needed

Nutritional Classes/Activities including a school health fair sponsored by the Choctaw Nation

Students are provided with a school nurse in the evenings—offered through CNHS, as well as access to the health clinic in McAlester and Talihina Hospital

COUNSELING

Counseling Services—two licensed professional counselors, four part-time mental health professionals with masters degrees, one certified drug and alcohol, an academic/guidance counselor and a school-based social worker

ACT prep courses for college bound students as well as visits to post-secondary institutions of higher learning and/or training

Oaks peer/group intervention provided at the alternative school

Prevention and dorm meetings are held weekly

RECREATION/ACTIVITIES

Students participate in athletics at Jones Academy and at the Hartshorne Public School (baseball, softball, football, volleyball, basketball, cheerleading, weightlifting, etc.)

Horseback riding, archery, ROPES course, paint ball, over-night camping, social and cultural dances, movies, swimming and fishing

Outings to museums, area lakes, parks and zoo, sporting and cultural events

Six Flags Over Texas and Frontier City trips

Raising & showing swine projects

Summer youth work program

ENRICHMENT PROGRAM

Journalism class which produces a newsletter for parent/guardians/supporters

Guitar & piano lessons

Horseback riding

Archery activities

Ceramics, arts & crafts, pottery and art lessons

Social skills training

Community service projects

OTHER SERVICES

Student senior high school graduation expenses paid for by Jones Academy (sr. pictures, announcements, sr. jacket, class ring)

Family day at Jones Academy

Purchase hygiene products as well as clothing for students as needed

Provide three meals and snacks each day

Provide safe secure environment for students and staff

Provide transportation home to and from Jones Academy

Provide adult supervision for students 24/7

Assist student in getting driver's license

Motivational speakers (including Miss OK/Miss America)

LOCATION AND HISTORY

Jones Academy is a Native American residential learning center for elementary and secondary school age children. The facility is located in southeast Oklahoma and houses about 190 co-ed students grades 1 through 12. Established in 1891 by the Choctaw Nation of Oklahoma, the campus sits on 540 acres of rolling pasture 5 miles east of Hartshorne, OK on Highway 270. Named after Wilson N. Jones, Principal Chief of the Choctaws from 1890 to 1894, the school has served generations of Native American children while under the oversight of the Choctaw Nation or the Bureau of Indian Affairs.

STUDENT BODY

Initially, the facility was an all boys school. In 1955, Wheelock, a non-reservation school for Indian girls, was closed; approximately 55 female students then were transferred to Jones Academy. In April of 1985, the Choctaw Nation contracted the boarding school operation from the Bureau of Indian Affairs. In 1988, Jones Academy became a tribally controlled school.

Our students represent a cross-section much like most other areas of the country. Jones Academy's maximum enrollment is 190. In the past, the school has enrolled students from 29 different tribes. Students come from parts of Oklahoma, Texas, Mississippi, New Mexico, Nevada, South Dakota, and several other states. Each student is a member of a federally recognized Indian tribe.

FACILITIES/PHYSICAL RESOURCES

The physical layout of the campus includes two dormitory buildings, each divided into elementary and secondary wings. There is a cafeteria, an after-school tutorial building, and a counseling center. A gym houses two classrooms for 20 alternative school students, a basketball court, and a weight room. The campus grounds also include a museum, an administration building, and a library/learning center with an underground storm shelter. The boys' dorm and the cafeteria were completely renovated in 2000. The girls' dorm was built in 1994 and is a modern, bright, home away from home. All four dorms have communal living rooms with areas for entertainment.

ACADEMIC PROGRAM

The long-range goals of our academic program are to develop capable students who can read and write proficiently and perform math functions necessary in life. We believe that building a strong foundation for our children will lead to success.

Our students attend the Hartshorne Public Schools. They are fully supported in their academic endeavors as well as extra-curricular activities. Grades are monitored weekly to insure that the student is performing to the best of his/her ability and receiving proper instruction. Tutorial services are offered to students in all grades. Students receive incentives for academic achievements. High school students are provided career counseling for postsecondary education such as college or vocational training.

Jones Academy houses an alternative school for students whose needs have not been met in the traditional classroom or who are behind in grade level. The limited class size and self-paced curriculum allow the teachers to give the students individualized academic attention.

The Choctaw Nation has begun the process of operating its own school at Jones Academy. Grades first through sixth are presently held on our campus. Construction of the new elementary school began in 2006.

CULTURAL/RECREATIONAL ACTIVITIES

A goal of Jones Academy is to involve all students in cultural, educational and recreational activities. Our facility offers a wide variety of services to the student. Students are encouraged to participate in our cultural and traditional programs. These activities include the Indian Club, traditional dance, drum and singing groups, pow-wows, visits to ancient burial mounds and tribal festivals/museums.

Recreational activities include intramural sports, camping, swimming, fishing, social dances, bowling, skating, movies, picnics, horseback riding, and many other services. Jones Academy offers a strong well-rounded program of activities to meet the individual needs of our youth.

MEDICAL SERVICES

With the support of Choctaw Nation Health Services, Jones Academy is able to provide health care for our students. Our youth receive complete physical exams soon after school begins. Throughout the year, a registered nurse and physician's assistant are on site four days of the week. Other medical services are referred to the Choctaw Nation Indian Health Clinic at McAlester and the Choctaw Nation Indian Hospital at Talihina.

STUDENT ACTIVITIES

Indian Club

Drum, Dance, Singing Groups

Jones Academy Rangers

Girl Scouts

Choctaw Language Classes

Student Council

Ropes Course

Weight-Lifting

Livestock Shows

Dances and Prom

Overnight Camping

Paint Ball, Go-Cart Racing

Horseback Riding, Skating

Movies, Swimming, Fishing,

Arts & Crafts, Flute Making

Outings to Area Lakes/Parks, Zoos, Museums, Sporting and Cultural Events, Shopping Trips

Six Flags, Frontier City Trips

RESIDENTIAL PROGRAM

Jones Academy provides the following services to our students:

Tutorial Assistance for All Grades
Rewards for Academic Achievement
Work Program for Clothing
Summer JTPA Work Program
Drug and Alcohol Education
Library Learning Center with Computers and Internet/E-mail Access
Career Counseling
College and ACT Tests Preparation
Senior Graduation Expenses Paid
Jones Academy Scholarship Program
Vocational Training through the Kiamichi Technological Center
Alternative School Program
Agriculture Program
Driver's License
Jones Academy Yearbook
Family Day
Nutritional Education
Complete Physical Exams
Medical Services Provided
Mental Health Services
Health Fair
Walking Program & Aerobics Class
Project Fit America
Life Skills Curriculum
Social Services Staff
Campus Security

Mr. SIMPSON. Madam Chairwoman, I now yield 3 minutes to my good friend from Indiana, the former chairman and now ranking member of the Veterans' Affairs Committee, Mr. BUYER.

Mr. BUYER. I thank both gentlemen for their leadership.

In the spring of 2007, it came to my attention that the condition in the 14 national cemeteries under the jurisdiction of the National Park Service are not maintained at the same high level as the national cemeteries administered by the Department of Veterans Affairs. Of these 14 cemeteries, only two of them, Andersonville in Georgia and Andrew Johnson in Tennessee, are still open and regularly inter veterans.

While on active duty as a colonel in the Army Reserves, I visited Andersonville with a cadre of JAG officers. I then discovered the conditions of the cemetery to be unacceptable and not up to the standards that these heroes have earned. The grave markers had not been washed in some time, as you can see on this photo. The markers are completely out of line. The weeds have grown up all around the markers. Shrubbery had not been cared for in the manner that it should, and it appears that the attention had not been given to these graves that I believe should have been.

I had an amendment that should have been ruled in order, but it was not under the rule. It would have required the Secretary of the Interior to contract with an independent organization to conduct a study of all National Park Service cemeteries and identify the improvements that are necessary for these cemeteries to meet the same high standard of the VA's National Shrine Program that's in the cemetery system. I modeled this amendment after the successful VA shrine commitment legislation in Public Law 106–117. It's because of this study the VA has raised the standards of all VA cemeteries to make them national cemeteries of which we can all be proud.

While I'm encouraged by the National Park Service's response in addressing this problem since I brought it to the Nation's attention in 2007, we still have a little ways to go. You can see what Andersonville looked like then. Here is Normandy. Normandy comes under the Battle Monuments Commission. This is like a putting green. It is extraordinary what the Battle Monuments Commission does. Then we have Arlington, under the jurisdiction of the United States Army, then oversight by the VA—a beautiful cemetery worthy of these heroes. Then we have a VA cemetery, a picture here in San Diego under the National Shrine Program—excellent. But what happened when I complained about, Let's get rid of the weeds around the stones? They took a weed whacker, and they removed all the weeds, and now we've got dirt around all the stones. That is not the shrine program that we're talking about.

Mr. DICKS. Will the gentleman yield?

Mr. BUYER. Please.

Mr. DICKS. Mr. BUYER, I would like to thank you for bringing this issue to light and I would like to work with you to improve the standards of these cemeteries. I do agree that we must improve these cemeteries to ensure that our appreciation for our veterans' sacrifices is appropriately expressed by maintaining their final resting place to the highest standards. I want to assure the gentleman that the National Park Service is taking steps towards better maintenance of the cemeteries. The national office of the Park Service is assembling a team with expertise and cultural resource preservation and maintenance. This team will conduct a review of these two active cemeteries and make recommendations to the national office regarding appropriate corrective actions where deficiencies are found. I would follow up this effort to ensure that the services provide a level of care befitting a national shrine. I look forward to working with you to address this issue.

Mr. SIMPSON. Will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Idaho.

Mr. SIMPSON. I would like to echo the words of Chairman DICKS and thank the gentleman from Indiana for bringing this to our attention, the importance of improving the standards of these cemeteries. Mr. BUYER's amendment—though not made in order, and it should have been made in order—has made us aware of this situation that must be addressed. I will continue to work with Chairman DICKS and Mr. BUYER to ensure that these veterans' cemeteries are brought up to the standard consistent with other veterans' cemeteries.

Mr. BUYER. I would ask the chairman—this team shouldn't just go to two cemeteries, NORM. It should go to all 14 cemeteries, not just the two that are presently interring. The Department of the Interior, they have made progress; but Chairman DICKS, we can take care of this right now. You and I sat there, along with the ranking member, in discussions in the Rules Committee as to why this should be an open rule; and the three of us should be able to work in the interest of the country right now. And I would appeal to you, Mr. Chairman. We can take care of this right now. You can move that the committee do rise, and I could offer this amendment. We can voice vote it. You can accept it. We can go back to the Committee of the Whole.

I would yield to the gentleman for consideration.

Mr. DICKS. I cannot do that.

The Acting CHAIR. All Members are reminded to address the Chair.

Mr. DICKS. I appreciate the gentleman yielding. Unfortunately I can't do that. But I will do everything I can, not only to address the two that you've mentioned, but all 14; and we'll work together on this. If it isn't to the gentleman's satisfaction, we will address it with legislation next year.

The Acting CHAIR. The time of the gentleman from Indiana has expired.

Mr. SIMPSON. I yield the gentleman 1 additional minute.

□ 2145

Mr. BUYER. What I had hoped to do, instead of saying let's fence off money and do this type of requirement, what I had hoped to do is make it clean and clear. Maybe there's an arrangement whereby the three of us can work with Secretary Salazar and we can ask him that he do the initiative, do the study, move to the National Shrine Program, bring it into next year's budget.

Mr. DICKS. Will the gentleman yield?

Mr. BUYER. I yield.

Mr. DICKS. I'm prepared to have a meeting with officials from the Interior Department, with Mr. SIMPSON, and yourself to address this issue. That's the best I can do today. But we will follow through and make sure it happens.

Mr. BUYER. Your word is solid with me.

Mr. SIMPSON. I thank the gentleman for bringing this to our attention, and I can guarantee that the National Park Service is now aware of it also.

Mr. BUYER. Thank you, gentlemen.

Mr. SIMPSON. Madam Chairwoman, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I welcome a colloquy with my distinguished colleague, Mr. LATOURETTE, and yield him 2 minutes.

Mr. LATOURETTE. I thank the distinguished chairman.

First I would like to begin by expressing my appreciation to the chairman for his work on this bill, especially his commitment to investing in

the new Great Lakes Restoration Initiative, which I believe will significantly accelerate the pace of Great Lakes cleanup and protection efforts.

I would like to clarify one important aspect of this effort, however, regarding the committee's intent for a portion of the funding included in this vital initiative.

Mr. DICKS. Will the gentleman yield?

Mr. LATOURETTE. Happily.

Mr. DICKS. I appreciate the gentleman's remarks. We were pleased to include funding for this important program in the bill, based on the administration's budget request and the broad bipartisan support of my colleagues including my colleague from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Reclaiming my time, thank you, Mr. Chairman.

To accomplish the ambitious goals of the Great Lakes Restoration Initiative, a variety of approaches and strategies will be required. Among these is the targeted conservation of key coastal natural resource lands. Along the shores of the Great Lakes and elsewhere across the Nation, a number of these coastal landscapes are being protected through the National Oceanic and Atmospheric Administration's Coastal and Estuarine Land Conservation Program, or CELCP. With the program's 50 percent matching requirement and the engagement of coastal communities and States, the program leverages Federal investment in remarkable ways. In my own State of Ohio, CELCP has been instrumental in securing key properties and conserving ecological resources at the Mentor Marsh and along East Sandusky Bay. I understand that the chairman's own involvement in the program has helped to conserve vital coastal resources along the Puget Sound.

Under the Great Lakes Restoration Initiative, $15 million would be available to NOAA for habitat restoration and protection. I understand that an underlying expectation for these funds is that at least half of them would be expended through CELCP on land conservation priorities that contribute to the goals of the initiative and these funds would supplement rather than replace CELCP funds provided in other legislation for priorities in the Great Lakes region. Is this correct?

I yield to the gentleman.

Mr. DICKS. The gentleman from Ohio is indeed correct. In my district I have seen the importance of the partnerships in the CELCP to our fragile coastal resources. The committee expects NOAA to invest in Great Lakes conservation through CELCP, as the gentleman has outlined; and I would be happy to work with him to ensure that the funds will be used for this purpose.

Mr. LATOURETTE. Reclaiming my time, I thank the Chair.

Mr. DICKS. Madam Chair, I reserve the balance of my time.

Mr. SIMPSON. Madam Chairwoman, I now yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Madam Chairman, the House is now considering the Department of Interior, Environment, and Related Agencies Appropriations Act of 2010.

Appropriations bills have traditionally been brought to the floor under an open rule where all relevant amendments are allowed to be offered to the bill. Sadly, the majority has decided to reject precedent. We're once again operating under a structured rule on an appropriations bill.

And what is the reason given for silencing the representatives of millions of Americans? Time. In their push to get through massive spending bills, the leadership in this House have decided that doing so quickly is more important than having a quality debate on how the taxpayers' money is being spent. Not allowing votes on relevant amendments is a historic blow against the rights of all Members of this great institution. More importantly, this Democratic stunt muzzles the voices of the American people. Only 13 amendments out of 105 that were offered in the Rules Committee were made in order. I personally offered 12 without a single one made in order. And to think that we Republicans are the ones being called ''childish.'' Come on.

At a time when our Nation faces an economic crisis, record debt, rising unemployment, this year's Interior Appropriations bill spends a whopping 17 percent more than last year.

One of my amendments that was not allowed would have simply reduced the amount appropriated under this act by a mere half of a percent, 0.5 percent. That's half a penny for every dollar that the Federal Government spends. Another amendment of mine would have reduced the amount of appropriations in this bill by the amount of unobligated stimulus funds that was given earlier this year.

The Founding Fathers gave Congress the sole power of the purse. In article I, section 9, clause 7 of the Constitution it specifies that ''no money shall be drawn from the Treasury, but in consequence of appropriations made by law.'' Many of the Founding Fathers believed that the power of the purse is the most important power of Congress.

In Federalist No. 58, James Madison wrote: ''This power of the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure.''

Whether you believe that the Federal Government is spending too much money, as I do, or not enough, the American people deserve an open process that allows votes on how we spend their money, regardless of how much time it takes.

The Acting CHAIR. The time of the gentleman has expired.

Mr. SIMPSON. Madam Chairwoman, I yield the gentleman an additional 30 seconds.

Mr. BROUN of Georgia. The appropriations process is one of the primary ways that Congress exercises that power given to us by the Constitution.

I ask that the majority leadership reconsider this dangerous path we are headed down. All Members of Congress must be allowed to offer all relevant amendments on all appropriations bills and let the people's voices be heard. Please let their voices be heard on the floor of this House.

Mr. DICKS. Madam Chair, I yield 5 minutes to the distinguished gentleman from Kentucky, who is a distinguished member of our subcommittee (Mr. CHANDLER).

Mr. CHANDLER. I would first like to express my gratitude to our chairman, Mr. DICKS, who has provided tremendous leadership on this bill, tremendous leadership throughout the year on the Interior Appropriations bill, a bill that I believe is extremely important to the future of our country. I'd also like to thank our ranking member, Mr. SIMPSON, for the way that he has in a very bipartisan way conducted himself and the business of the committee. It's been a committee that has worked tremendously well together throughout the year.

Madam Chairman, I want to rise to express my strong support for this bill. This bill is an extremely important one, as I mentioned a moment ago; and I believe that we have had the opportunity this year, as a result of our chairman's efforts, to hear hundreds of witnesses in extensive hearings. I believe this is one of the most hard-working subcommittees of the Appropriations Committee. We have discovered some very real needs across this country. We discovered, of course, the fact that many of the needs in our country have languished over quite a number of years, and this subcommittee has made a great effort, I believe, in this bill to address some of those needs.

We're all struggling in this country today with a troubled economy. Therefore, the investments made in this bill are all the more important to the people and to the communities that we all serve. And I would like to mention a few of the things in this bill that I believe are particularly important.

Deteriorating water infrastructure across the country endangers the health of our citizens and of our environment. At the same time, our State and local governments are faced, as we all know, with enormous budget shortfalls, preventing them from adequately addressing the problem. Federal support for drinking water and wastewater infrastructure is necessary. This bill provides nearly $4 billion in grants and loans for this purpose, a small down payment on the need, estimated at some $300 billion over the next 20 years.

In the area of conservation, this bill does great things for public lands and wildlife conservation. Funding for the National Park Service, our wildlife refuges, and our national forests will help

maintain these national treasures for the enjoyment of all Americans. Our public lands are key to preserving habitats and biodiversity, which have positive impacts on our quality of life and the health of our ecosystems.

And in the area of environmental protection, Madam Chairman, in this legislation we make strong investments in programs that protect our environment. The Superfund program cleans up our Nation's most contaminated sites and readies them for new economic development. The Energy Star program conserves energy and saves the consumer money. This bill provides increases to both the Superfund and Energy Star.

This bill also helps preserve our cultural heritage and educates our citizens about our history. State Historic Preservation Offices are funded at $46.5 million. The projects these organizations undertake in all 50 States not only protect our cultural identity, but they create jobs in so many of our small towns and communities.

This legislation is responsible, Madam Chairman, for investment in our future. It protects our environment, it protects our health, and it celebrates our heritage, among many other things. Chairman DICKS ought to be commended for the job that he has done in putting together a bill that is very difficult to put together in many ways. He's worked diligently on it.

And I also want to take this opportunity to thank our chairman for making a special effort this year to fly to my home State of Kentucky to look at some very significant issues in our mountains of Kentucky, the practice of mountain-top removal, a controversial practice which is of great concern to many of our citizens.

Mr. Chairman, I thank you for your efforts in that regard, and I thank you for the work you've done.

Mr. SIMPSON. Madam Chairwoman, I yield myself such time as I may consume for the purposes of entering into a colloquy with Chairman DICKS on behalf of Mr. CALVERT of California.

Mr. DICKS, I rise today in support of the Diesel Emissions Reduction Act grants programs, which provide needed funding to State and local pollution control agencies to retrofit and replace older, higher emission diesel with newer, lower emission, and more efficient technologies.

EPA studies indicate that black carbon, like that emitted from diesel engines, is the second most significant contributor to global warming. Retrofits and replacements of old diesel engines, like those supported by DERA, reduce these emissions by up to 90 percent.

Recently, a broad and diverse coalition of over 250 environmental, science, public health, industry, and State and local governments wrote members of the Interior and Environment Appropriations Subcommittee encouraging the committee to fully fund the DERA program at its $200 million authorized level for fiscal year 2010. Over 40 bipartisan Members of the House sent a similar letter of support to the subcommittee. Funds invested by the Federal Government in this program leverage two State and local dollars for every one Federal dollar appropriated and provide $13 of economic benefit for every dollar spent on the program.

□ 2200

The Diesel Emissions Reduction Act was authorized at 200 million per year from FY07 to FY11. However, even given this program's success in combating global warming, DERA has received less than $146 million in regular fiscal year appropriations so far, 25 percent of its authorized level. In this year's bill, the DERA program is slated to receive $60 million.

To date, this successful program has received over 650 applications for DERA grants totaling over $2 billion. Given this fact and the broad support this program has received, our colleague, Mr. CALVERT, introduced an amendment in the Appropriations Committee to increase funding for DERA by $15 million. Though this amendment was not adopted, Mr. Chairman, I ask you today, are you willing to work with Congressman CALVERT in the future to increase funding for DERA closer to its authorized level?

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I will yield.

Mr. DICKS. First, Mr. SIMPSON, I want to commend you for your leadership on the Interior and Environment Subcommittee and your support of the DERA program. There is no doubt that the DERA program is a worthwhile and beneficial program that plays a significant role in combating global warming and improving air quality. This is why this subcommittee has continued to fund and support this program. We provided $60 million in both fiscal years 2009 and 2010, and an additional $300 million through the Recovery Act.

To date, only 32 percent of funds appropriated for this program through the Recovery Act have been spent. I understand that EPA plans to obligate all the Recovery Act funds before they begin a solicitation for the 2009 funds. It could be well into 2010 before the 2009 funds are spent.

President Obama's budget requested $60 million for the DERA program in FY10 and this bill provides that. Over the next fiscal year, I will work with you, Mr. CALVERT—Congresswoman DORIS MATSUI has also talked to me about this—the EPA, and program stakeholders to review DERA in hopes of improving and streamlining its grant-making process and ensuring that we provide the proper level of funding in 2011.

Mr. SIMPSON. Reclaiming my time, Mr. Chairman, I am eager to work with you over the coming year to improve the DERA granting process to ensure that applications are processed and grants are awarded in a timely and efficient manner and work with you in the coming fiscal years to secure more robust funding for this program. It truly is a win-win-win situation, stimulating the American economy, improving air quality nationwide, and reducing emissions that are among the greatest contributors to global warming.

I want to thank Mr. CALVERT for his interest and bringing this to our attention.

I reserve the balance of my time.

Mr. DICKS. Can you tell us what the remaining time is on both sides?

The Acting CHAIR. The gentleman from Washington has 3¾ minutes, and the gentleman from Idaho has 4 minutes.

Mr. DICKS. I reserve the balance of my time.

Mr. SIMPSON. I would inform the chairman that we have no further speakers.

Let me just say in closing, Madam Chairwoman, that I have truly appreciated working with you, Chairman DICKS. You and the staff have been an honor to work with, and I think we have created a very good bipartisan bill. To tell you the truth, I can't complain about anything where you have spent the funds, although there might have been some differences that I would have made if I were king for a day and that type of thing, but I think we have come out with a good bill.

As I have said, since we started the markup, you know that my major concern is the overall spending level in this bill. But in terms of what we have spent it on, I have no problems with the way that you are approaching this, and I thank you for your bipartisanship and working with us.

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I would be happy to yield to the gentleman.

Mr. DICKS. I want to commend the gentleman for his work and his staff's work. It's been a real pleasure. Everyone has worked together. I also want to commend again, the attendance on your side of the aisle. We have four Cardinals on our subcommittee, so they have subcommittees they are running. It's very difficult for everybody to be there, but your side has been there, and it's been terrific and the questions have been great, and it's just been a real pleasure.

And I also want to thank Mr. OBEY, the chairman of the full committee, for this allocation. We can only go as far as our allocation, and I think Mr. OBEY recognized that we had been hurt over the last 8 years, and that this was a catch-up budget.

But these are such important programs, our national parks, our national forests, our Fish and Wildlife Service, and the programs for the tribes. And I have really appreciated Mr. COLE and Mr. OLVER, who have both been so concerned and sensitive about these tribal issues.

And we have made substantial increases. But even with that, the work

remains to be done. There still is more that needs to be done in order to really take care of the issues in Indian country. And I thought some of our hearings this year where we really got into law enforcement and the need for more law enforcement, the need for a recognition that the laws are covering tribal areas today are not sufficient, and the Justice Department needs to take action on this.

So I commend the gentleman for his solid work and participation, and let's get on with the amendments.

Mr. SIMPSON. Reclaiming my time, I thank you, and as I said in my opening statement, I truly do want to thank you for the oversight hearings that you have. It's been the best committee that I have served on in my time in Congress in terms of the oversight hearings that we have done, and I think that's one of the most vital functions that we have performed here and you have done a masterful job on them.

Mr. EHLERS. Madam Chair, I rise to take a few moments to talk about a portion of this bill that I am very supportive of—the Great Lakes Restoration Initiative.

The Great Lakes are a national treasure. The lakes hold 95 percent of the U.S. surface fresh water and are the largest system of surface fresh water on the planet. In addition to offering recreation and transportation options, the Great Lakes also provide more than 30 million people with drinking water.

Unfortunately, the health of the Great Lakes is threatened by aquatic invasive species, contaminated sediment, nonpoint source pollution, and habitat loss. Failure to protect and restore the lakes now will result in more serious consequences in the future, in addition to increasing cleanup costs.

Since being elected to Congress, I have championed Great Lakes restoration efforts, and I am very pleased that the President's budget, the Congressional budget resolution, and this appropriations bill, all include $475 million for the Great Lakes Restoration Initiative. Although this amount is still far short of what is needed to promptly restore the Great Lakes, it is a significant down payment. I thank the Chairman and Ranking Member for recognizing the importance of restoring the Great Lakes and for including this historic funding level.

Mr. SIMPSON. I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111–184, not to exceed three of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; not to exceed one of the amendments printed in part D of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; and not to exceed one of the amendments printed in part E of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. An amendment printed in part B, C, D, or E of the report may be offered only at the appropriate point in the reading.

After consideration of the bill for amendment, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

The Clerk will read.

The Clerk read as follows:

H.R. 2996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $950,496,000, to remain available until expended; and of which $3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

PART A AMENDMENT NO. 1 OFFERED BY MR. DICKS

Mr. DICKS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. DICKS:

In the item relating to ''Office of Surface Mining Reclamation and Enforcement_Abandoned Mine Reclamation Fund'' (page 26, line 2), before the period at the end insert '': *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act''.

Page 18, line 11, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 18, line 13, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 46, line 2, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 16, line 25, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 3, after the dollar amount, insert ''(increased by $1,000,000)''.

Page 17, line 18, after the dollar amount, insert ''(reduced by $1,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Washington (Mr. DICKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. DICKS. This is a good amendment. It's the so-called manager's amendment. It does three important things, but they are modest.

First, as Chairman RAHALL of the Natural Resources Committee pointed out, this amendment restores the Interior Department's authority to assist cooperative watershed projects that restore streams damaged by acid mine drainage. This authority was in law for several years but was inadvertently discontinued after the surface mining reclamation law amendments of 2006. This amendment aids citizens groups and States that are restoring streams damaged by previous coal mining.

Second, this amendment adds $10 million to the National Park Service State grant program. This program provides grants for acquisition of park and recreation lands by State and local communities and was proposed by Mr. MCGOVERN.

There is tremendous demand for more parkland and for recreational facility development. It is more and more vital to get people, and especially kids, out in nature and outdoors doing active recreation.

Lastly, this amendment increases the Save America's Treasures program by $1 million. This will provide funding for cost share historic preservation projects, and I urge adoption of the amendment.

I reserve the balance of my time.

Mr. SIMPSON. Madam Chairman, I would claim time in opposition.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Madam Chairwoman, it saddens me that we are here with this manager's amendment. Traditionally, manager's amendments have been noncontroversial—when they have ever been offered on an appropriation bill, have been noncontroversial and have been offered by both sides. That's not the case on this amendment.

Surprisingly, my opposition to the amendment isn't because of the substance of the amendment and the provisions of the amendment, it's how it got here. There were a number of amendments that were proposed last night in the Rules Committee; almost all of them were turned down. There were amendments that had substantive purposes offered by Members on my side of the aisle that were turned down.

The ranking member of the full committee offered an important amendment that was not made in order. The

ranking member of the subcommittee, myself, offered an amendment that was important and was not made in order. And yet we have taken three proposed amendments that were offered in the subcommittee and rolled them together in one manager's amendment and brought it to the floor, three Democratic proposed amendments and rolled it into a manager's amendment. This is not in the tradition of what a manager's amendment should be.

And so while I can't complain about the amendments, the amendments that were offered, per se, if they were offered individually and had been allowed by the Rules Committee to be allowed independently along with some of the other amendments that should have been allowed, I would have voted for all of these amendments, most likely. But it's the process that brought us to this state.

And, unfortunately, what's been happening with the rules that have been adopted for consideration of appropriation bills, it leads us to these types of incidents that should not happen, that are unnecessary, that we try to get around our own rules and our own traditions of having manager's amendments approved by both sides that are generally noncontroversial.

So, again, while I don't oppose the individual provisions of this, how this amendment got here and what it contains is not fair to the rest of the Members who put in thoughtful efforts to go to the Rules Committee and propose amendments.

I reserve the balance of my time.

Mr. DICKS. I yield myself the balance of my time.

I would just say to the gentleman from Idaho, we should have had more dialogue on this manager's amendment. And we are just getting a new team in place, and I am not blaming it on anybody, so I take responsibility myself. But in the future, on any manager's amendment, you and I will have a thorough discussion about it. And if the gentleman has some suggestions for the manager's amendment, they will be considered. So I take the gentleman's point as well made, and this is something we will follow through on.

Again, this is, I think, very noncontroversial, so I urge adoption of the amendment.

I reserve the balance of my time.

Mr. SIMPSON. Yielding myself the remainder of my time, and I take the gentleman from Washington at his word, I know that he is a gentleman of honor and he wants to work these out in a bipartisan fashion. In fact, I am not sure that the gentleman agrees fully with what has been going on with some of the rules and would like to get back, like many of us would, to regular order, and we would like to do that.

But if we had time to confer, and I understand what the gentleman is saying, a very noncontroversial amendment that could have been adopted was Mr. BUYER's amendment that we talked about on the veterans' cemeteries within the National Park Service would have been simple to put in a manager's amendment.

But I take the gentleman at his word and I look forward to working with him in the future on this.

I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SIMPSON. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

□ 2215

Mr. DICKS. I ask unanimous consent that the remainder of the bill through page 9, line 20 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

In addition, $45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $950,496,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,590,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $26,529,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $111,557,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used through fiscal year 2015 for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited through fiscal year 2015 into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby

appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,248,756,000, to remain available until September 30, 2011 except as otherwise provided herein: *Provided*, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $20,603,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $10,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $21,139,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $67,250,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601–9, not more than $2,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

PART B AMENDMENT NO. 2 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. GARRETT of New Jersey:

Page 10, line 10, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 10, line 13, after the dollar amount, insert ''(increased by $2,000,000)''.

Page 57, line 14, after the dollar amount, insert ''(reduced by $2,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. More than 19 years ago, when I first ran for public office in the very densely populated State of New Jersey, I believed that we were not doing enough to preserve our precious farmlands and our vital open space. Upon being sworn in as a Member of the House of Representatives 6 years ago, I continued to advocate preserving open space, expanding our recreational lands, and protecting our natural resources. One of the highlights of my time here in Congress was the unanimous bipartisan support for the Highlands Conservation Act which became law back in 2004.

I especially want to commend my colleague from Morris County, New Jersey, ROD FRELINGHUYSEN, for introducing that legislation back then and working diligently over the years to accomplish its passage.

Our commitment to preserving open space runs deep for us. However, more of our prized open space is being used up in our State and across the country every single day. So I'm pleased that this year, for the very first time, the Highlands Conservation Act was included in the fiscal year 2010 budget request. I applaud the President's request for recognizing the importance of the region as well.

However, while the Highlands Conservation Act has been authorized from the beginning at $10 million year, the region has so far received only $5.23 million in total over all those years. So I believe that my amendment, which provides simply an additional $2 million for land acquisition, would go a long way towards providing grants for willing sellers. It would help to preserve the remaining open space in the Northeast region and help protect cherished natural resources that are extraordinary environmental and recreational uses.

You see, this region is in the middle of one of the most congested areas of the country. Over one-twelfth of the U.S. population lives within just 1 hour of this area. Fourteen million people visit this area every year. Eleven million people rely on it for clean drinking water. And 150 species of special concern are in this area. As a matter of fact, the Forest Service stated recently that it is a ''landscape of national significance.''

So with that said, I also realize that there is an ever-increasing demand for all regions of the country, and that is why we have to make sure that the areas with the highest conservation values and greatest risk are being protected from being developed.

Preservation of the Highlands is neither a Republican or Democratic issue. It is a national issue. And that is why I'm proud to say that we joined with 22 of my colleagues from both sides of the aisle in a letter to the Appropriations Committee back in April when we requested the full $10 million for this area.

I will just add this one caveat note. I do say this: That while working to protect open space, we must also ensure that we have an adequate opportunity for further economic development, especially now in the recession. It is important that we find a balance between protecting our cherished natural resources and promoting a strong economy.

So in closing, I would like to thank the chairman and the ranking member for understanding the significance of the Highlands region. I also would like to thank the numerous conservation groups that have supported this, including the Appalachian Mountain Club, the Highlands Coalition, the Wilderness Society, the Land and Water Conservation Fund Coalition, the Trust for Public Lands, the Friends of the Wallkill River National Wildlife Refuge, and the Sierra Club of Northwest New Jersey.

Finally, throughout my entire life, I have had the opportunity to take advantage of all the natural resources the Highlands has to offer. I simply want to come here to Congress to ensure that other families as well will have that same opportunity in the future.

The critical lands of the Highlands must be protected. And it is our job to do that today.

I reserve my time.

Mr. DICKS. Madam Chairwoman, though I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. DICKS. I have to say that I have really appreciated the gentleman's leadership and the fact that he has come before our committee and taken the time to present witnesses. Also, I think this is a very good amendment. This is a good amendment that increases funding for a program that funds conservation easements that protect critical forest and watersheds in the Northeast. This amendment increases the funding for this program by $2 million, bringing the total to $4 million.

The Highlands conservation program is an example of how a cooperative approach to land protection can provide wood resources, wildlife habitat, watershed protection, recreational opportunities and other benefits to the environment and to the community. The goal of this program is to promote forest stewardship as a working, sustainable landscape, both ecologically and economically for future generations.

I urge adoption of the amendment.

I would be glad to yield to the gentleman from Idaho if he would like to say a word.

Mr. SIMPSON. I thank the gentleman for yielding.

This is an important program. I thank the gentleman for bringing this amendment. We support it. I hope that it passes and that we can preserve the Highlands region.

Mr. DICKS. I ask for a ''yes'' vote on this amendment, and I yield back the balance of my time.

Mr. GARRETT of New Jersey. I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

Mr. DICKS. Madam Chairman, I ask unanimous consent that the remainder of the bill through page 68, line 12 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $100,000,000, to remain available until expended, of which $34,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,145,706 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $65,693,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,100,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), $52,647,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $5,250,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $11,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $115,000,000, to remain available until expended: *Provided*, That of the amount provided herein, $7,000,000 is for a competitive grant program for federally recognized Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That up to $20,000,000 is for incorporating wildlife adaptation strategies and actions to address the impacts of climate change into State Wildlife Action plans and implementing these adaptation actions: *Provided further*, That the Secretary shall, after deducting $32,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 75 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,260,684,000, of which $9,982,000 for planning and interagency coordination in support of Everglades restoration and $98,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

PARK PARTNERSHIP PROJECT GRANTS

For expenses necessary to carry out provisions of section 814(g) of Public Law 104-333 relating to challenge cost-share agreements, $25,000,000, to remain available until expended for Park Partnership signature projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $59,386,000.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $90,675,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which $30,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts; and of which $6,175,000 shall be for Preserve America grants to States, federally recognized Indian Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided*, That of the funds provided for Save America's Treasures, $5,310,000 shall be allocated in the amounts specified for those projects and purposes in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $214,691,000, to remain available until expended: *Provided*, That the National Park Service shall complete a special resource study along the route of the Mississippi River in the counties contiguous to the river from its headwaters in the State of Minnesota to the Gulf of Mexico.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $103,222,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $30,000,000 is for the State assistance program.

ADMINISTRATIVE PROVISIONS

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,105,744,000, to remain available until September 30, 2011, of which $65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; and of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost and of which $2,000,000 shall be available for the United States Geological Survey to fund the operating expenses for the Civil Applications Committee: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $174,317,000, to remain available until September 30, 2011, of which $89,374,000 shall be available for royalty management activities; and an amount not to exceed $156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: *Provided*, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: *Provided further*, That to the extent $156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, $10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: *Provided*, That to the extent that such amounts are not realized from such fees, the amount needed to reach $10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each

State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $127,180,000, to remain available until September 30, 2011: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $32,088,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,300,099,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $159,084,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that federally recognized tribes, and tribal organizations of federally recognized tribes, may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $568,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; and of which not to exceed $59,895,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2012: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $200,000,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–379, 109–479, 110–297, and 111–11, and for implementation of other land and water rights settlements, $47,380,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $8,215,000, of which $1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $93,807,956.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), as amended, by direct expenditure or cooperative agreement, $3,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program Account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal

Self-Governance Act of 1994 (Public Law 103–413).

In the event any federally recognized tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,836,000; of which $12,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That for fiscal year 2010 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided further*, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $83,995,000, of which: (1) $74,715,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $65,076,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $48,590,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $185,984,000, to remain available until expended, of which not to exceed $56,536,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $932,780,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transfer to ''Wildland Fire Management'' for fire suppression operations of the Department of the Interior, $75,000,000, to remain available until expended: *Provided*, That amounts in this paragraph may be transferred and expended only if all funds appropriated for fire suppression operations under the heading ''Wildland Fire Management'' shall be fully obligated within 30 days: *Provided further*, That amounts are available only to the extent the President has issued a finding that the amounts are necessary for emergency fire suppression operations.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.), $10,175,000, to remain available until expended: *Provided*, That Public Law 110–161 (121 Stat. 2116) under the heading ''Central Hazardous Materials Fund'' is amended by striking ''in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act'' and inserting in lieu thereof ''including any fines or penalties''.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,462,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, $85,823,000, to remain available until expended: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary may assess reasonable charges to State, local, and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local, and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations and shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' and ''Wildland Fire Suppression Contingency Reserve Fund'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided*

further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No federally recognized tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Salazar to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Salazar.

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 110. Title 43 U.S.C. 1473, as amended by Public Law 111–8, is further amended by striking ''in fiscal years 2008 and 2009 only'' and inserting ''in fiscal years 2010 through 2013''.

SEC. 111. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

SEC. 112. Funds provided in this Act for Federal land acquisition by the National Park Service for Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 113. Notwithstanding any other provision of law, for fiscal year 2010 and each fiscal year thereafter, sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term ''royalty payment'' shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

SEC. 114. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which shall be deposited in the ''Royalty and Offshore Minerals Management'' account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) $2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) $3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) $6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this bill, with payment required within 30 days of billing.

SEC. 115. Section 4 of Public Law 89-565, as amended, (16 U.S.C. 282c), relating to San Juan Island National Historic Park, is amended by striking ''$5,575,000'' and inserting ''$13,575,000''.

SEC. 116. Section 1(c)(2) of Public Law 109–441 is amended by adding after subparagraph (D) the following new subparagraphs:

''(E) Minidoka, depicted in a map entitled 'Minidoka National Historic Site and Environs - Draft Document', dated May 27, 2009. The Secretary is authorized to accept a donation of land or interest in land acquired with funds provided under this section, as an addition to the Minidoka National Historic Site and administered in accordance with section 313(c)(5) of Public Law 110–229.

''(F) Heart Mountain, depicted in Figure 6.3 of the Site Document.''.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $849,649,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $3,022,054,000, to remain available until September 30, 2011: *Provided*, That of the funds included under this heading, not less than $628,941,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $35,001,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,306,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,306,541,000 as

a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $9,975,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2011, and $26,834,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $113,101,000, to remain available until expended, of which $78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $5,215,446,000, to remain available until expended, of which $2,307,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which $1,443,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: *Provided*, That $20,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico border, after consultation with the appropriate border commission; $10,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided further*, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; and (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; $160,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; and $1,115,446,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2010, in addition to the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.2486 percent of the funds appropriated for the Clean Water State Revolving Fund program under the Act may be reserved by the Administrator for grants made under Title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2010, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

Title II of Public Law 109–54, as amended by title II of division E of Public Law 111-8 (123 Stat.729), is amended in the fourth paragraph under the heading ''Administrative Provisions'' by striking ''2011'' and inserting ''2015''.

From unobligated balances to carry out projects and activities funded through the ''State and Tribal Assistance Grants'' account, $142,000,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The Administrator is authorized to transfer up to $475,000,000 from the ''Environmental Programs and Management'' account to the head of any other Federal department or agency (including but not limited to the Departments of Agriculture, Army, Commerce, Health and Human Services, Homeland Security, the Interior, State, and Transportation), with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

Not less than 30 percent of the funds made available under this title to each State for

Clean Water State Revolving Fund capitalization grants and not less than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000.

To the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water efficiency, or energy efficiency improvements.

For fiscal year 2010 and each fiscal year thereafter, the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2010 and each fiscal year thereafter, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j-12).

TITLE III—RELATED AGENCIES
DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $308,612,000, to remain available until expended: *Provided*, That of the funds provided, $61,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $307,486,000, to remain available until expended, as authorized by law; and of which $76,215,000 is to be derived from the Land and Water Conservation Fund.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,564,801,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That, the Secretary may authorize the expenditure or transfer of up to $10,000,000 to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands: *Provided further*, That up to $10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

PART B AMENDMENT NO. 5 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. I have an amendment at the desk that was made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. SMITH of Texas:

Under the heading ''NATIONAL FOREST SYSTEM'' insert after the first dollar amount the following: ''(reduced by $25,000,000) (increased by $25,000,000)''.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Madam Chairwoman, before I yield to our colleague from California, I would first like to thank the gentleman from Wisconsin (Mr. OBEY), the chairman of the Appropriations Committee; the gentleman from Washington, the subcommittee chairman, Mr. DICKS; and the ranking member of the subcommittee, the gentleman from Idaho (Mr. SIMPSON), for their courtesies tonight.

I will yield 1 minute to the gentleman from California (Mr. HERGER) both a colleague, a classmate, and a member of the Ways and Means Committee.

Mr. HERGER. Madam Chair, I thank the gentleman, my good friend from Texas, for yielding time.

I rise in strong support of this amendment. The district I represent in northern California contains nine National forests currently being overrun by illegal marijuana cultivation. This week two men opened fire on law enforcement officials during a raid on a marijuana garden near a popular fishing and recreation area. Additionally, in another instance, two Lassen County sheriff's officers were shot when they came across another marijuana garden. Thankfully, these officers survived their injuries. But it is simply a matter of time before innocent lives are claimed.

I urge my colleagues to support this amendment to ensure the Federal Government is doing its part to provide the resources we need to address this serious and growing problem.

Mr. DICKS. Madam Chair, although I support the gentleman's amendment, I ask unanimous consent to claim time in opposition.

The Acting CHAIR. Without objection the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. DICKS. I want to say that I strongly support this amendment. It is very clear to me that in California, in Washington, in Oregon, and in many States, this has become a tremendous problem. Drugs are being grown, marijuana particularly, on Federal lands. I think we have to do more on enforcement. I commend the gentleman for his leadership in presenting the amendment. Our side supports it.

If the gentleman has nothing further to say, I think we ought to have a vote on his amendment.

Mr. SMITH of Texas. I would like to make a statement about the amendment if the gentleman doesn't object.

MR. DICKS. I will reserve my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3½ minutes.

Mr. SMITH of Texas. Madam Chairman, first of all, I would like to consider this the Smith-Herger amendment because I appreciate so much the gentleman from California and his comments a few minutes ago.

Madam Chairwoman, Mexican drug cartels are converting America's national parks and forests into farms for their illegal crops, damaging these protected ecosystems and threatening the safety of visitors and employees.

The Drug Enforcement Administration calls marijuana the ''cash crop'' that finances the cartels' drug trafficking operations. And now our federal lands are being used to grow this crop.

The Justice Department's National Drug Intelligence Center reports that Mexican drug cartels grow their marijuana in remote areas of public lands where there is a limited law enforcement presence.

The two primary regions for these marijuana sites are the Western region, comprised of California, Hawaii, Oregon, and Washington, and the Appalachian Region, including Kentucky, Tennessee, and West Virginia.

The pristine lands of our National Forest System are particularly enticing to these drug-trafficking operations. The dense, expansive forests provide optimum marijuana growing conditions with little risk of detection.

America's national forest system, managed by the U.S. Forest Service, is comprised of 193 million acres of land with 153,000 miles of trails and nearly 18,000 recreation sites. Only 175 law enforcement officials and detectives patrol this vast expanse of land, including 36 million acres of wilderness area.

The men and women of the Forest Service law enforcement and investigations, together with their Federal, State and local partners, seized 2 million marijuana plants from more than 300 sites during the 2008 growing season. This is a dramatic increase from 2004, when fewer than 750,000 plants

were seized. The Forest Service reports that for each of the estimated 660 marijuana sites in the National Forest System, it costs $30,000 to remove the marijuana and restore the ecosystem of each site. That is under $20 million to rid our forests of marijuana.

Forest Service law enforcement officers are also battling against clandestine methamphetamine labs on Forest Service lands and increased drug trafficking across forests that share a common boundary with Canada and Mexico.

Yet, in fiscal year 2009, only $15 million was allocated for all of the Forest Service's drug enforcement activities. My amendment increases this amount to $25 million. We can and must do more to put an end to the dangerous trend of using federal lands for illegal drug cultivation and distribution.

Now, Madam Chairwoman, finally I want to say just in summary that this amendment would weaken the cartels' drug-trafficking operations. It will help the only 175 law enforcement officials to patrol the 36 million acres of wilderness area, and it will send a strong message that we want to increase funds for these efforts.

So I appreciate my amendment being supported tonight.

I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The amendment was agreed to.

Mr. DICKS. I ask unanimous consent that the remainder of the bill through page 119, line 15 be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

There was no objection.

The text of that portion of the bill is as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $560,637,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That $100,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: *Provided further*, That funds provided herein shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That public comment should be provided before system roads are decommissioned: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated: *Provided further*, That up to $10,000,000 may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $36,782,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,370,288,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $378,086,000 is for hazardous fuels reduction activities, $11,600,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $80,000,000 is for State fire assistance, $10,000,000 is for volunteer fire assistance, $24,252,000 is for forest health activities on Federal lands and $12,928,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That up to $25,000,000 of the funds provided under this heading may be transferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activities: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That of the funds provided herein, the Secretary of Agriculture may enter into procurement contracts or cooperative agreements, or issue grants, for hazardous fuels reduction activities and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from

national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

WILDLAND FIRE SUPPRESSION CONTINGENCY RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transfer to ''Wildland Fire Management'' for emergency fire suppression on National Forest System lands or adjacent lands or other lands under fire protection agreement, $282,000,000, to remain available until expended: *Provided*, That amounts in this paragraph may be transferred and expended only if all funds appropriated for fire suppression under the heading ''Wildland Fire Management'' shall be fully obligated within 30 days: *Provided further*, That amounts are available only to the extent the President has issued a finding that the amounts are necessary for emergency fire suppression.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions five days after the Secretary notifies the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings ''Wildland Fire Management'' and ''Wildland Fire Suppression Contingency Reserve Fund'' shall be fully obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

Not more than $78,350,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,825,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The 19th unnumbered paragraph under heading ''Administrative Provisions, Forest Service'' in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109-54, is amended by striking ''2009'' and inserting ''2014''.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,657,618,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $16,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That $779,347,000 for contract medical care, including $48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That no less than $43,139,000 is provided for maintaining operations of the urban Indian health program: *Provided further*, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided*

further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $398,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $394,757,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of a federally recognized Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $2,700,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities for which the appropriation is made or otherwise contribute to the improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account that provided the funding, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,792,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,159,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $10,547,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: *Provided further*, That of the funds appropriated under this heading, $150,000 shall be paid to the ''Office of Inspector General'' appropriation of the Environmental Protection Agency.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $634,161,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,553,000 is for fellowships and scholarly awards; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $140,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

ADMINISTRATIVE PROVISION, SMITHSONIAN INSTITUTION

Notwithstanding any provision of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110—161; 121 Stat. 2140), the funds provided for ''Smithsonian Institution, Legacy Fund'' under such Act may be transferred to and made a part of the appropriation for ''Smithsonian Institution, Facilities Capital'' in this Act and utilized by the Smithsonian Institution under the same terms and conditions that apply to other funds contained in such appropriation.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $110,746,000, of which not to exceed $3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $56,259,000, to remain available until expended: *Provided*, That of this amount, $40,000,000 shall be available to repair the National Gallery's East Building facade: *Provided further*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $25,000,000: *Provided*, That of the funds included under this heading, $2,500,000 is available until expended to implement a program to train arts managers throughout the United States.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $12,225,000, to remain available until September 30, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $170,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $170,000,000,

to remain available until expended, of which $155,700,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $9,500,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,294,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the national capital or the history and activities of the Commission of Fine Arts, and may be used only for artistic display, study, or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $10,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,908,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,507,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $48,551,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program, and $1,243,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,200,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000 to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $10,000,000, to remain available until expended.

TITLE IV—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 408. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, and 111–8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that the Bureau of Indian Affairs, federally recognized tribes, and tribal organizations of federally recognized tribes may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

SEC. 409. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That

if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 410. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 411. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m-1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide such protection under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

SEC. 412. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 413. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations.

SEC. 414. The terms and conditions of section 325 of Public Law 108–108, regarding grazing permits at the Department of the Interior and the Forest Service shall remain in effect for fiscal year 2010.

SEC. 415. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89–209, 20 U.S.C. 955), as amended, is further amended as follows:

(a) in the first sentence of subsection (b)(1)(C), by striking ''14'' and inserting in lieu thereof ''18''; and

(b) in the second sentence of subsection (d)(1), by striking ''Eight'' and inserting in lieu thereof ''Ten''.

SEC. 416. The item relating to ''National Capital Arts and Cultural Affairs'' in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

(1) in the second sentence of the first paragraph, by striking ''$7,500,000'' and inserting ''$10,000,000''; and

(2) in the second sentence of the fourth paragraph, by striking ''$500,000'' and inserting ''$650,000''.

SEC. 417. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000, as amended, concerning a pilot program for the sale of forest botanical products by the Forest Service, is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2014''.

SEC. 418. The second sentence of section 2 (a)(1) of the Mineral Leasing Act (30 U.S.C. 201(a)(1); relating to coal bonus bids) does not apply for fiscal year 2010.

SEC. 419. All monies received by the United States in fiscal year 2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 shall be disposed of as provided by section 20 of that Act (30 U.S.C. 1019), as in effect immediately before enactment of the Energy Policy Act of 2005 (Public Law 109-58), and without regard to the amendments contained in sections 224(b) and section 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

SEC. 420. Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001, (Public Law 106-291), as added by section 336 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447), concerning cooperative forestry agreements known as the Colorado Good Neighbor Act Authority is amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 421. None of the funds in this or any other Act shall be used to deposit funds from any Federal royalties, rents, and bonuses derived from Federal onshore and offshore oil and gas leases issued under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.) into the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Research Fund.

SEC. 422. Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (2)(B), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (3), the following: ''(4) to reimburse all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.''.

SEC. 423. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled ''Congressionally Directed Spending'' included in the explanatory statement accompanying this Act. The preceding sentence shall apply in addition to the allocation requirements specified in this Act under the heading ''National Park Service–Historic Preservation Fund'' for Save America's Treasures and under the heading ''Environmental Protection Agency–State and Tribal Assistance Grants'' for special project grants for the construction of drinking water, wastewater and storm infrastructure and for water quality protection.

SEC. 424. Not later than 120 days after the date on which the President's Fiscal Year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2008, fiscal year 2009, and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any rule that requires mandatory reporting of greenhouse gas emissions from manure management systems.

SEC. 426. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other prior Act may be used to transfer an individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of detaining or prosecuting such individual, until 2 months after the plan described in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed disposition of each individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba,

who is not covered under subsection (d). Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A certification by the President that any risk described in paragraph (1) has been mitigated, together with a full description of the plan for such mitigation.

(5) A certification by the President that the President has submitted to the Governor and legislature of the State or territory (or, in the case of the District of Columbia, to the Mayor of the District of Columbia) to which the President intends to transfer the individual a certification in writing at least 30 days prior to such transfer (together with supporting documentation and justification) that the individual does not pose a security risk to the United States.

(d) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, to a freely associated State, unless the President submits to the Congress, in writing, at least 30 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services or the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(e) In this section, the term ''freely associated States'' means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 427. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

□ 2230

PART B AMENDMENT NO. 3 OFFERED BY MR. HELLER

Mr. HELLER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. HELLER:

Page 119, after line 22, insert the following:

SEC. _____. None of the funds made available by this Act may be used to build a Carson Interagency Fire Facility on the approximately 15 acres of Federal land managed by the Bureau of Land Management and located east of the corner of South Edmonds Drive and Koontz Lane in Carson City, Nevada.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada.

Mr. HELLER. Madam Chairwoman, I thank the chairman and ranking member for the opportunity to present this amendment on the floor today.

My amendment prohibits the site-specific construction of a Bureau of Land Management facility in a residential neighborhood in Carson City, Nevada. It is also of note that this amendment solely impacts my district. In Nevada, approximately 85 percent of the land is controlled by the Federal Government; 67 percent of this land base is controlled by the Bureau of Land Management. In other words, they own about 48 million acres of property within the State of Nevada.

The Bureau of Land Management is currently in the comment phase for a proposed interagency fire center on approximately 15 acres of Federal land in Carson City, Nevada, near a large neighborhood.

While I, along with my constituents, support the construction of the interagency fire center and believe the facility will help with combating catastrophic wildfires, BLM's proposed location for this particular facility is problematic. The proposed location is in a community of nearly 300 homes. Local residents are opposed to the location, and the Carson City Board of Supervisors, our county commission, recently passed a resolution voicing its opposition to the proposed location of the fire center. The BLM has under consideration multiple sites for this particular facility, all of which are better suited than the chosen location.

Madam Chairwoman, my amendment prohibits the funds for the construction of this facility at this specific 15-acre location in Carson City and allows for the facility to be built at any of the alternative sites in the area.

I want to express my support again for an additional interagency fire center in Nevada; it just doesn't make sense to build this facility in a residential neighborhood.

I urge my colleagues to support the will of the people, the will of the local governments, and please support this amendment.

Again, the Bureau of Land Management, the Federal Government owns 84 million acres, and they choose to put this facility next to a neighborhood. There are a lot of other alternative sites that I support and would support moving forward, just not this particular area.

I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I understand that citizens and the Carson City Board of Supervisors are concerned about the Interior Department plan to build an urgently needed new wildfire facility, but it is clearly premature to cut off funding for this proposal. The environmental analysis is still out for public review. We should not halt this important project before the analysis and the public input can be analyzed and considered.

Carson City is a fire-prone area. It is really important for the Federal agencies to move ahead with an interagency center so they can be more efficient and effective firefighters. This new joint facility will support the Silver Hotshot Group, a key part of the firefighting force.

The Interior Department has already spent funds for the planning and design of this particular project, so we should not stop or unduly delay its implementation. Both the Interior Department and the Forest Service have budgeted some of their limited infrastructure funding for this badly needed project.

I understand the gentleman from Nevada has concerns. I pledge to work with him as this bill moves forward to be sure that his constituents' concerns are heard and fully considered. We all want to improve the firefighting capacity and protect neighborhoods and wildlands.

This amendment was not brought to our attention, the committee's attention, until very late in the process. Had we known, we could have taken an opportunity to talk to the Department, to hear the gentleman's views. He did not come to the committee and testify. There was an opportunity for Members to testify. He chose not to do that.

So I think that this is an amendment that comes late, is not favored by the administration, is actually going to weaken our firefighting capability and this is something that is serious because people's lives are at stake. So I urge a ''no'' vote on this misguided amendment.

I reserve the balance of my time.

Mr. HELLER. Madam Chairwoman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

First of all, this doesn't cut off funding for the fire center. What it does is cut off funding for the fire center in that location. It doesn't matter whether the environmental review is done or not if that location is not acceptable to the local residents.

One of the things in dealing with Federal agencies that own a majority of the land surrounding you is that sometimes they are good neighbors, and sometimes they aren't. But local people ought to have some say in these Federal agencies' decisions of where they are going to locate facilities and so forth.

So just saying this area, this location that you are looking at is inappropriate, as the Board of County Commissioners apparently has said, seems to me to be entirely appropriate, and Congress ought to look at their wishes.

And I guarantee you in Nevada there are a lot of places that they could build this fire center that apparently wouldn't cause the controversy that is being caused in this local community. And when the Representative from that area comes to me and says this is a problem, then I have to believe the people who sent him here. I support the amendment.

Mr. DICKS. I urge a ''no'' vote on this amendment, and I yield back the balance of my time.

Mr. HELLER. Madam Chairwoman, just to reiterate what was said, and I want to thank the gentleman from Idaho who has a real good understanding of what it means to have public lands and have the Federal Government own a tremendous amount of property within your State, within the boundaries. Again, I think it was very clear. I think at times we think here in Washington we know what is better for the local communities. Again, I think it is important to understand that you can have a small community somewhere in the State of Nevada and have all Federal land surrounding it.

I think there should be a voice in this process and the voice should come from the people; it should come from the local government and not be pushed down to them through Washington.

I think this is a great amendment. I would continue to urge my colleagues to please support this particular amendment. It is very ripe. It just happened recently. I don't believe this could have been brought before the committee because it just happened within the last couple of days with the vote by the board of supervisors.

I thank the chairman and the ranking member for the time and effort to be able to bring this particular amendment to the floor. I urge my colleagues' positive support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nevada (Mr. HELLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HELLER. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nevada will be postponed.

PART B AMENDMENT NO. 4 OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

SEC. _____. Appropriations made in this Act are hereby reduced in the amount of $5,750,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Madam Chair, let me first thank the ranking member from Idaho for his work on this legislation and the chairman. In fact, the chairman and I spoke earlier this evening about this amendment. We joked around. I told him he might be for it, but I doubt he would be, actually.

Earlier this week, in fact, Tuesday, Wednesday and Thursday of this week, the Treasury auctioned off $104 billion of Treasury bills; $104 billion of debt we sold this week, the largest amount ever sold by this country. The reason we had to sell that much debt is because we are spending too much money. In fact, we are spending so much that over the next decade, think about this, over the next decade, we are going to take the national debt, which is now $11 trillion, we are going to take it to $23 trillion.

Think about what it takes to pay that off. Think about what our kids and grandkids are going to have to do to pay that off. First, you have to balance a budget; then you have to run a trillion-dollar surplus for 23 years in a row, and that doesn't even count the interest which is now approaching a billion dollars a day. Spending is certainly out of control.

So this amendment is real simple. This amendment says, you know what, let's do what all kinds of families are doing, what all kinds of taxpayers across this country are doing, what all kinds of small business owners across this country are doing: let's live on exactly what we were functioning on, what the Federal Government was functioning on just 1 year ago. In fact, it wasn't even 1 year ago. It was 9 months ago we were still going on a continuing resolution for 2008, living on the 2008 appropriated levels. Let's do that.

Instead of increasing spending in this bill by 21 percent over what we were functioning on just 9 months ago, let's do what all kinds of families and taxpayers, all kinds of small business owners across this country are doing. In fact, unemployment in my district runs anywhere from 10 to 16 percent in the 11 counties I have the privilege of representing. There are families, there are small business owners, there are taxpayers in the Fourth Congressional District of Ohio who are living on something less than what they were living on just 9 months ago. But somehow the Federal Government can never get by on less. It is only the families and taxpayers who have to do that.

Again, my amendment is pretty straightforward. It says, let's go back to where we were just 9 months ago. The government should be able to function on that amount of money, and it reduces the appropriation amount in this bill by $5.750 billion. Again, that amount is a 21 percent increase over what we were functioning on just 9 months ago.

I reserve the balance of my time.

Mr. DICKS. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. This amendment would harm this bill dramatically and would shortchange America's vitally needed environmental conservation and Native American programs.

As our former colleague, Silvio Conte, would say: This is a mindless, meat ax approach. It makes no choices based on need or the merits of the programs. This reduction is the equivalent of a 17.8 percent cut. This is completely irresponsible. This is not just an accounting change on a spreadsheet. Cutting $5.75 billion from the bill would have serious consequences on health, jobs, energy programs, young people and wild places.

The Environmental Protection Agency would be reduced by $1.8 billion. This would seriously impair environmental protection, science programs, and hazardous area remediation. Funding for efforts to help local communities with repairs to their aging water and wastewater infrastructure would be reduced by $700 million. This would mean that approximately 400 communities would not receive the financial assistance they need to repair and improve water and sewer infrastructure.

Despite the fact that 76 million Americans live within 4 miles of a toxic waste site, the amendment cuts $233 million from programs to clean up the Nation's most toxic and hazardous waste sites. It reduces the landmark effort to clean up the Great Lakes by $85 million, thus jeopardizing the cleanup of toxic sediments in the lakes and harming the aquatic plants and animals which humans depend upon.

Our national parks would be cut by $485 million. It includes a $403 million reduction below the President's request for the basic operational costs of the 395 units of the national park system. As an example, Yosemite would lose $3.6 million; Yellowstone, $4.6 million; the Independence Mall in Philadelphia, $2.8 million. This reduction is the equivalent of closing 75 national park units. Many visitors would find closed national parks when they go on vacation or on educational trips, reducing the entire tourism industry and harming the economy of many cities and communities.

It rejects $1.2 billion for programs that have received bipartisan support by cutting $721 million out of Indian health care programs. This proposal would deny critically needed services to thousands of Native Americans. More than 2 million Native Americans would be denied inpatient and outpatient health care services and more than 4,000 cancer screenings would be eliminated.

It takes $90 million out of the already struggling Indian education programs, leaving even more Indian children without adequate education programs.

It reduces overall funding for firefighting by $652 million at a time when we are facing another dangerous wildfire season. Many small fires would escape initial attack, leading to many more large wildfires that harm watersheds and cost far more money in emergency firefighting and recovery costs.

It cuts 1,700 firefighters, shuts down more than 50 firefighter stations, and significantly reduces air tanker support. It decimates preparedness efforts by failing to provide critical support for initial attacks, and could allow as many as 600 more wildfires to escalate.

□ 2245

This would lead to larger, more damaging and much more expensive fires, the kind that costs in excess of $100 million to extinguish.

So I think this is a very bad amendment. It hurts the Fish and Wildlife Service. It hurts the Forest Service.

So I urge a ''no'' vote on this amendment and reserve the balance of my time.

Mr. JORDAN of Ohio. Madam Chair, there they go again. I think the chairman's words were ''irresponsible meat-ax approach.'' This is not a cut. This is not a cut. This is saying let's hold the line. This is taking the first step—what I would say is a pretty modest first step—towards trying to rein in spending so we don't saddle future generations of Americans with this enormous step.

If you don't take this first step and say, let's hold the line, let's freeze where we're at, you never have to prioritize, it's just the band plays on. We'll just keep increasing. We'll just keep spending. We're saying, well, we never have to decide which programs make sense, which ones should be eliminated, which ones are redundant. You never have to make the tough calls. You just keep spending, which is, frankly, the easiest thing in the world for politicians to do, spend and spend and spend, borrow and borrow and borrow, tax and tax and tax. Well, that's pretty easy for this place to do. The tough thing is usually the right thing.

I had a coach in high school. He talked about discipline every stinking day. I used to get sick and tired of hearing about it. And he said that discipline is doing what you don't want to do when you don't want to do it. Basically that meant doing it his way when you would rather do it your way. It meant doing it the right way, the tough way, the difficult way when you would rather do it the easy and convenient way. The easy and convenient way is to continue to spend and spend and spend. The tough thing to do is to say let's hold the line and then let's figure out which programs actually make sense, and I trust the gentlemen here on the committee to do that.

But if you never hold the line, you never get to the first step. This is a modest first step. We still know we've got trillions of dollars in debt we've got to deal with. We can't even take the first step. That's what is so frustrating—and, frankly, in my mind, so ridiculous—about this place is we can never even just say let's just stop. Let's do what Americans all over this country are having to do. We can never do that. And the Democrats just read off a bunch of lists, oh, this, this and this—that's baloney. We just want to hold the line, and everyone across this country understands that.

Let's hold the line. Let's pass this amendment and take that first step towards becoming fiscally responsible and exercising a little discipline in this Congress for a change.

Madam Chairman, I yield back the balance of my time.

Mr. DICKS. Again I want to say that our committee held countless oversight hearings. We made cuts, $300 million in cuts.

I would also say that this part of the budget, under the previous administration was reduced, Interior Department, by 16 percent, the EPA by 29 percent, the Forest Service by 35 percent. So this will help bring back these important programs. I mean, we are talking about health care in the Indian Health Service.

Mr. OBEY made a decision. President Obama made a decision. It went through OMB. Many of the people on the other side of the aisle have no trust in the Congress, but this budget came from the administration. The administration looked at all these programs, And every earmark we had in this bill was vetted by the administration. So this has been carefully put together.

I spent 33 years on this committee, and I'll tell you this, we know what we're doing. We support the Park Service, the Fish and Wildlife Service. These are great institutions that deserve our support, and to have somebody come in here and accuse us of not doing our work is an insult to me and to Mr. SIMPSON because we have done our work. We know what's in this bill, and it's a good bill.

I urge a ''no'' vote on this amendment and yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

PART B AMENDMENT NO. 6 OFFERED BY MR. STEARNS

Mr. STEARNS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

SEC. ____. Each amount appropriated or otherwise made available by this Act for the Environmental Protection Agency that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 38 percent.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Madam Chairman, I am not going to take all my time. I think my amendment is going to have a very difficult time passing.

I have heard the gentleman's arguments on many occasions. He and I have gone toe to toe on 1 percent cuts, 2 percent cuts, the National Endowment for the Arts. We have been through this.

I would just say simply that my amendment freezes the total amount of spending in the bill for the Environmental Protection Agency at the current level. Now, I know you are going to scream and holler on that, but with the economy contracting and unemployment rising, it would simply be irresponsible to increase the EPA by almost 40 percent, and that's what you're doing here. You are increasing the EPA by 40 percent during a fiscal crisis. In fact, when combined with funding approved earlier this year in the fiscal year 2009 omnibus budget bill and the stimulus bill, the EPA will receive more than $25 billion in a single calendar year, which is equal to more than three-fourths of the entire Interior Appropriations budget. So that is my say for tonight.

Madam Chair, my amendment is very straightforward. It would freeze the total amount of spending in this bill for the Environmental Protection Agency at the current level. With the economy contracting and unemployment rising, it would simply be irresponsible to increase spending for the EPA by 38 percent during this fiscal crisis. In fact, when combined with funding approved earlier this year in the fiscal year 2009 Omnibus and the ''stimulus'' bill, the EPA will receive more than $25 billion in a single calendar year, which is equal to more than three-fourths of the entire Interior Appropriations bill.

Americans are seeing their family budgets get smaller and smaller, while Congress continues to spend and spend. I don't think it is too much to expect Congress to make the same scarifies that millions of Americans are making everyday.

Providing a 17 percent overall increase in total funding in this bill—and an astonishing 38 percent increase for the EPA—when our country is experiencing the worst economic crisis in decades is the height of irresponsibility. We must hold the line on spending and make sound budget choices that are sustainable and that do not rely on continued deficits and borrowing.

Families across my congressional district and all across the country are having to tighten their belts during this tough economic time. I don't think it is too much to expect Congress to do the same. We need to set the example.

This Congress and President Obama continue to ignore the fact that their reckless spending will bury our children and grandchildren under a mountain of debt. Since 1970, federal spending has increased 221 percent, nearly nine times faster than median income. In 2008, publicly held debt, as a percentage of the GDP was 40.8 percent, nearly five points below the historical average. Under President Obama's budget, this figure would more than double to 82.4 percent by 2019.

My colleague from Washington, Chairman DICKS, stated during the markup of the FY2010 Interior, Environment and Related Agencies Appropriations Bill that, "this Bill demonstrates a clear break from the past." He is most certainly correct. This bill demonstrates a clear break from sound fiscal policy and instead ushers in a new era of reckless out of control spending that will saddle families with oppressive levels of debt for generations to come.

There is plenty of blame to go around for the out of control spending. At some point, we have to stand up and say stop. We still have much work to do but we can start with this amendment.

Passing this amendment will send a strong message to the American people that Congress is serious about reigning in this out of control government spending. As families across America continue to tighten their belt, Congress needs to do the same.

I urge my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I rise to seek the time in opposition.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I urge Members to oppose this amendment. The gentleman from Florida would not have believed it if I had accepted his amendment, and of course I can't accept it because this amendment is not a good amendment.

The gentleman says that this amendment would reduce the EPA to the fiscal year 2009 funding level, but let's talk about what it will really do.

A reduction of 38 percent to the funds provided in this bill for EPA would equal a $3.975 billion cut. That would eliminate all the funding for the Clean Water and Drinking Water State Revolving Funds, and 27,000 fewer construction jobs would be created through construction of water and wastewater infrastructure. That means almost 1,500 communities across this country would not receive assistance to repair and build drinking water and wastewater infrastructure.

It was the previous administration that reported a $662 billion gap between what our communities will need to spend and the funds they have to do it with. This reduction would mean that the great water bodies of this country will not receive the funding to help restore and protect these special natural resources.

The great water bodies are not just the Great Lakes, the Chesapeake Bay, and the Gulf of Mexico. If you represent a district that borders any of these water bodies, this amendment will cut the funding your community depends on to help protect them: Mobile Bay, Alabama; San Francisco Bay; Morro Bay, California; Santa Monica Bay; Long Island Sound; Delaware Estuary; Tampa Bay; Sarasota Bay; Charlotte Harbor, Florida; Indian River Lagoon, Florida; Barataria Terrebonne, Louisiana; Casco Bay, Maine; Maryland coastal bays; Massachusetts Bay; Narragansett Bay; New Hampshire estuaries; New York/ New Jersey Harbor; Barnegat Bay, New Jersey; Peconic Estuary; Albemarle Pamlico Sound; Lower Columbia River; Tillamook Bay, Oregon; San Juan Bay, Puerto Rico; Coastal Bend Bays, Texas; and Galveston Bay, Texas.

I would warn Members that 151 Members of this body whose districts border one of these estuaries that I mentioned will see that their funding will be cut for these important programs.

A reduction of this size would mean the EPA would stop construction and demobilize 8 to 10 large, high-cost ongoing Superfund projects such as the Welsbach site in New Jersey, the Tar Creek site in Oklahoma, and the New Bedford site in Massachusetts. EPA would not be able to start any new Superfund sites in 2010 after years of reduction under the previous administration.

EPA estimates that a reduction of this size would prohibit them from completing construction at as many as nine Superfund sites in 2010 and 2011. This reduction would mean EPA would not properly certify new vehicles, fuels, and engines sold in the United States to make sure they conform to EPA's emission standards. And 217 tribes would lose funding for their environmental programs. A 38 percent reduction to the EPA would impact every program they administer. But most importantly, this reduction would affect every American who wants to drink clean water and breathe clean air.

Let me remind the Members, we all have an environment in our districts, so I urge a strong "no" vote on the Stearns amendment.

Madam Chairman, I reserve the balance of my time.

Mr. STEARNS. Madam Chairman, I would say to the gentleman, did he know that they found a water bay on Saturn, the planet Saturn? And using your line of reasoning, we should also consider funding for this new water bay on Saturn.

This is not a reduction. This is not a cut. This is simply a freeze. And I would ask the gentleman: How many people in your congressional district are getting a 38 percent increase this year in their salary? And how can you justify a 38 percent increase on EPA?

With that, Madam Chairman, I yield back the balance of my time.

Mr. DICKS. I will answer the gentleman's question. I want you to know, again, I have to say this again, and it pains me every time I say it, but over the last 8 years, the Interior Department was cut by 16 percent; EPA was cut by 29 percent. So this is a little bit of help to get back to an approach that can deal effectively with some of the most important and sensitive programs we have in this country: the Superfund sites, our wastewater treatment, our clean water.

When you ask the American people, do you want clean water, do you want safe drinking water, it's a 99 percent issue. So to stand up here and say we're going to have draconian cuts of the money for the revolving funds that are going to provide that clean water, it is unthinkable. And I know the gentleman wants me to stop. It must be painful. The truth is always painful.

Madam Chairman, I ask for a "no" vote and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. STEARNS. Madam Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

PART C AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Arizona (Mr. FLAKE) with amendment No. 22.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading "National Park Service—Construction" shall be available for the Restore Good Fellow Lodge project at Indiana Dunes National Lakeshore in Porter, Indiana, and the amount otherwise provided under such heading is hereby reduced by $1,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chairman, this amendment would strike $2 million that is currently in the bill in funding to install a municipal water line to the Good Fellow Lodge at the Indiana Dunes National Lakeshore in Porter, Indiana. The Good Fellow Youth Camp was operated by U.S. Steel from 1941 to 1976, the only one of its kind ever operated by U.S. Steel, and the facility offered summer camp opportunities for children of U.S. Steel employees who worked in the nearby Gary Works Steel plant.

The National Park Service purchased this camp in 1976 for inclusion within the National Lakeshore, and given this historic background and involvement with the community, I can understand why the gentleman from Indiana has a desire to preserve the Good Fellow Lodge. In fact, Madam Chair, in the world of earmarks out there, this is not one that's being given to a private company without bidding. This is one that actually does have a Federal nexus because it's a national park. That is not what is at issue here.

According to the Government Accountability Office, in 2008, the Department of the Interior had a backlog of deferred maintenance projects totaling between $13.2 and $19.4 billion. In other words, somewhere from $13 to $19 billion is how much money the Government Accountability Office believes the Department of the Interior needs to bring all of the various park projects up to snuff.

And we hear about crumbling infrastructure, and Federal funds are not immune from that. To put that amount in perspective, the $13 to $19 billion, the entire budget of the Department of the Interior in this bill is $11 million, so it's more than an entire year's budget of the Department of Interior.

□ 2300

So, the question before us, Madam Chair, is: With all these needs, billions of dollars of need in parks all around the country, is this the right way to allocate $2 million, that we take $2 million from the Park Service's budget, which clearly they believe is inadequate to take care of the needs of parks and allocate it on the basis of a Member's request? Or would it be better to be allocating these funds on the basis of need or on the basis of use or on the basis of someone looking at all of the potential park projects and needs around the country and determining which ones meet a threshold requirement rather than do this by a Member request, because every Member could have parks they could request for their districts.

I will reserve the balance of my time.

Mr. VISCLOSKY. Madam Chair, I seek recognition in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. VISCLOSKY. Before I proceed, just for clarification, if I could ask the gentleman from California a question. Did you indicate that that was an amount of $1 million or $2 million?

Mr. CAMPBELL. Mine said $2 million. Is that in error?

Mr. VISCLOSKY. I would suggest to the gentleman that it is $1 million and that his statement was not correct.

Mr. CAMPBELL. I will accept the gentleman's correction. He would know better than I.

Mr. VISCLOSKY. Madam Chair, the gentleman talked about the preservation of the Good Fellow Lodge that, as he rightfully indicated, became possessed by the National Park Service in 1977, 32 years ago. He also indicated, correctly, the deferred maintenance budget under the General Accountability Office.

But I would point out that the $1 million designated in this bill—and I appreciate the consideration of the Chair and the ranking member for including it—goes much beyond the issue of preservation. The fact is that it has a lot to do with education.

The installation of the water line and the subsequent restoration of the lodge would allow the Dunes Learning Center at which this lodge is located to expand their current educational program. The learning center provides valuable hands-on experience and inspires environment and environmental stewardship among the citizens of northwest Indiana.

Since its inception in 1998, over 48,000 students have participated in the program, including a record 5,578 last year. For these thousands of learners, the Environmental Education Center, which the Good Fellow Lodge is intended to be part of, is increasing each visitor's enjoyment and understanding of the parks and to allow visitors to care about the parks on their own terms.

This is not just about preservation. It is also about reducing future costs for the National Park Service. The fact is that the project would reduce National Park Service maintenance and operation costs. Internal filtering and chlorination systems for the wells that are currently on site must be maintained at each site with daily and weekly sampling and expensive laboratory testing to satisfy State health standards.

Currently, the park operates and maintains all pumps and water lines. And this project would allow the park staff to focus on other high-priority assets in the park.

And I would also point out that it has something to do with the issue of safety. A municipal water supply line will increase supply in water pressure that will improve fire suppression for the student cabins that are at site and ensure quality of potable water consumed by the children.

So I do think this is very deserving and goes beyond the issue of preservation.

Mr. DICKS. Would the gentleman yield?

Mr. VISCLOSKY. I would be happy to yield.

Mr. DICKS. I want the gentleman to know that this amendment, you put it on your Web site. We looked at it very carefully. And we feel that this is a totally justified amendment. We strongly support it.

We checked with the Park Service, and the Park Service strongly supports it.

Mr. VISCLOSKY. I appreciate the gentleman's remarks.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate the gentleman's points and I appreciate the gentleman's passion for the project. But as I mentioned before, that is not the point.

The point, I believe, is that there are 434 others of us who have parks that we may believe are greater in need than this or are just in as much need as this. Is this the way that we should allocate scarce resources around the various national parks that we have in the country? I think it's not.

With that, I yield back the balance of my time.

Mr. VISCLOSKY. I would simply close by making the observation that the gentleman talks about other parks, but we are a society. Taxpayers in northwest Indiana pay for projects that potentially reduce flooding in a city like Dallas, Texas. The taxpayers in the State of Illinois may pay taxes to make an investment at Oak Ridge in the State of Tennessee that, at first blush, may have nothing to do with their interests but enure to the benefits of everyone in the United States. The fact is that this is a national park. It enures to the benefit of every citizen of the United States. And I ask for my colleagues to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART D AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Village Park Historic Preservation project of the Traditional Arts in Upstate New York, Canton, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chair, this amendment strikes $150,000—I hope I have the amount correct this time—allocated to the Traditional Arts in upstate New York in Canton, and reduces the overall funding in the bill by that amount.

Madam Chair, I'm not sure if this earmark is going for the Village Park Historic Preservation, which is what is indicated on the list of earmarks released by the House Appropriations Committee and posted on their Web site, or to the Traditional Arts in upstate New York, Evergreen Folk Life Center, as listed, I believe, on the gentleman from New York, on his Web site, or maybe those are the same thing with a different name. I'm not quite sure.

But regardless, when I Googled Village Park Historic Preservation and New York, the only thing that came up was the House Appropriations Committee earmark list. And when I Google Evergreen Folk Life Center in New York, the only thing that comes up is the gentleman from New York's earmark request on his Web site.

I understand that the gentleman—and I'm sure he will say this with greater passion—sees that this benefits upstate New York and indicated this is a destination location and so forth and that there is a high unemployment rate in the district. But, of course, there is a high unemployment rate in many places around the country.

Again, somewhat like the previous amendment and the previous earmark, I don't doubt at all that this is an important project to the gentleman from New York. I don't doubt at all that this is an important project perhaps to the citizens of that area of New York. But I do question if this is such a vital economic driver for the community that I haven't been able to find how or where it does that.

I guess this earmark, whether it was this one or any other—could have picked many of them—the question basically is this, that we're going to have a $2 trillion deficit this year. Forty-six cents of every single dollar spent will be borrowed. Forty-six cents of this $150,000 this year will be borrowed.

Is this a national priority? Is this something that, in these times, with the deficits and debt that we have, is this the sort of thing that rises to the level of a national priority such that we should borrow forty-six cents on the dollar, increase the deficit further, increase the debt further, and put ourselves in these kinds of problems?

As I mentioned, Madam Chair, it's not that this particular project stands out over others. It could be this one or many others that exist in this bill or in many of the other appropriations bills that we will look at this year. And I think, Madam Chair, that the people of this country would be better served if we saved this money, didn't spend it, didn't borrow it, and tried to have a little better rein on some of their money.

With that, Madam Chair, I reserve the balance of my time.

Mr. DICKS. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. DICKS. First of all, I want to say we strongly oppose this amendment. We have checked on this project. We think this is a great project. We think it's worthy. We think it provides a lot of public good. And I'd be glad to yield to my friend from New York (Mr. MCHUGH) to further discuss this project.

Mr. MCHUGH. I want to thank the distinguished chairman of the subcommittee and also my dear friend, the distinguished ranking member of the subcommittee and indeed the Appropriations Committee in general, for recognizing the value and the importance of this funding.

As I have said to the gentleman from California's friend and colleague, my colleague from Arizona, Mr. FLAKE, in past years when he has brought amendments to the floor striking out at some of the programs that I have been proud to advance, I always appreciate the opportunity, Madam Chair, to rise and to talk a bit about the district I have the honor of representing and the special people who live there.

I agree we have an economic challenge in this country. I'm not sure $150,000, as much as I wish that all of us in America had that amount in our hip pocket, will save that.

But taking with seriousness the gentleman from California's proposal, I would just make the following comments. Most people view New York State through one lens—and that lens is New York City. When they think of New York, they think of Broadway, they think of the Statute of Liberty. They think about all the great things that is indeed New York City and is, in many real ways, New York. New York is all of that, but it's much more as well.

In my part of the world, in my part of New York State, it's the St. Lawrence River; it's the Adirondack Mountains; the Adirondack Park—the largest publicly held park in the lower 48 States. It's Thousand Islands. It's beauty. It's natural wonder. And it's great people. It's not a metropolis. It's small towns, it's villages, and its hamlets with very industrious, very proud, and very kind people. But for all of our natural beauty, for all that causes us to be proud in calling this great part of the world home, it's a region that has long been confronted by economic challenges—closed factories, abandoned mills, failing farms, declining populations.

In our part of the world—and I can't speak for the coast of California where the gentleman represents—and I know he does that proudly—economic development is a little bit different, perhaps. It's something that we take very seriously, but it has to be configured around those things that the good Lord has given to us: the great universities—four of them within 10 miles of this facility; the tourism, which is our number one industry, along with agriculture, those failing farms I spoke about; the need to bring economic development by revitalizing downtown centers.

I can't speak to the fact why the gentleman had trouble as he did in the first amendment identifying the right amount as to the proper group he was unable to identify, but the organization to which this money will go is a not-for-profit organization. They're configured in Canton, New York.

They're attempting to do all of the things I listed: bring economic development through vitalizing tourism; giving people who come to that beautiful part of New York State something to see, something to do; an opportunity to learn about the very special culture, starting with the 1600s in New York State on the Canadian border.

That opportunity to revitalize that downtown center, to create the opportunities for new businesses to come in, and for that chance for those good and proud people to realize that glory and the opportunity and the growth that they had in the past.

I don't think the gentleman from California has any animosity towards Canton, quite frankly. With no disrespect, I doubt he could find it. But the fact of the matter is I think we have a difference of philosophy. The gentleman doesn't believe that it's the opportunity and the right of Members of Congress to come here and to do within the rules and regulations, within the standards established by this House—and if we want to expand them, I'm happy to do that—to provide a little bit of help—in this case, $150,000—to bring a difference where the unemployment rate is pushing over 10 percent.

□ 2315

This is a program that is not just an earmark. It's under the Save America's Treasures Act. The gentleman spoke very eloquently in the first amendment he brought about standards, about guidance, about benchmarks. There are nine benchmarks under the Save America's Treasures Act. Where it is in the timeline, this project meets every one of those standards. I would hope my colleagues would join me in understanding the importance of this.

Mr. CAMPBELL. Madam Chair, again, I appreciate the gentleman's passion. I appreciate his commitment. I would say again—and if I am in error, correct me—but the description of the project on the Appropriations Web site is different than the sponsor's description of the project.

I yield to the gentleman from New York.

Mr. MCHUGH. If that were the case, why didn't the gentleman come to me or go to the committee and ask what the differences were? We reached out to your staff today, and we had a response that had nothing to do with what the offer was we made.

Mr. CAMPBELL. Reclaiming my time, as far as reaching out to staff, that's something the staff can talk about with each other. But you're right. Perhaps we should have asked that question. But there are discrepancies like that we should look at.

But in any event, Madam Chair, whether it's this project or any other,

we need to start saving some money. We need to start saving some money. This is an unsustainable spending pattern, and I would ask for an ''aye'' vote on this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 3 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Arizona (Mr. FLAKE) with amendment No. 24.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 3 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Tarrytown Music Hall Restoration project of the Friends of the Mozartina Musical Arts Conservatory, Tarrytown, New York, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Thank you, Madam Chair.

This amendment would remove $150,000 in funding for the Tarrytown Music Hall restoration to be received by the friends—and I'm sure I'm going to butcher the pronunciation of this—but the Mozartina Musical Arts Conservatory in Tarrytown, New York, and would reduce the overall cost of the bill by a commensurate amount.

The intended purpose of this earmark is, quote, To preserve a historic landmark which would provide recreational and tourism economic benefits. According to the Tarrytown Music Hall's Web site, it was built in 1885 by a chocolate manufacturer William Wallace. The music hall is the oldest operating theater in Westchester County, having been designed by the same architect who designed New York City's Grand Central Station and Macy's Building in Herald Square. Today the music hall is a fully operating theater with capacity to seat an 843-seat audience. It's a pretty good-sized place.

Tarrytown Music Hall is known for its excellent acoustics. In fact, in 1997 jazz singer Tony Bennett performed there in celebrated fashion without a microphone. Mr. Chair, the question I guess is, should taxpayers fund the restoration of a music hall where acclaimed artists such as Bruce Springsteen, Lyle Lovett and James Taylor have performed? This theater was also the site for scenes in movies such as The Preacher's Wife, Mona Lisa's Smile, and The Good Shepherd. Is such a site not able to sustain itself with private donations? And if that is the case, that it cannot sustain itself with private donations, then I would suggest that, is there sufficient public interest to restore this hall so much if private money can't be raised that we should force taxpayers to pay for it? In fact, according to its Web site, in the past year the theater itself donated over $80,000 worth of rehearsal and performance space and recently purchased land costing $2 million for staff parking and a future expansion. This weekend you can attend a performance at the Tarrytown Music Hall for a minimum price of $58 a seat and a maximum price of $80 a seat.

Madam Chair, the question on this one, again, is not that it's not a fine place, it's not that it's not a historic place. But if we have a theater like this that commands those kinds of ticket prices, commands those kinds of artists performing there, has all this sort of activity around it, it should be able to raise money on its own. And given the $2 trillion deficit we have, given the national debt will double in 5 years and triple in 10, given the proposals on the majority side of the aisle that are being discussed to raise taxes all over the place, is this a place that we should be spending more of the taxpayers' money? Isn't this the sort of charitable function that people should raise money on their own? You know, there's a ton of this sort of project, this sort of application in my district and I'm sure in everyone else's districts.

I—and I am sure many other people here—support these things with charitable contributions in various ways; and that's the way they should be supported, by the local community keeping them going. That's who will use them. That's who will appreciate them. But to ask the Federal taxpayers to come in and subsidize such a project, Madam Chair, I think is just not appropriate, particularly in these economic times.

I would reserve the balance of my time.

Mrs. LOWEY. Madam Chair, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Madam Chair, I first want to thank the chairman of the subcommittee for his support, and I congratulate him on a strong bill that I am proud to support. And I do respect the views of my colleagues, Mr. FLAKE from Arizona and Mr. CAMPBELL from California. I think they understand that this is not a partisan game that we're a part of, and they may have a principled stand for what they believe Congress' role is in directing Federal spending.

However, on this issue, we fundamentally disagree. I do believe that it's our responsibility, as elected officials, to fight for what is best in our district in accordance with the rules guiding Federal programs. Recipients of Save America's Treasures funds, including the Tarrytown Musical Hall, do not expect the Federal Government to shoulder the full burden of their projects. They're required to provide a dollar-for-dollar match, and every dollar they receive from the government is matched.

During these difficult economic times, it is our responsibility to assist industries that make substantial contributions to our economy to accelerate long-term recovery and growth nationally. Tarrytown Music Hall does generate more than $1 million in economic activity in my district. In fact, the arts industry throughout the United States generates more than $134 billion in economic activity annually and creates 4 million jobs across the country. In addition to their economic benefit, entities supported by Save America's Treasures preserves the historic places and items that tell America's story for the next generation. They educate the public about our rich heritage, foster a sense of pride in our country and communities; and Tarrytown Music Hall's cultural and educational programs serve more than 30,000 children each year. This project is providing $150,000 to perform necessary structural stabilization, meets the eligibility requirements of the Save America's Treasures program as vetted by the Department of Interior and is consistent with earmark reforms instituted this year by Chairman OBEY. And the projects account for less than 20 percent of the overall funding provided by the Appropriations Committee for Save America's Treasures.

Mr. DICKS. Will the gentlewoman just yield for a moment?

Mrs. LOWEY. I would be happy to yield.

Mr. DICKS. I just want to say, our side strongly supports this amendment. It was properly vetted. This is one of those incredibly important things for a local community, and we want this project to be funded.

Mrs. LOWEY. I thank the Chair.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate the gentlelady from New York's comments; but I don't think it changes any of the facts that I laid out. And I would argue—and again, not just with this one. There are others that could have been brought up as well—but that this is essentially a charitable contribution. Whether it's my district, your district or anyone else's, we have a number of such things for which charitable contributions should be made. I really don't think that the taxpayers of this country elected us in

order to be conduits of their charitable contributions with their tax money. I think they elected us to spend as little of their money as possible on things only of national priority and Federal nexus. I'm just afraid I don't see where this or other projects like this rise to that standard.

With that, Madam Chair, I would yield back the balance of my time.

Mrs. LOWEY. I just want to make it very clear that there seems to be a real difference of opinion as to what the responsibilities are of a Member in Congress. The Save America's Treasures program restores hundreds of culturally and historically significant institutions. They would be forced to shut their doors.

So I, again, urge my colleagues to reject this amendment and support this facility. I, again, want to thank the chairman for his support because it really would make a difference in providing economic revitalization not just to the facility but to the region.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART E AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as the designee of the gentleman from Texas (Mr. HENSARLING) for his amendment No. 61.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part E Amendment No. 1 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act under the heading ''National Park Service—Statutory or Contractual Aid'' shall be available for the Angel Island State Park Immigration Station Hospital Rehabilitation project of the Angel Island Immigration Station Foundation, San Francisco, California, and the amount otherwise provided under such heading (and the portion of such amount specified for congressionally designated items) are hereby reduced by $1,000,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Thank you, Madam Chair.

Angel Island Immigration Station is located in California State Park on Angel Island in San Francisco Bay. It was an active entry station into the United States from 1910 until 1940, and after 1940 it was used by the U.S. military until California State Parks assumed ownership in 1963. The earmark in question carves out $1 million for the rehabilitation of the immigration station's hospital. According to the Angel Island Immigration Station Foundation, the hospital restoration is expected to cost $16 million total, and they are currently conducting a fundraising campaign to raise that money.

Now Angel Island has already been the recipient of Federal earmarks in 2008 and in the omnibus in 2009, receiving $1.125 and $1.25 million respectively. This bill would bring another million, adding a total to this particular immigration station on Angel Island to $3.375 million.

Now, Madam Chair, the Nation ran up a record level debt last year, $455 billion. We're set to eclipse that deficit by nearly four times and nearly $2 trillion this year and follow it up with another $1 trillion-plus deficit every single year from now through 2010. Although Angel Island is historic, and I, actually, personally, am a fan of historic preservation, although you may find that difficult to believe today. I just feel we shouldn't do it with taxpayer money in this way. Given our serious budget problems, the question of whether this rises to the level of the sort of thing we should be spending people's money on when American families all over this Nation are struggling in these tough economic times, we need to look at every bit of spending to determine if it's something we would like to have or something that we have to have.

Madam Chair, given that the Obama budget recently passed by Democrats would triple the debt in the next 10 years, we need to set priorities; and we should only spend on those things that we have to have and not those things that we would like to have.

Again, what makes Angel Island Immigration Station more worthy of $3 million than various other State parks, both in California and elsewhere? On December 8, 2005, Speaker PELOSI said, and I quote, It's just absolutely immoral for us to heap those deficits on our children. And then again, according to USA Today, on November 12, 2006, Speaker PELOSI said, There has to be transparency. I'd just as soon do away with all earmarks, but that probably isn't realistic. You can't have bridges to nowhere for America's children to pay for. Or if you do, you have to know whose it is.

□ 2330

Madam Chair, there aren't many things lately I agree with the Speaker on, but I agree with both of those two comments. We have to stop passing on debt to our children. We have to stop spending money on things that are not national priorities, are not have-to-have items. And although this is in my home State of California, I believe this is one of those items.

Madam Chair, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. WOOLSEY. I thank the chairman for allowing me to take this space.

Madam Chairwoman, I frankly have to say that I am absolutely shocked to come to the floor to defend the Angel Island Immigration Station. I can only assume that the gentleman from California simply does not realize the cultural and historic significance of Angel Island Immigration Station and how very important it is to millions of Americans. Actually, Angel Island is known as the ''Ellis Island of the West'' because over a 30-year period between 1910 and 1940, the Angel Island Immigration Station processed more than 1 million immigrants from around the world with the majority coming from Asia.

Today the Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history by hosting more than 50,000 people including 30,000 school children every single year. But because of severe deterioration, many of the historic buildings are in danger of collapsing and in desperate need of repair. That's why I, along with Speaker PELOSI, requested $1 million to rehabilitate the old Angel Island Immigration Station Hospital so that it can be used, among other things, as a museum to tell the story of immigration from Asia to the United States.

Now, I doubt very much that anyone would come to this floor to strike funding for Ellis Island and argue that its preservation was ''wasteful government spending.'' But at the heart of the matter, Angel Island is just as important to those who cross through its gates as Ellis Island was for so many European immigrants. For those people whose ancestors first stepped on American soil were taken on Angel Island in the middle of the San Francisco Bay, this amendment works to deny their history and their struggle.

It's also important for me to point out, and Congressman CAMPBELL said this, that Congress is already on record for supporting funding for Angel Island. In the 109th Congress I sponsored H.R. 606, the Angel Island Immigration Station Restoration and Preservation Act, which did authorize funding to protect and preserve this historic landmark. H.R. 606 was passed out of the House by voice vote, the Senate by unanimous consent, and signed into law by President George W. Bush on December 1, 2005. The sponsor of this amendment had no objection then when his party controlled both Houses of Congress and the White House.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. Yes, sir.

Mr. DICKS. Madam Chair, I want to rise in strong support of her amendment and the Speaker's amendment.

This is a very important project. And I urge a ''no'' vote on the Campbell amendment.

I appreciate the gentlewoman for yielding.

Ms. WOOLSEY. Thank you. Reclaiming my time, Madam Chair, Angel Island is a national historic landmark that is in absolute desperate need of repair and rehabilitation. I urge my colleagues, and I thank the chairman for supporting this, to vote against this amendment. This project is not a bridge to nowhere; it's a bridge to our past.

Mr. DICKS. Will the gentlewoman yield?

Ms. WOOLSEY. I yield.

Mr. DICKS. The ''bridge to nowhere'' was not an Appropriations Committee project. This was a project of the House Transportation Committee, and our committee had no responsibility for this.

Ms. WOOLSEY. Madam Chair, I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, I appreciate my colleague from California's comments. Again, it doesn't change the facts of the matter. Let's put it maybe a little more specifically.

This is $1 million going to this particular project that is a California State park, not a Federal park. And of that $1 million, $460,000 will have to be borrowed. Much of that money will be borrowed from the Chinese, from Indians, from Russians, from whomever. And as much as I agree with you, as I like to see our historic preservation and I'm totally with you on that, but there is a project out there. There is an effort out there to raise private funds for this, and that is where the effort should be. And as scarce as Federal dollars are right now and the number of needs that we have and the gigantic deficit that we are not just passing to our children, we are passing to us—$2 trillion a year increasing the debt? Senator MCCAIN talks about generational theft. Yes, there is that. But we are passing this deficit on to us. I mean, in 5 years this is going to crush us, not 20, not 30, not 40. And we have got to stop it somewhere.

And as much as I understand and appreciate your passion for this project, I also believe these are the sorts of things where we can start to save a little money. So I ask for an ''aye'' vote.

Madam Chair, I yield back the balance of my time.

Ms. WOOLSEY. Madam Chair, I would like to respond to borrowed, and, yes, indeed, we do not want to heap debt on our children and our grandchildren. But there are some things we have to preserve for them, and that's their history. And that is exactly what this project is about. They need to have their history preserved. They need to be able to visit from their classroom. They need to go with their families to Angel Island and see what came before them, not just the Asian children in our community but all children, and they are all gaining a new respect for what San Francisco and the Bay Area is all about because Angel Island is where their ancestors came before they went out into the communities.

Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Madam Chair, I rise as a designee of the gentleman from Arizona (Mr. FLAKE) with his amendment No. 25.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds provided in this Act under the heading ''National Park Service—Historic Preservation Fund'' shall be available for the Historic Fort Payne Coal and Iron Building Rehabilitation project of the city of Fort Payne, Alabama, and the first, second, and fourth dollar amounts under such heading are each hereby reduced by $150,000.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Madam Chair, this amendment would remove $150,000 of funding for the historic Fort Payne Coal and Iron Building rehabilitation and would lower the cost of the bill by a commensurate amount.

The Times Journal, Fort Payne's local paper, reported on June 9 of this year that the Fort Payne Coal and Iron Building will be renovated into the Fort Payne Culture and Heritage Center. The article goes on to reveal that the City of Fort Payne received a $90,000 grant from the Alabama State Council on the Arts in order to begin construction on this project, which starts this fall.

Rehabilitation of the Coal and Iron Building into a culture and heritage center is the kind of thing that ought to be paid for at a State level or at a local level and by local communities. I applaud the ability of the council to make such a grant given the economic conditions that exist out there, but I question again whether this is one of those things which rises to the level of whether it should have another $150,000 of taxpayer money.

Now, Madam Chair, this is the fifth and final of various amendments I have offered on behalf of myself and other Members this evening having to do with earmarks, and let me say this: I have heard the passion pleas, and I am sure I will hear another one, from people this evening about the importance of the project they're talking about. And I understand that. I get that. We all have things we think are important. And there are many things that are important, and we won't agree on what they are, but they're out there.

But budgets are about making choices. We cannot do it all. And when we do it all, we get into the problems that we are in today. We get into deficits that go on without end a trillion dollars or more. We get into debt that will crush not just our children but ourselves. We get into spending that rises and rises and rises and won't stop. And there are so many things. I'm sure this project is one of them and I am sure that the gentleman from Alabama will make a defense of his project and his defense may be very legitimate. But there will be similar projects in my district and everyone else's. And then there are a million other things we could do. And what about little things like national defense? What about all kinds of other things that this Federal Government has to do?

Madam Chair, it is time that we look at these earmarks and we look at the spending and we start to make those priorities and we say this is the amount of money we've got. And we have got to stop borrowing any more and we have got to stop pouring it onto our children, and we can't increase the taxes because you will send this economy into a double-dip recession; and that we set these priorities and we decide that there are certain things that are important and there are certain things that aren't.

And, Madam Chair, I guess I would just ask, if anybody out there is listening or watching, is the Fort Payne Coal and Iron Building historic rehabilitation, is that a national priority that in these times, that in this kind of deficit and this kind of spending environment, rises to the level of something that we have to do?

Madam Chair, at some point we have got to stop it. I would like to hope we can begin that process now.

Madam Chair, I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ADERHOLT. I just want to thank the Chair and the ranking member for their work on this subcommittee bill. As a ranking member on one of the subcommittees on Appropriations, I know the work that goes into these bills and putting them together, and I thank Mr. DICKS and Mr. SIMPSON for their hard work on this appropriation bill.

I would like to talk a little bit about this project. The amendment that has been brought up tonight by Mr. CAMPBELL is an amendment that would, of course, eliminate funding for what I believe is a worthy and historic preservation project.

The funding allows the City of Fort Payne, which is a town located in the district that I represent, a relatively small town in rural Alabama, to proceed with this rehabilitation project of an important landmark, as has been stated, the Fort Payne Coal and Iron Building. Also, it should be noted, Madam Chair, that this is included in the Save America's Treasures program.

Fort Payne was first incorporated as a town in 1889 as investors from New England saw coal and iron opportunities in the surrounding areas. During that time period, this particular building, the Fort Payne Coal and Iron Building, was the first building that was constructed. It served as the administrative building and the headquarters for the Fort Payne Coal and Iron Company, and it was from this building that the city itself was planned. This year marks the 120th anniversary of the building as well as the town of Fort Payne.

This has been a project that they are not depending on Federal funds alone, and that's, of course, as Mr. CAMPBELL pointed out. The City of Fort Payne in rural Alabama has spent $50,000 of its own money working on this project. The State of Alabama has committed another $135,000 for this project. The Coal and Iron Building will house a cultural center which will serve this region of the State. The building is on the national register, and it will be a valuable asset of increasing tourism and raising awareness of the cultural heritage of northern Alabama and southern Appalachia, as it will provide educational opportunities which augment certain other activities in the region.

□ 2345

Mr. DICKS. Will the gentleman yield?

Mr. ADERHOLT. I yield to the gentleman from Washington.

Mr. DICKS. I just wanted to say to the gentleman that the committee strongly supports his amendment. We think this is a good amendment. It's well thought out. We like the fact that the city and the State put up money. It's a real partnership. This is the way we do things today, and the gentleman is a distinguished member of the committee and we are proud of his good work.

Mr. ADERHOLT. Thank you. I thank the chairman.

I just would also like to point out that Fort Payne, Alabama, is a community that tries to reach out and help others. It has a rich history of doing that. It was one time the number one sock producer in the world, and it is also the birthplace of the country music legends ''Alabama.'' When New York City suffered the terrorism attack of 2001, the sock industry in Fort Payne donated and delivered hundreds of pairs of socks to the rescue workers who were working around the clock in that particular situation.

So, in closing, Madam Chair, the restoration and the use of the Coal Building will be a significant cultural and educational benefit to northeastern Alabama. While I respect the gentleman who has offered the amendment, I would ask the Members to vote ''no'' on this amendment.

And I would like to show a picture of the building. This is a picture of the Coal and Iron Building. This photo was taken somewhere between 1890 and 1899, and I think you can see that it is a part of American history.

And I would also like to mention, in response to the gentleman from California, that I am a strong supporter of defense spending for this country, but this particular project in no way hinders the defense spending for this country. And, as you know, you can check my record and see that I am a strong supporter of national defense for this country, but this is in a different bill completely. This is in a different set of areas of the appropriation bill, so I would like to just stress that to the other Members, and I would ask them if they would respectfully vote ''no'' on the amendment.

I reserve the balance of my time.

Mr. CAMPBELL. Madam Chair, this bill, this appropriations bill, Interior appropriation, increases spending from last year by 17 percent.

Now, I would ask how many Americans out there are going to see a 17 percent increase in their salaries? How many companies are going to be spending 17 percent more on their marketing budget on payroll, on anything else?

And also today the Congressional Budget Office issued a report on the debt and the deficit, and I would encourage Members to read it and look at it. It essentially says that we can't keep it up, it's unsustainable, that it is basically unsustaining and unsustainable.

Madam Chair, I understand this is only $150,000, but the journey of 1,000 miles does begin with a single step. And if we can begin by starting to not use taxpayers' money for charitable contributions, not using taxpayers' money for non-Federal priorities, not using taxpayers' money for earmarking to private companies without bids, then we begin that single step.

Mr. DICKS. Will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

I just would say to the gentleman, I hope when we get to entitlement reform, where the real money is spent, over two-thirds of the budget is in the entitlement reform, that I will see the gentleman from California and the gentleman's from Texas out here doing their good work on something that makes a difference.

The Acting CHAIR. The gentleman's time has expired. The gentleman from Alabama has 30 seconds remaining.

Mr. ADERHOLT. I yield the gentleman from Washington the additional time.

Mr. DICKS. With all due respect, the good efforts, I think what the gentlemen has done has led to reform. We have changed the way we operate in the Appropriations Committee. Everything is put on the Web site when it's requested, all the agencies review this. If it's for profit, it has to be competed.

The Acting CHAIR. The time of the gentleman has expired.

Mr. DICKS. Remember—we are going to vote ''no'' on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. SIMPSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. I yield to the gentleman from Texas.

OFFICER HENRY CANALES—TEXAS LAWMAN

Mr. POE of Texas. I thank the gentleman from Idaho for yielding and also appreciate the chairman and all the indulgence tonight. I know it's been a long evening, and as we approach midnight here in the cradle of democracy and freedom, sad darkness is also falling heavy on the men and women and their families of the Houston Police Department in Texas.

Madam Chair, two nights ago we lost a hero veteran police officer in our city of Houston. The Houston Police Department Senior Officer Henry Canales was killed in the line of duty. He was an undercover police officer doing the very dangerous work of holding criminals accountable to the law. It is because of brave men like Officer Canales

that the rest of America can sleep safely tonight and every night.

Undercover officers face their own unique set of dangers. Assuming the identity of the criminal, they mix with the worst elements of evil in our society. They seek out these outlaws, become a part of their world, and they bring them to justice. Their bravery, their nerve is unequaled anywhere in our country. They live to serve and protect our freedom and our homes.

Two nights ago, about this time at night, Officer Canales and other undercover Houston police officers met with four people in the parking lot of a drugstore. These four thieves were buying stolen TVs in a sting operation by the Houston Police Department. Things started going downhill in this operation right after the money changed hands.

After the transaction, Officer Canales, working undercover, walked around to the front of a truck, and the suspect followed and drew a weapon. Gunfire rang out in the silent night air, and Officer Canales was shot.

A second undercover police officer, Officer R. Lopez, went to help his fellow downed officer. Lopez was attempting to subdue and handcuff the shooter when the suspect fired at least two more times. Lopez returned the fire. The suspect was pronounced dead at the scene, and Officer Lopez was not injured.

By the way, Madam Chair, the shooter and two other of the bandits were illegally in the United States at the time of this crime.

Officer Canales served at the Houston Police Department for 16 years, spending the last 7 of them in the Auto Theft and Burglary Division, the same division he was working two nights ago when he was killed. He had also worked in northeast patrol.

Officer Canales had also built and raced hot rods together with his family. He was active in drag racing and raced with an organization called Beat the Heat, which combats street racing. He lived in the nearby community of Baytown, Texas, with his family.

Chief of Police Harold Hurtt said Canales ''was not only an outstanding officer but an outstanding individual.'' He cared a great deal about his family, the people he worked with and, of course, the City of Houston that he served.

Madam Chair, I spent 30 years at the courthouse in Houston, Texas, as a prosecutor and as a judge. I have known hundreds of Houston police officers. They are the finest caliber and strongest of character, and Officer Canales was a rare breed in our culture who wore the badge to defend and protect the rest of us.

Officer Canales died during surgery at the hospital where he and his family and hundreds of other officers had gathered. He was 42 years of age. This is a photograph of Officer Canales. He leaves behind his wife, Amor, a 15-year-old son and a 17-year-old daughter.

Officer Canales was the first Houston Police Department officer killed in the line of duty this year. The last time we had an officer killed was December 7 of last year. Officer Tim Abernethy was killed by a gunman that ambushed him during a foot chase in northeast Houston.

In the State of Texas, six police officers have been killed in the line of duty this year. They are Senior Corporal Norman Smith of the Dallas Police Department, Officer Cesar Arreola of the El Paso County Sheriff's Department, Lieutenant Stuart J. Alexander of the Corpus Christi Police Department, Sergeant Randy White of the Bridgeport Police Department, Deputy Sheriff D. Robert Harvey of the Lubbock County Sheriff's Department, and now we add the name of Senior Officer Henry Canales of the Houston Police Department to that hallowed roll of honor.

All Americans should recognize the profound debt of gratitude we owe our law enforcement officers and also the gratitude we owe their families. These officers put themselves into harm's way to guard our safety because they care about our communities and the people they serve. They are the ones standing between us and the bad guys every single day.

So tonight we bid farewell with humble gratitude to Senior Officer Henry Canales. And to his wife, Amor, and his children, we say: May the Lord bless you and keep you. May His face shine upon you and be gracious to you. May He lift up His countenance upon you and give you peace.

And that's just the way it is.

Mr. DICKS. Madam Chairwoman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. WOOSLEY) having assumed the chair, Ms. EDWARDS of Maryland, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

A FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill and a Concurrent Resolution of the following titles in which the concurrence of the House is requested:

S. 1358. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

S. Con. Res. 31. Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The message also announced a certified copy of the statement of resignation of Judge Samuel B. Kent.

RELATING TO IMPEACHMENT PROCEEDINGS OF JUDGE SAMUEL B. KENT—MESSAGE FROM THE SENATE (H. DOC. NO. 111–53)

The SPEAKER pro tempore laid before the House the following message from the Senate; which was read and referred to the managers on the part of the House appointed by House Resolution 565 and ordered to be printed:

I, Nancy Erickson, having custody of the seal of the United States Senate, hereby certify that the attached record is a true and correct copy of a record of the United States Senate, received by the United States Senate Sergeant at Arms from Samuel B. Kent on June 24, 2009, and presented to the Senate in open session on June 25, 2009.

In Witness Whereof, I have set my hand and caused to be affixed the Seal of the United States Senate at Washington, D.C., this 25th day of June, 2009.

STATUS REPORT ON CURRENT LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEARS 2009 AND 2010 AND THE FIVE-YEAR PERIOD FY 2010 THROUGH FY 2014

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2009 and 2010 and for the five-year period of fiscal years 2010 through 2014. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 424 and 427 of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 13. This comparison is needed to enforce section 311(a) of the Budget Act, which establishes a point of order against any measure that would breach the budget resolution's aggregate levels.

The second table compares the current levels of budget authority and outlays for each authorizing committee with the ''section 302(a)'' allocations made under S. Con. Res. 13 for fiscal years 2009 and 2010 and fiscal years 2010 through 2014. This comparison is needed to enforce section 302(f) of the Budget Act, which establishes a point of order against any measure that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure.

The third table compares the current levels of discretionary appropriations for fiscal years 2009 and 2010 with the ''section 302(a)'' allocation of discretionary budget authority and outlays to the Appropriations Committee. This comparison is needed to enforce section

302(f) of the Budget Act, which establishes a point of order against any measure that would breach section 302(b) sub-allocations within the Appropriations Committee.

The fourth table gives the current level for fiscal years 2011 and 2012 for accounts identified for advance appropriations under section 424 of S. Con. Res. 13. This list is needed to enforce section 424 of the budget resolution, which establishes a point of order against appropriations bills that include advance appropriations that: (1) are not identified in the joint statement of managers; or (2) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2010 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 13

[Reflecting Action Completed as of June 19, 2009 (On-budget amounts, in millions of dollars]

	Fiscal Year 2009 [1]	Fiscal Year 2010 [2]	Fiscal Years 2010–2014
Appropriate Level:			
Budget Authority	3,668,788	2,882,117	n.a.
Outlays	3,357,366	2,999,049	n.a.
Revenues	1,532,579	1,653,728	10,500,149
Current Level:			
Budget Authority	3,667,201	1,676,199	n.a.
Outlays	3,360,595	2,283,197	n.a.
Revenues	1,532,579	1,666,030	11,264,350
Current Level over (+) / under (-) Appropriate Level:			
Budget Authority	−1,587	−1,205,918	n.a.
Outlays	3,229	−715,852	n.a.
Revenues	0	12,302	764,201

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

[1] Notes for 2009: Current resolution aggregates exclude $7,150 million in budget authority and $1,788 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

[2] Notes for 2010: Current resolution aggregates exclude $10,350 million in budget authority and $5,488 million in outlays that was included in the budget resolution as a placeholder to recognize the potential costs of major disasters.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2009 in excess of $1,587 million (if not already included in the current level estimate) would cause FY 2009 budget authority to exceed the appropriate level set by S. Con. Res. 13.

Enactment of measures providing new budget authority for FY 2010 in excess of $1,205,918 million (if not already included in the current level estimate) would cause FY 2010 budget authority to exceed the appropriate level set by S. Con. Res. 13.

OUTLAYS

Outlays for FY 2009 are above the appropriate levels set by S. Con. Res. 13.

Enactment of measures providing new outlays for FY 2010 in excess of $715,852 million (if not already included in the current level estimate) would cause FY 2010 outlays to exceed the appropriate level set by S. Con. Res. 13.

REVENUES

Revenues for FY 2009 are at the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for FY 2010 excess of $12,302 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2010 through 2014 in excess of $764,201 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 13.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 19, 2009

[Fiscal years, in millions of dollars]

	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Armed Services:						
Allocation	0	0	0	0	35	35
Current Level	0	0	0	0	35	35
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	0	0	−1,000	−1,000
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	1,000	1,000
Energy and Commerce:						
Allocation	11	2	10	13	−10	−2
Current Level	11	2	10	13	−10	−2
Difference	0	0	0	0	0	0
Financial Services:						
Allocation	0	0	0	0	0	0
Current Level	−524	3,266	318	11,346	524	8,064
Difference	−524	3,266	318	11,346	524	8,064
Foreign Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Homeland Security:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Judiciary:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Natural Resources:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Oversight and Government Reform:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Science and Technology:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Transportation and Infrastructure: [1]						
Allocation	0	0	13,085	0	68,669	0
Current Level	0	0	0	0	0	0
Difference	0	0	−13,085	0	−68,669	0
Veterans' Affairs:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Ways and Means:						
Allocation	0	0	6,840	6,840	37,000	37,000
Current Level	0	0	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH—Continued

AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES, REFLECTING ACTION COMPLETED AS OF JUNE 19, 2009

[Fiscal years, in millions of dollars]

	2009		2010		2010–2014 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Difference	0	0	−6,840	−6,840	−37,000	−37,000

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2009—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of July 8, 2008 (H.Rpt. 110–746)		Current Level Reflecting Action Completed as of June 19, 2009		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	20,623	22,000	27,594	22,823	6,971	823
Commerce, Justice, Science	56,858	57,000	76,311	62,440	19,453	5,440
Defense	487,737	525,250	636,663	625,194	148,926	99,944
Energy and Water Development	33,265	32,825	91,085	35,130	57,820	2,305
Financial Services and General Government	21,900	22,900	29,747	24,004	7,847	1,104
Homeland Security	42,075	42,390	45,045	46,508	2,970	4,118
Interior, Environment	27,867	28,630	38,586	29,687	10,719	1,057
Labor, Health and Human Services, Education	152,643	152,000	281,483	168,653	128,840	16,653
Legislative Branch	4,404	4,340	4,428	4,393	24	53
Military Construction, Veterans Affairs	72,729	66,890	80,076	66,975	7,347	85
State, Foreign Operations	36,620	36,000	50,605	40,989	13,985	4,989
Transportation, HUD	54,997	114,900	119,530	121,039	64,533	6,139
Unassigned (full committee allowance)	0	987	0	0	0	−987
Subtotal (Section 302(b) Allocations)	1,011,718	1,106,112	1,481,153	1,247,835	469,435	141,723
Unallocated portion of Section 302(a) Allocation	470,483	141,760	0	0	−470,483	−141,760
Total (Section 302(a) Allocation)	1,482,201	1,247,872	1,481,153	1,247,835	−1,048	−37

[1] Includes emergencies enacted before March, 2009 that are now included in resolution totals. Also includes adjustments for rebasing and technical reestimates since the Appropriations bills were scored at the time of enactment. Finally, it includes adjustments for overseas deployments made pursuant to S. Con. Res. 13.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2010—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of June 23 2009 (H.Rpt. 111–174)		Current Level Reflecting Action Completed as of June 19, 2009		Current Level minus Suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	22,900	25,000	8	7,192	−22,892	−17,808
Commerce, Justice, Science	64,415	70,736	0	26,959	−64,415	−43,777
Defense	508,045	577,269	39	244,349	−508,006	−332,920
Energy and Water Development	33,300	42,500	0	23,381	−33,300	−19,119
Financial Services and General Government	23,550	25,200	83	6,658	−23,467	−18,542
Homeland Security	42,625	46,345	0	21,168	−42,625	−25,177
Interior, Environment	32,300	34,300	0	14,551	−32,300	−19,749
Labor, Health and Human Services, Education	160,654	219,692	24,637	163,540	−136,017	−56,152
Legislative Branch	4,700	4,805	0	683	−4,700	−4,122
Military Construction, Veterans Affairs	76,506	77,516	−2,160	27,190	−78,666	−50,326
State, Foreign Operations	48,843	47,945	0	26,285	−48,843	−21,660
Transportation, HUD	68,821	134,595	4,400	86,331	−64,421	−48,264
Unassigned (full committee allowance)	0	711	0	0	0	−711
Subtotal (Section 302(b) Allocations)	1,086,659	1,306,614	27,007	648,287	−1,059,652	−658,327
Unallocated portion of Section 302(a) Allocation	1	0	0	0	−1	0
Total (Section 302(a) Allocation)	1,086,660	1,306,614	27,007	648,287	−1,059,653	−658,327

2011 and 2012 Advance Appropriations Under Section 424 of S. Con. Res. 13

[Budget Authority in Millions of Dollars]

	2011
Section 424(b)(1) Limits:	
Appropriate Level	28,852
Enacted advances:	
Accounts Identified for Advances:	—
Employment and Training Administration	—
Office of Job Corps	—
Education for the Disadvantaged	—
School Improvement Programs	—
Special Education	—
Career, Technical and Adult Education	—
Payment to Postal Service	—
Tenant-based Rental Assistance	—
Project-based Rental Assistance	—
Subtotal, enacted advances	—
	2012
Appropriate Level[1]	n.a.
Enacted advances:	
Accounts Identified for Advances:	—
Corporation for Public Broadcasting	—
Section 424(b)(2) Limits:	
Appropriate Level[2]	n.a.
Enacted advances:	
Veterans Health Administration Accounts Identified for Advances:	
Medical services	—
Medical support and compliance	—
Medical facilities	—
Subtotal, enacted advances	—

[1] S. Con. Res. 13 does not provide a dollar limit for 2012.

[2] S. Con. Res. 13 does not provide a dollar limit for allowable advances for the Veterans Health Administration.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through June 19, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

Since my last letter dated March 18, 2009, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, and revenues for fiscal year 2009:

Helping Families Save Their Homes Act of 2009 (Public Law 111–22); and

An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (Public Law 111–31).

The Congress has also cleared the Supplemental Appropriations Act, 2009 (H.R. 2346) for the President's signature.

This is CBO's first current level report since the adoption of S. Con. Res. 13.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT THROUGH JUNE 19, 2009

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,532.571
Permanents and other spending legislation	2,186,897	2,119,086	n.a.
Appropriation legislation	2,031,683	1,851,797	n.a.
Offsetting receipts	–640,548	–640,548	n.a.
Total, Previously enacted	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	–524	3,266	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	11	2	8
Total, enacted this session	–513	3,268	8
Passed, pending signature:			
Supplemental Appropriations Act, 2009 (H.R.. 2346) [2]	89,682	26,992	0
Total Current Level [2 3]	3,667,201	3,360,595	1,532,579
Total Budget Resolution [4]	3,675,938	3,359,154	1,532,579
Adjustment to budget resolution for disaster allowance [5]	–7,150	–1,788	n.a.
Adjusted Budget Resolution	3,668,788	3,357,366	1,532,579
Current Level Over Budget Resolution	n.a.	3,229	n.a.
Current Level Under Budget Resolution	1,587	n.a.	n.a.

Source; Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

1. Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), that were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

2. Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements arc exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which arc not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2009 (H.R. 2346)	16,169	3,530	n.a.

3. For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

4. Periodically, the House Committee on the Budget revises the totals in S. Con Res. 13, pursuant to various provisions of the resolution:

Original Budget Resolution	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 423(a)(l))	0	2.882	0
For an act to protect the public health by providing the Food and Drug. Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324)	11	2	8
Revised Budget Resolution	3,675,938	3,359,154	1,532,579

5. S. Con. Res. 13 includes $7,150 million in budget authority and $1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. JOHN M. SPRATT Jr.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 19, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes those amounts (see footnote 2 of the report).

This is CBO's first current level report for fiscal year 2010.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

FISCAL YEAR 2010 HOUSE CURRENT LEVEL REPORT THROUGH JUNE 19, 2009

[in millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,665,986
Permanents and other spending legislation	1,642,620	1,625,731	n.a.
Appropriation legislation	0	600,500	n.a.
Offsetting receipts	– 690,251	– 690,251	n.a.
Total, Previously enacted	952,369	1,535,980	1,665,986
Enacted Legislation:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (PL. 111–31)	10	13	46
Total, Enacted Legislation	328	11,359	46
Passed, pending signature:			
Supplemental Appropriations Act, 2009 (H.R. 2346) [2]	11	33,530	– 2
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	723,491	702,328	0
Total Current Level [2 3]	1,676,199	2,283,197	1,666,030
Total Budget Resolution [4]	2,892,467	3,004,497	1,653,728
Adjustment to budget resolution for disaster allowance [5]	– 10,350	– 5,448	n.a.
Adjusted Budget Resolution	2,882,117	2,999,049	1,653,728
Current Level Over Budget Resolution	n.a.	n.a.	12,302
Current Level Under Budget Resolution	1,205,918	715,852	n.a.
Memorandum:			
Revenues, 2010–2014:.			
House Current Level	n.a.	n.a.	11,264,350
House Budget Resolution	n.a	n.a	10,500,149
Current Level Over Budget Resolution	n.a.	n.a.	764,201
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

SOURCE: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

1. Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), that were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

2. Pursuant to section 423(b) of S. Con. Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

Supplemental Appropriations Act, 2009 (H.R. 2346)	17	7,064	n.a.

3. For purposes of enforcing section 311 of the Congressional Budget Act; in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts, As a result, current level excludes these items.

4. Periodically, the House Committee on the Budget revises the totals in S. Con Res, 13, pursuant to various provisions of the resolution:

Original Budget Resolution	2,888,691	3,001,311	1,653,682
Revisions:			
For the Congressional Budget Office's reestimate of the Presidents request for discretionary appropriations (section 422(c)(l))	3,766	2,355	0
For the Supplemental Appropriations Act, 2009 (section 423(a)(1)) (includes budget committee correction)	0	818	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (section 324)	10	13	46
Revised Budget Resolution	2,892,467	3,004,497	1,653,728

5. S. Con. Res, 13 includes $10,350 million in budget authority and $5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; these funds will never be allocated to a committee. At the direction of the House Committee on the Budget the budget resolution totals have been revised to exclude these amounts for purposes of enforcing current level.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

TRIBUTE TO VIRGINIA SAUNDERS

Mr. BRADY of Pennsylvania. Madam Speaker, as Vice Chairman of the Joint Committee on Printing, I rise in tribute to Ms. Virginia Saunders, Program Operations and Evaluation Specialist for Congressional Documents, in the Office of Congressional Publishing Services at the Government Printing Office, who died June 19, 2009, as she was entering her 65th year of dedicated Federal service.

Ms. Saunders was the recipient of other tributes in this House from my friend, the gentleman from Maryland (Mr. HOYER), when she reached the 50th and 60th anniversaries of her Federal service. Recently she was the subject of a profile in the Washington Post. All this attention and adoration was well deserved.

Born in Darlington, Maryland, Ms. Saunders spent her entire career in service to her fellow Americans. After working briefly at the Federal Bureau of Investigation, she joined the GPO in February 1946, as a war service junior clerk-typist in the division of public documents, stock section. Two years later, she was promoted to the division of public documents reference section. In 1951, Ms. Saunders was promoted to indexing clerk and earned subsequent promotions in the same classification. In 1958, she was promoted to library technician. Becoming a congressional documents specialist in 1970, she was then promoted to supervisor of the congressional documents section in 1974. In 1983, Ms. Saunders assumed the position of congressional documents specialist in the congressional printing management division, and in 2004—with 58 years of Government service behind her—she was promoted to her current position.

Since 1969, Ms. Saunders was responsible for the Congressional Serial Set, a compilation of all House and Senate documents and reports issued for each session of Congress. Published continuously since 1817, and distributed to the House and Senate libraries, the Archives, the Library of Congress, and Federal depository libraries nationwide, the Serial Set joins the CONGRESSIONAL RECORD in offering students and historians a rich insight into the record of our of our Government. In the words of historian Dee Brown, the Serial Set "contains almost everything about the American experience . . . our wars, our peacetime works, our explorations and inventions . . . If we lost everything in print, except our documents, we would still have a splendid record and a memory of our past experience." As the GPO's 1994 Report of the Serial Set Study Group pointed out, researchers and librarians agree that the Serial Set is "without peer in representative democracies throughout the western world as a documentary compendium." This was the document that Ms. Saunders prepared faithfully for Congress and the American people for the past 40 years.

Throughout her career, Virginia Saunders worked tirelessly to improve the Serial Set. In late 1989, she submitted a suggestion regarding the appendix to the Iran-Contra Report to Congress, which contained identical reports from the House and the Senate. She proposed that this 40-volume publication be bound only once for the Serial Set volumes of House and Senate reports that were sent to depository libraries. This common sense idea resulted in a reduction of 13,740 book volumes to be bound, saving the taxpayers more than $600,000. In recognition of her work, Ms. Saunders received a letter of commendation from President George H.W. Bush, who said, "You have demonstrated to an exceptional degree my belief that Federal employees have the knowledge, ability, and desire to make a difference."

Ms. Saunders generously shared her knowledge of the Serial Set with document librarians across the country. She delivered presentations at library associations and conferences and was an invaluable resource to the library community nationwide. In tribute to her work, in 1999 Ms. Saunders received the James Bennett Childs Award from the Government Documents Roundtable of the American Library Association, one of the library community's highest honors. The ALA honored Ms. Saunders' "distinguished contribution to documents librarianship," and paid "grateful recognition" to a lifetime of exceptional achievements in this important field of endeavor.

Recently, Ms. Saunders told the Washington Post, "As long as my health is pretty good, I intend to hang in with my boots on. I have to keep this program going." Shortly afterward, in a statement released by the GPO, she said, "I never thought I would thank the good Lord for work. Retirement has crossed my mind, but what else would I do? This is where my heart is." On behalf of the Joint Committee on Printing, I offer condolences to the family, friends, and colleagues of Virginia Saunders, and extend our gratitude and commendation for her lifetime of work on behalf of Congress and the Nation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 59 minutes p.m.), the House stood in recess subject to the call of the Chair.

NOTICE

Incomplete record of House proceedings.

Today's House proceedings will be continued in the next issue of the Record.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, JUNE 25, 2009 No. 97

Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rabbi Shea Harlig, spiritual leader of Chabad of Southern Nevada.

The guest Chaplain offered the following prayer:

Almighty G-d, the Members of this prestigious body, the U.S. Senate, convene here in the spirit of one of the seven Noahide Laws which were set forth by You as an eternal universal code of ethics for all mankind; that every society be governed by just laws which shall be based in the recognition of You, O G-d, as the Sovereign Ruler of all peoples and all nations. We, the citizens of this blessed country, proudly proclaim this recognition and our commitment to justice in our Pledge of Allegiance—''One Nation, under G-d, with liberty and justice for all.''

Grant us, Almighty G-d, that those assembled here today be aware of Your presence and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, and good fellowship.

On this 25th day of June, 2009, which corresponds to the third day of the Hebrew month of Tammuz, we are 15 years—to the day—from the passing of our esteemed spiritual leader, The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, of blessed memory, who consistently extolled the virtues of this great land as a ''Nation of Kindness.''

I beseech You, Almighty G-d, to grant renewed strength and fortitude to all who protect, preserve, and help further these ideals so essential to the dignity of the human spirit. Please grant that our beloved Rebbe's vision of a world of peace and tranquility—free of war, hatred, and strife—be realized speedily in our days.

G-d bless this hallowed body. G-d bless our troops who stand in defense of this great land. G-d bless the United States of America.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 25, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING RABBI HARLIG

Mr. REID. Madam President, with the Senate Chaplain, Admiral Black, standing by, we all listened to a prayer from one of our Jewish brethren in Las Vegas, Rabbi Harlig. I am sure the Chaplain was pleased with the prayer. Those of us in attendance were pleased with the prayer. It was a meaningful, wonderful prayer for our Senate and the country. So I welcome Rabbi Harlig and thank him for helping us open the Senate with the beautiful prayer he uttered.

Rabbi Harlig and his wife Dina breathed new life into the southern Nevada Jewish community when they opened a Chabad center in their living room in 1990. It has grown dramatically since then, and successfully grown, and there are now five such community centers in southern Nevada. The organization Rabbi Harlig founded has taught so many children and adults and has done so many mitzvot—or good deeds—for so many people.

As Rabbi Harlig mentioned in his invocation, today is significant for the Chabad community because it is the day of the passing of The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, one of the great Jewish leaders of our time.

So thank you, Rabbi Harlig, for joining us in the Senate today.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business for up to 1 hour. Senators will be permitted to speak for up to 10 minutes each. Republicans will control the first 30 minutes and the majority will control the final 30 minutes.

Following morning business, the Senate will turn to executive session to resume debate on the nomination of Harold Koh to be Legal Adviser to the Department of State. We hope some of the postcloture debate time will be yielded back and we are able to vote on the nomination as early as possible. If we are unable to yield any time, the vote will occur at about 5:30 this evening.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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We are also working on an agreement to consider the Legislative Branch appropriations bill. Senators will be notified when votes are scheduled or agreements are reached.

MEASURE PLACED ON THE CALENDAR—S. 1344

Mr. REID. Madam President, it is my understanding that S. 1344 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1344) to temporarily protect the solvency of the Highway Trust Fund.

Mr. REID. Madam President, I object to any further proceedings with respect to this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE REFORM

Mr. McCONNELL. Madam President, Americans are insisting that Members of Congress work together on reforms which make health care more affordable and accessible but which don't force people off their current plans or add to an already staggering national debt. Yet the Democratic plan now being rushed through the Senate would do just the opposite. It would force millions of Americans off their health care plans and bury our Nation deeper and deeper in debt.

Democrats have repeatedly and incorrectly declared that under their plan Americans who like their current insurance will be able to keep it. This morning, I would like to explain why that is, unfortunately, not the case.

Just last week, the independent Congressional Budget Office said that the incomplete Democratic HELP Committee proposal would cause 10 million Americans who currently have employer-based insurance to lose that coverage. Let me repeat that. Before the Democratic bill is even complete, we know that it will cause 10 million Americans to lose their health care insurance they currently have. But 10 million would just be the beginning. One key section missing from the HELP bill is the government plan Democrats say they want, and according to one study, 119 million Americans could lose their private coverage if a government plan is enacted.

Here is why this so-called government option would lead to Americans losing their current plans and why it would soon become the only option.

First, a government-run plan would have unlimited access to taxpayer dollars and could operate at a loss indefinitely, which could force private insurers out of business. Private health plans simply wouldn't be able to compete, and millions of Americans could be forced off their health plans whether they like it or not. At that point, people would have to enroll in a government plan or any surviving private health care plan, if they could afford it. I say if they could afford it because another unintended consequence of creating a government plan is that it would cause rates for private health plans to skyrocket, leaving most Americans unable to afford them. They would simply be too expensive. Right now, government programs such as Medicare and Medicaid pay hospitals and doctors less than private insurers do, and hospitals and doctors then pass on the difference to private insurers. If a government plan was established, doctors and hospitals would shift more of their cost onto private health plans, making them even more expensive and making it even harder for them to compete with a government plan. In the end, only the wealthiest would be able to afford private health plans and the kind of care most Americans currently enjoy.

Some say safeguards could be put in place to create a level playing field. But the very nature of the government running a health insurance plan in the private market is the problem. Any safeguard could easily be eliminated, and one look at the government takeovers in the insurance and auto industries shows that when the government is involved, there is really no such thing as a fair playing field.

Let's take a look at the auto industry. The government has given billions of dollars to the financing arms of Chrysler and GM, allowing them to offer interest rates that Ford, a major manufacturer in my State, and other private companies struggle to compete with. This means the only major U.S. automaker that did not take a bailout is at a big disadvantage as it struggles to compete with government-run auto companies. When Ford needed money, it had to raise it in the open market and pay an 8-percent interest rate. But GM could just call up the Treasury—just call up the Treasury—and have them wire over some taxpayer money. No company can compete with that.

So contrary to their claims, if the Democratic plan is enacted, millions of Americans will lose the health insurance they have and that they like. Again, that is not what I say, it is what the Congressional Budget Office says, it is what independent analysts say, it is what America's doctors say, and it is even what President Obama now says. The President now acknowledges that under a government plan, some people might be shifted off of their current insurance.

This isn't the only Democratic claim about health care that is increasingly suspect. Democrats have also promised their health plan will be paid for and won't add to the deficit. But the facts just don't add up. Right now, just one section—one section—of the HELP bill would spend $1.3 trillion. It is not plausible that this won't add to the deficit, which has already swelled by more than $1 trillion thanks to bailouts and the stimulus money.

So when Democrats predict their health care plan won't cause people to lose their current insurance and won't add to the national debt, Americans are certainly right to be skeptical. They made the same kinds of predictions about the stimulus bill. They said the money wouldn't be wasted. Yet we are already hearing about a $3.4 million turtle tunnel and $40,000 to pay the salary of someone whose job is to apply for more stimulus money. The administration also predicted that if we passed the stimulus, the unemployment rate wouldn't rise above 8 percent. Now they say unemployment will likely rise to 10 percent.

Americans, indeed, want health care reform, but they do not want a so-called reform that takes away the care they have and stands in the way of their relationships with their doctors or that buries their children and grandchildren deeper and deeper in debt. I think we can do a lot better than that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

HEALTH CARE REFORM

Mr. REID. Madam President, one-sixth of every dollar that is spent in America goes to health care today. If we do nothing with health care, by the year 2020 it will be 35 percent. Think about that. That is just 11 years from now. So it is obvious that crushing health care costs leave many families uninsured and underinsured and drive far too many into bankruptcy or foreclosure.

When we discuss our country's health care crisis with our constituents next week when we go home for the July 4th break and when we debate it with our colleagues in this Chamber in the coming months, they will talk about how best to relieve that burden. There are a lot of good ideas, but one of the best ways to bring down the cost is by preventing disease and illness in the first place.

Prevention and wellness are based on a simple premise: The less you get sick today, the less you will have to pay tomorrow. Part of reforming health care means making it easier for Americans to make healthier choices and live healthier lives. We are far from that goal and need to do a better job of making that possible. More than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of all deaths in America. So doesn't it make sense to stop them before they start? The obvious answer is yes.

It is not just a health issue, it is also an economic issue. Prevention isn't

free, but it is a lot cheaper to invest in health before it is too late. Unfortunately, that investment is peanuts right now. We spend only 4 cents out of every health care dollar toward preventing disease. That is far too little. Although we spend only 4 cents of every dollar toward preventing disease, we spend 75 cents of every health care dollar caring for people with chronic conditions. It isn't enough just to treat and cure disease, we must also prevent disease and help people stay healthy. Reducing the number of us who suffer from chronic diseases will cut costs and help more Americans lead healthier and more productive lives. It is the same principle we bring to health care reform overall. Reform isn't free, but it is a lot cheaper to invest in our citizens' health, our country's health, and our economy's health before it is too late.

Everyone needs to listen, especially based on my colleague's statement he just gave. We Democrats are committed to lowering the high cost of health care. We Democrats want to ensure every American has access to that quality, affordable care, and letting people choose their own doctors, hospitals, and health plans. We are committed to protecting existing coverage when it is good, improving it when it is not, and guaranteeing health care to the millions—including 9 million children—who have no health care.

We are committed to a plan that says: If you like the coverage you have, you can keep it. We are committed to reducing health disparities and encouraging early detection and effective treatment that saves lives. Just a small investment in prevention and wellness can make a big difference for American families. Reforming health care, doing so in the right way, and making that investment will help people get sick less often—and even when they do get sick, it will cost them less to get back on their feet. Benjamin Franklin famously said: ''An ounce of prevention is worth a pound of cure.'' For Americans' physical health and America's fiscal health it may be worth much more.

Madam President, I believe it is time to announce morning business.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with time equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority in control of the second half, with Senators permitted to speak for up to 10 minutes each.

The Senator from Nebraska is recognized.

Mr. JOHANNS. I thank the Chair.

(The remarks of Mr. JOHANNS pertaining to the submission of S. Res. 206 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, how much time is remaining on Republican time?

The ACTING PRESIDENT pro tempore. There is 18 minutes remaining.

Mr. ALEXANDER. Thank you, Madam President. Will you please let me know when 4 minutes remain?

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. ALEXANDER. Madam President, let me talk about a threat to the middle-class family's budget, and that is health insurance. How do we pay for health care? I do not have to explain to anyone who might be listening or reading these remarks that health care, for most Americans, is a cost that is difficult to afford.

It is difficult for most small businesses. We have many large businesses who are having a difficult time competing in the world marketplace because of health care costs. We think of the auto industry in Detroit which has claimed that the legacy costs of health care have put them out of business, unable to compete, even with car companies that locate in the United States and make cars here employing American workers.

So we on the Republican side, like our friends on the Democratic side, want health care reform this year. President Obama is going to town meetings and saying what he is for. He is saying: Let's do it this year. He is saying: Let's make sure we cover the 47 million Americans who are uninsured. He is saying: Let's make sure we can afford it.

''We do not want more debt,'' the President is saying. We certainly agree with that. He already has proposed, over the next 10 years, more new debt than it cost to wage all of World War II according to the Washington Post. So we agree with him, we do not want any health care bill that creates more new debt. We do not want a health care bill that puts more new taxes on States as they pay for State-operated health care programs such as Medicaid.

We want to make sure that Americans who like their insurance are able to keep the insurance they have. About 177 million Americans have employer-sponsored health insurance which they like. They like the quality of the health care they get. We do not want to think about the 47 million who are uninsured, we want to think about all 300 million Americans.

We Republicans agree with the President. We want health care reform this year. We want a health care plan that you can afford. We want a health care plan your Government can afford, so your children do not get a big debt piled on top of them, and we want to make sure all of the uninsured are covered as well.

We want to make sure, on this side, that Washington does not come in between you and your doctor. In other words, you and your doctor make the health care choices, not some Washington bureaucrat who might cause you to wait in line or deny treatment that you and your doctor think is needed.

So how does the Senate bill that we are working on stack up with the President's ideas that we should cover everybody, be able to pay for it, and allow people to keep their insurance? Well, I am very disappointed to report that, according to the Congressional Budget Office, which is the nonpartisan agency in the Congress—and the Congress, of course, is majority Democratic, by a large margin—has given us some very disturbing information about the bill we are working on in the HELP Committee, a place that I am about to go in a few minutes to continue considering parts of the bill, since we only have a little bit of the bill that we are being asked to consider.

Here is what we know about cost: The Congressional Budget Office has said that in the first 10 years of the partial Kennedy bill which has been presented to us, it would add over $1 trillion to the debt, the national debt, $1 trillion.

Senator GREGG of New Hampshire, who is the ranking Republican on the Budget Committee, has pointed out that once the health care program envisioned in the Kennedy bill is up and going, that over a 10-year period, say years 5 through 14, it would be $2.3 trillion added to the debt, a debt that already has more new debt in the next 10 years, according to the Washington Post, than we spent in all of World War II in today's dollars.

People in Tennessee and across this country are saying: Whoa. Wait a minute. This is getting out of control. We need some limits. We know you have got a printing press there in Washington, DC, but our children and grandchildren and even we are going to pay the consequences if we do not have some limits on the amount of debt.

I would think the President would say to the Senators who are working on this: Wait a minute, Senators, I said this needs to be something that pays for itself. We cannot add $2.3 trillion.

That is not all. We do not even have all the Kennedy bill. Some of the most important parts are yet to come. Some of the most expensive parts are yet to come. The assumptions that we are left to work with—because we hear them discussed—is that there will be a big expansion of the Medicaid Program that States help to operate and help to pay for, usually about 40 percent of the cost, and an increase in the reimbursement rates that go to doctors and hospitals who participate in the Medicaid Program.

What would that cost? Well, in the State of Tennessee, if we increase Medicaid eligibility to 150 percent of the poverty level, which sounds pretty good, that adds about $600 million to the State cost of Medicaid in Tennessee.

If we increase the Medicaid reimbursement rates, that adds another $600 million to the State costs of Medicaid. When the stimulus funding goes away after 2 years, which was sent to the States to help pay for Medicaid costs, that is another $600 million.

Now we throw so many dollars around up here that it is hard to say what is important. But to give you one idea of what would happen if a Senator went home to be Governor and had to manage a Medicaid Program that expanded that much and were faced with a $1.2, $1.5, $1.8 billion new State cost about 2015, where would he or she get that money? A 10-percent income tax in our State would raise about $1.2 or $1.3 billion. So the costs we are talking about adding to States are astronomical. Most States are having a difficult time even balancing their budgets this year, some nearly bankrupt—think of California—and add to that huge new Medicaid costs, as well as a Federal addition to the debt of $2 or $3 trillion. It is an unimaginable prospect and totally inconsistent with what President Obama has said, who said very sternly to Congress 2 or 3 weeks ago: We need pay as we go. If we are going to spend a dollar, we need to save a dollar or we need to tax a dollar. So we would have to raise or save $2 or $3 trillion to pay for the Kennedy bill, as we know it, and if you live in a State that has increased Medicaid costs, you could have, depending upon what these provisions say, huge new State taxes to pay for it.

That bill gets an ''F'' on the first aspect of the President's request, cost, and debt.

The second is that we cover the 47 million uninsured. Unfortunately, even though we add perhaps $2 to $3 trillion to the Federal debt, and a lot of new State taxes, the bill we are considering in the Senate HELP Committee will only cover 16 million more people who are not now insured.

In other words, we would reduce the uninsured from 47 to 30 million. We would have 30 million people left even though we added $2 or $3 trillion to the Federal debt and a lot of new State taxes. I think that is a flunking grade as well for this bill.

Then what about allowing you to keep your insurance if you like it? Well, the Congressional Budget Office also had something to say about that. It said: If the Kennedy bill, as it is presently, were enacted, about 15 million people would go from private insurance that they now have to an existing or a new government-run health care plan.

You might do that because you choose to, or you might do that because your employer says: I think I will quit offering the insurance you now have.

So this does not seem to fit what the President is suggesting we do. With all respect, I know that there has been a lot of hard work done on this bill, but we need to stop and start over even to get close to the President's own objectives.

Let's take the 46 or 47 million uninsured Americans. We need to be realistic about what we are dealing with here. Some 11 million of those are noncitizens, and about half of those are illegally here. So we deal with those in one way or another. About one-third of the uninsured, about 15 or 20 million, have incomes of over $75,000 a year. In other words, they could afford health insurance but do not have it. About 13 million are young and believe they are invincible and would only buy health insurance on their way to the hospital.

So the question is, do we raise costs for everybody else in a failed attempt to try to pass a ''one size fits all'' for all of those 46 million uninsured Americans, or do we come up with different ways of trying to entice them or require them to have an insurance policy, at least a catastrophic insurance policy, so we all are not paying $1,000 more in insurance so you cannot have insurance and go to the emergency room when you have a problem?

That is who the uninsured are.

Then let us think about the approach the Kennedy bill and other bills are making to the so-called government-run programs. There are some competing polls in newspapers, depending on how you ask the question. The New York Times, the other day, had a huge headline: Everybody likes the government-run health care program. But the Wall Street Journal and other polls that have presented questions in different ways said that by a 2-to-1 margin most people preferred a private insurance policy that they choose themselves, which is what 120 or 140 million Americans have chosen today.

Why do we need a government program? Let's think about that. The President said: Well, we need to keep the insurance companies honest. That is a little bit like saying: We need a government drugstore to keep the drugstores honest, or we need a government car company—actually we have almost got one with GM—to keep the other auto companies honest, or a government anything. That is not the way this country is supposed to work. We have a big free market system. We are entrepreneurs in this country. We want limited Federal Government.

We ought to get out of the car and banking business and out of the insurance business and stop these Washington takeovers. Yet the most imposing feature of the health care proposals proposed by our Democratic friends is a big, new government-run program to keep everybody honest.

I do not see that we need such a program under the proposals that Republicans have offered. I think we agree that whatever plan we have should require that everybody have a chance to be a part of it, that a preexisting condition you might have does not disqualify you, and that your rates need to be reasonable.

The ACTING PRESIDENT pro tempore. The Senator has 4 minutes remaining.

Mr. ALEXANDER. I thank the Chair.

We agree on that. We think competition is what helps keep prices low. The President says you need a government-run program for competition. But that is like putting an elephant, the government, in a room with a lot of mice and saying: All right, fellows, compete. After a while, there would not be any mice left. Your only choice would be big government, because it has the power to lower prices and subsidize itself to make sure it succeeds.

What is wrong with that? Most Medicaid patients can tell you what is wrong with that. Some 40 percent of doctors restrict access to Medicaid patients. Why? Mostly because the reimbursement rates are so low. The government program is cheaper, but it does not allow you to get any health care. It is like giving you a bus ticket, but there is no bus to catch.

So if what we chose to do in our plans is to expand the Medicaid Program, at enormous cost to State taxpayers, and have big increases in the Federal debt, we will be dumping low-income Americans into government programs that exist, and new government programs we create to which they might not gain admission.

So we think we have better ideas. They are in the Wyden-Bennett bill, which is bipartisan. They are in the Burr-Coburn bill. They are in the legislation introduced by Senator GREGG of New Hampshire. They are in the legislation Senator HATCH and Senator CORNYN are working on.

We would like to give dollars to low-income Americans so they can choose to buy an insurance policy and have the same kind of coverage that most of the rest of us can buy. We would rather give them choices in the private market, which is what, by far, most Americans have and choose today. We can do that without adding debt to the national debt. The Wyden-Bennett bill is scored at no extra debt. And we can do that in a way that reduces the number of uninsured more than the Kennedy bill does.

So, Madam President, with respect, I suggest we start over, we do it in a bipartisan way, that we take some suggestions actually from the Republican side, which has not been done at all. That is another thing the President said. He said he wanted a bipartisan bill. We have had a completely partisan bill in the Senate. We do not like that. We came here to be a part of solving this big problem. We have our ideas on the table. They are not being considered. Everyone is being polite to us, but it is: We have the votes. We won the election. We will write the bill.

I am afraid America will not be better off, and the President's goals will

not be met because we will have added $2 or $3 trillion to the Federal debt, have a big new tax for states and locally, stuff low-income people into government programs, and we will still have 30 million people uninsured.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. BENNET. Madam President, I rise to speak about the urgent need for health care reform. I wish to thank both the Finance and HELP Committees for the enormous amount of effort they are both putting into this monumental task.

When it comes to health care, if you talk with Coloradans, they will point you in the right direction. They want us to end double-digit premium increases on the middle class and small businesses. They want us to leave alone the parts of the system that are not broken. They agree that all Americans should have access to affordable and secure health care coverage.

But they are skeptical that Washington can get this done without breaking the bank. They want us to find a way to pay for these reforms now and not just pass on the cost to the next generation in the form of increased deficits and debt.

That is a tall order, but it is the right one and simple common sense. We will be tempted throughout this process to settle for half-fixes and easier political victories that help a few people but do not deliver real reform for all families. We have to work hard across party lines and avoid these temptations.

Showing resolve means not giving in to the usual political posturing that has characterized the debate on health care for 30 years and has gotten us nowhere. Failing to act responsibly now will result in yet another lost decade of soaring health care costs for families and small businesses.

Working families with good health insurance are now spending over $3,700 of their own annual income just on premiums, drug copays, and other out-of-pocket costs. The amount a family has to pay before health insurance coverage kicks in has gone up by over 30 percent in the last 2 years alone.

Even the amount all of us pay to cover the uninsured as a part of our health care premium—a hidden tax on every family in the country who has health insurance—has increased to over $1,000 a year. This hidden tax will only continue to increase for all families if we keep walking down this path.

Our top priority must be to stop this ever-increasing spiral of health care costs that create such a struggle for families and small businesses. But we do not have the luxury of spending recklessly to accomplish these goals.

I agree with the President that reforming the health care system is the most pressing fiscal challenge our Nation faces right now. That is right, fiscal challenge.

Fail to reduce costs and health reform will not work. Fail to pass meaningful reform and we will face a worsening fiscal mess. Americans spend over $2 trillion on health care each year. Yet premiums continue to skyrocket, and our coverage is not keeping up with what we are paying for it.

Coloradans know this is a bad deal, and it is getting worse every day we do not act.

We do not have to look very hard for enormous cost savings. The potential savings in Medicare and Medicaid are right in front of us. We must look at inefficiencies and perverse incentives in the system and address those first. Medicare's payment incentives spur doctors and nurses to recommend procedures instead of spending more quality time with patients.

We can empower medical professionals to do the best job possible by fixing this incentive structure. It starts with Medicare. If we want a culture change in health care, we must start with our largest health care spending program, Medicare.

If nothing changes in the next 8 years, the cost of health insurance for families covered by their employer will rise by 124 percent. The average annual cost to cover a family will increase from $11,000 to $25,000.

As you can see, increases in the growth of health care costs have rapidly outpaced increases in family income. Median income has risen by $11,300 in the last decade, and it is projected to increase by $10,600 in the next decade. Income growth will stay relatively stable.

Let's look at the growth of health care costs in this same time. In the last decade, health care insurance to cover a family rose by $5,400, and now the cost of health insurance for a family will increase by $14,000 in this next decade. This rapid increase in growth is clearly unsustainable.

What you can see from this chart is that median income, in real dollars—the increase—remains essentially flat over these decades. From 1996 to 2006, the growth was $11,300. From 2006 to 2016, we see $10,600. But look at the growth in median health care premium costs at the same time: $5,400 over the first period; $14,000 over the second period. It is clearly unsustainable.

We have just come out of a decade when median family income in the United States, in real dollars, actually declined by $300, and over the course of this same time, health care costs went up by 80 percent and the cost of higher education went up by 60 percent. These are not ''nice to haves.'' These are essential things if our middle class is to remain intact and we are to preserve the American dream for the next generation of Americans.

Our revenues as consumers have been far outstripped by the costs of that which is essential to all of us, and it is one of the reasons we find ourselves in the fiscal mess we are in. Because in order to finance that gap, we piled on credit card debt, we had home mortgage loans we could not afford—all to try to finance this gap. It is unsustainable. It has been a house of cards, and we are dealing with the consequences now.

Already, some Coloradans are seeing cutbacks on the benefits in their coverage, and some businesses are no longer able to afford coverage for their workers. Faced with these unchecked increases, health coverage becomes a luxury few families and small businesses can afford. Many people are cutting back on other essentials, visiting the doctor less frequently, even when they know they need care.

We must meet this economic challenge head on. The first goal is fixing health care. But we cannot forget the second goal. It is just as important: fiscal responsibility. A more efficient health care system can save taxpayers money in the long run.

A study from the White House Council of Economic Advisers shows that smart reform will slow the rapid rise in health care costs by a percent and a half or more. Slowing health care costs by just a percent and a half will have a significant impact on our Federal budget.

If we were to look at how much we will save by reforming our health care, economists have shown us our Federal deficit will decrease. By 2040, we would have saved enough money to reduce our Federal budget deficit by 6 percent from health care cost savings alone.

Just this point and a half would increase the income of the average family in this country by $2,600 in the next decade, growing our economy and improving our ability to get a handle on the deficit. Colorado families will use $2,600 to make purchases, put away for college tuition and retirement, and obtain new employment skills to improve their earning potential. Part of fiscal responsibility is empowering middle-class families. The current health care system is holding them back.

If nothing changes, employers will see about a 10-percent increase in their health care costs next year. Businesses are straining to pay salaries already and remain competitive because health care costs are so high. Every day, they are making tough decisions about what kind of benefits they can afford to offer and whether they can even offer health coverage at all.

Coloradan Jean Butler is the clerk and treasurer for the small town of Blanca in Costilla County. The town has about 400 people and employs 6 people in its government. Two of those town employees, the town police officer and the head of maintenance—who oversees roads, water, and sewer—get health benefits provided with their employment.

The town pays the full premium for the two employees, though they do have to pay some out-of-pocket costs. The cost of maintaining a plan that covers just these two employees has become an increased burden on the small town. The coverage has been in place for about 10 years and has increased in cost almost every single year.

Jeannie said the town budgets for a significant increase every year, with the hope it has budgeted enough. In 2008, the increase was 25 percent; the year before, it was 15 percent—40 percent in 2 years. No other town expense requires such a big year-to-year increase. Most others are budgeted to increase with the inflation rate.

The current plan with San Luis Valley HMO costs the town $804 a month and the employees $750 in out-of-pocket expenses. But that plan is no longer available. Jean said that similar plans from other providers would increase the cost premium anywhere from 33 percent to 235 percent. Even with the smallest cost increase, the total annual cost to the town will be close to $12,000.

Jeannie said—Jeannie told me her official name is Jean but that I could call her Jeannie; and she said everybody else does—Jeannie said:

> My [town] board now has to decide whether to accept the higher rates, reduce the coverage, require the employee to pay a much larger share of the premium, or try something else. It is not an easy decision.

Jeannie may have summed up the problem we face as well as anyone. She pointed out that:

> They should call it sick care not health care because the insurance companies do not pay to keep anyone healthy.

Because Jeannie cannot find another plan, hard decisions are being made about employees. We cannot continue down this path when we know health care costs are overwhelming businesses and working families.

Ann Brown and her husband Gordon run New Vista Image, a large-format digital design and printing company in Golden. The business has nine employees and provides health care benefits, covering 60 percent of each employee's premium but not that of their dependents.

Ann said she is happy with the choices available in Colorado for different types of plans, and she believes in the employer-provided benefits model. She and her husband built in the cost of health care when they began their business because she knew it would help attract the best employees.

Ann said she understands how important a healthy workforce is and supports wellness programs, so employees can prevent major medical conditions. Whenever she brings someone in, she knows the first question asked will be: Do you have a health care plan?

Nevertheless, the business has been forced to offer less and less coverage in order to keep premiums within its budget. Health care is one of the biggest ticket items they worry about. Ann said that in recent years, the percent cost increase over the previous year has been in the double digits. As a result, they have had to offer less coverage, with higher deductibles and more out-of-pocket costs.

The plan's deductible has gone from $1,500 to $3,000, and Ann said it is likely the next step they will have to take is a $5,000 deductible. She knows how hard those out-of-pocket costs can be for employees to absorb. A few years ago, when an employee was facing a serious health condition, the business covered the deductible so the employee would not be saddled with the medical bills.

''I would do it again,'' Ann said, although she knows higher deductibles mean a less generous plan to offer to her employees and less of a competitive edge for the business overall.

Teresa Trujillo of Pueblo, CO, has employer-based coverage. For 7 years, Teresa saved up money to buy a home, and then learned she had breast cancer. After 14 months of treatment, the money ran out and Teresa had to take a loan out to finish paying for the rest of her treatment.

For Teresa, her health insurance coverage only took her so far. While she has been cancer-free for 4 years, she constantly worries that her cancer will come back, and with it, the huge financial strain it would bring. All she wants is health care she can count on.

These are people who have done everything right, played by the rules, looked out for their fellow employees and fellow citizens. Our health care system is failing them. People should not have to wait until they get sick to learn their health insurance will not cover the cost of their treatments. Families should not have to watch their loved ones go through sickness and also deal with the anxiety of paying for medical bills that are increasingly becoming completely unaffordable.

We know health care reform will not be easy. As the President has said, if it were easy, we would have done it a long time ago. But for these Coloradans—for their families and for their businesses—the system must change. For our Nation's long-term prosperity, the system must change. We cannot burden future generations with responsibility for the reform we need today. If we make the hard choices, we will create a better health care system, a better economy, and a better future for our children and our grandchildren.

I thank my colleagues for listening this morning.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the pending nomination of Judge Sotomayor to be an Associate Justice on the Supreme Court of the United States.

I have made it a practice to write to nominees in advance of the hearings in order to give advance notice to the nominee so that the nominee will be in a position to respond to questions raised without going back to read cases or consider the issues and facilitate the proceeding. I commented to Judge Sotomayor, when she had the so-called courtesy call with me, that I would be doing that.

In a letter dated June 15, I wrote her and commented about it in a floor statement, discussing in some detail the qualifications of Judge Sotomayor for the Supreme Court.

To briefly recapitulate, I noted in my earlier floor statement her excellent academic record and highest rankings in Princeton undergraduate and Yale Law School, her work as an assistant district attorney, her professional experience with a major law firm, her tenure on the Federal trial court, and her current tenure on the Court of Appeals for the Second Circuit.

Today, I am writing to Judge Sotomayor to give her advance notice that I will be inquiring into her views on televising the Supreme Court. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require that, subject to a decision by the Court on a particular case if they thought the Court ought not to be televised. I think the analogy is very apt to televising proceedings of the Senate or the House of Representatives so that the public may be informed as to what is going on with these public matters.

The arguments in the Supreme Court are open to the public. Only a very few people have an opportunity to see them. First, it is not easy to come to Washington and, second, there are so many people who do come to Washington, but they are only allowed to be in there but a few minutes. With the marvel of television, this proceeding appears in the homes of many Americans on C–SPAN2, the House is televised on C–SPAN1, and many of our hearings are similarly televised. That is a great educational tool, and also it shows what is going on.

The Supreme Court of the United States, in a 1980 decision, Richmond Newspapers, Inc. v. Virginia, noted that a public trial belongs not just to the accused but to the public and the press as well. The Supreme Court noted that such openness has ''long been recognized as an indisputable attribute of an Anglo-American trial.''

Chief Justice William Howard Taft put the issue into perspective, stating:

> Nothing tends more to render judges careful in their decisions and anxiously solicitous to do exact justice than the consciousness that every act of theirs is subject to the intelligent scrutiny of their fellow men and to candid criticism.

In the same vein, Justice Felix Frankfurter said:

> If the news media would cover the Supreme Court as thoroughly as it did the World Series, it would be very important since ''public confidence in the judiciary hinges on the public's perception of it.''

The term ''press'' used in Richmond Newspapers would comprehend television in modern days. And certainly Justice Frankfurter's use of the term ''media'' would comprehend television as well.

It is worth noting that Justices have frequently appeared on television. Chief Justice Roberts and Justice Stevens appeared on ''Prime Time,'' ABC TV. Justice Ruth Bader Ginsburg's interview on CBS by Mike Wallace was televised. Justice Breyer participated in Fox News Sunday and a debate between Justice Scalia and Justice Breyer was filmed and available for viewing on the Web.

There is no doubt of the enormous public interest in what the Supreme Court does. When the case of Bush v. Gore was decided, the block surrounding the Supreme Court Chamber, just across the green from the Senate, was loaded with television trucks. Although the cameras could not get inside, there was tremendous public concern. The decisions of the Court are on all of the cutting edge issues of the day. The Court decides executive power, congressional power, defendants' rights, habeas corpus, Guantanamo, civil rights, voting rights, affirmative action, abortion, and the list could go on and on.

In both the 109th and 110th Congresses, I introduced legislation calling for the Court to be televised. Twice it was reported favorably out of committee, but neither time did it reach the floor of the Senate. I intend to reintroduce the legislation and I intend to pursue it.

A number of Justices have commented about television. Justice Stevens said he favors televising the Supreme Court. He thinks, as he put it, ''it is worth a try.'' Justice Ruth Bader Ginsburg said she would support television and cameras as long as it was gavel to gavel. Justice Alito, in his Senate confirmation hearing, noted that when he was on the Third Circuit, he voted in favor of televising the proceedings, but had a reservation, saying if confirmed, he would want to consult with his colleagues about it. Justice Kennedy has said that he thinks televising the Court is inevitable. Chief Justice Roberts left the question open.

There is an obvious sensitivity in the Court if a colleague strenuously objects, and such a vociferous objection has been lodged by Justice Souter, who was quoted as saying, ''I can tell you the day you see a camera come into our courtroom, it is going to roll over my dead body.'' That is quite a dramatic statement. Justice Souter has announced his retirement. Perhaps in the absence of that strenuous objection, it is a good time for the Court to reconsider the issue.

I intend to ask Judge Sotomayor in her confirmation hearing whether she agrees with Justice Stevens that televising the Supreme Court is worth a try, whether she agrees with Justice Breyer that televising judicial proceedings is a valuable teaching device, whether she agrees with Justice Kennedy that televising the Court is inevitable. She can shed some light on the issue, because her courtroom was part of a pilot program where it was televised. There was a program from 1991 through 1994, where the Judicial Conference evaluated a pilot program conducted in six Federal district courts and 2 Federal circuits, and they found:

> Overall, attitudes of judges toward electronic media coverage of civil proceedings were initially neutral and became more favorable after experience under the pilot program.

The Judicial Center also stated:

> Judges and attorneys who had experience with electronic media coverage under the program generally reported observing small or no effects of camera presence on participants in the proceedings, courtroom decorum, or the administration of justice.

I think that is a very solid step forth from some of the Justices who have expressed concern that the dynamics of the Court would be changed. With the ability to put a camera in a concealed position and the findings of the Judicial Center that is a solid argument in favor of proceeding and, to repeat, I will continue to press the issue; and the confirmation proceedings of Judge Sotomayor will be a good opportunity to ask her about her experience when she presided over the trial under the pilot program, and to further develop the issue and perhaps stimulate some more public interest.

I commend to the attention of my colleagues the report of the Judiciary Committee on the legislation I had introduced in the 110th Congress. I cite Calendar No. 907, Senate Report 110–448 to Accompany S. 344, ''A Bill to Permit the Televising of Supreme Court Proceedings.'' It is lengthy, but I think it has a good summary to supplement the remarks that I have made to acquaint the public with the issue and the importance of it.

SYRIAN AMBASSADOR

Mr. SPECTER. Madam President, I compliment the President for his decision to send an Ambassador back to Syria. I am a firm believer in dialog. I believe that even though we may have some substantial questions about Syria's activities and Syria's conduct, we ought to continue the dialog. I believe in the famous maxim that you make peace with your enemies and not your friends. The derivative of that would be to talk to people who may be adversaries—not that I necessarily put Syria in an adversarial position, and I certainly wouldn't characterize them as an enemy. But the Ambassador was withdrawn 4 years ago as a protest to the assassination of former Lebanese Prime Minister Rafik Hariri.

The Security Council of the United Nations adopted a resolution on April 7, 2005, to establish an independent international investigating commission to inquire into all aspects of the terrorist attack killing Prime Minister Hariri. That tribunal has faced considerable obstacles, but it is still in operation, and I think its report would be very important in making a determination as to who was responsible for the assassination of Prime Minister Hariri and whether Syrian officials were implicated in any way.

I do believe and have believed for a long time that Syria could be the key to advancing the peace process in the Mideast.

In connection with my duties as chairman of the Intelligence Committee in the 104th Congress and my work on the Foreign Operations Subcommittee of the Appropriations Committee during my tenure in the Senate, I have traveled extensively abroad and have concentrated on the situation in the Mideast. In connection with those travels, I have visited Syria 18 times and have studied the Syrian Government. I have gotten to know former President Hafez al-Asad, current President Bashar al-Asad, Foreign Minister Walid Mualem, who for 10 years was Ambassador to the United States and now is Foreign Minister.

It has long been my view that a dialog with Syria is very important. In December of 1988, I had my first meeting with Syrian President Hafez al-Asad, a meeting which lasted 4 hours 35 minutes. During the course of that meeting—President Hafez al-Asad was noted for his long meetings—we discussed virtually every problem of the world and every problem of the Mideast. It seemed to me from that meeting that President Asad was open to conversation. I have had many similar meetings with him. I was the only Member of Congress to attend his funeral in the summer of 2000. At that time, I met his successor, President Bashar al-Asad, and have gotten to know him, with meetings virtually every year in the intervening time.

There have been back-channel negotiations conducted through Turkish intervention between Israel and Syria, and I think dialog between the United States and Syria could promote future discussions between Syria and Israel. It would be my hope that the day would be sooner rather than later when Syria would be willing to talk to Israel directly. The Israeli officials, the Prime Ministers, have repeatedly stated their interest in direct conversations. Syria has resisted but has undertaken conversations through back channels. President Clinton came very close to effectuating—or made a lot of progress toward an agreement is perhaps more accurate to say—in 1995 when Prime Minister Rabin was in charge of Israel. In the year 2000, again, there was substantial progress made by President Clinton on those efforts. The back-channel communications brokered by Turkey suggest the time is right for promoting that kind of an effort.

Only Israel can make a determination as to whether Israel wants to give up the Golan Heights, which is key to

having the peace talks proceed. But it is a very different world today in the era of rockets than it was in 1967 when Israel captured the Golan Heights. Syria, obviously, wants the Golan back as a matter of national pride.

Former Secretary of State Kissinger told me that he found President Hafez al-Asad to keep his word on the negotiations for the disengagement in 1974, so that, obviously, any arrangements would have to be very carefully negotiated under President Reagan's famous dictum of ''trust but verify.''

It seems to me now is a good time to promote that dialog. The advantages would be if Lebanon could be stabilized. It is an ongoing question to the extent Syria is destabilizing Lebanon. The Syrian officials deny it. There is no doubt that Syria supports Hezbollah and Hamas, so that Israel could gain considerably if the weapons to Hamas were cut off and attacks from the south and Hezbollah were not a threat from the north.

The sending of an Ambassador is a very positive sign, a positive sign that Envoy former-Senator George Mitchell was visiting. I think this bodes well. The article I wrote in the Washington Quarterly some time ago sets forth in some greater detail my views on the issue of dialog.

I note my colleague has come to the floor, so I will conclude my statement and yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF HAROLD HONGJU KOH TO BE LEGAL ADVISER TO THE DEPARTMENT OF STATE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

The Senator from Missouri.

Mr. BOND. Madam President, I rise today to express my strong opposition to the nomination of Mr. Harold Koh to be the Legal Adviser to the Department of State. My concerns with Mr. Koh arise primarily from his own statements, writings, and testimony before Congress. In my opinion, he seems more comfortable basing his legal conclusions on partisan political opinions and trendy arguments rather than the facts and the law. We do not need more legal theorists in government. We need more legal realists in government, someone who pays attention to the hard work we do in this body to pass laws. The Department of State and the country deserve better than that kind of advice.

Let me provide a few quick examples. On September 16, 2008, Mr. Koh testified before the Senate Judiciary Subcommittee on the Constitution. His written testimony included the following statement:

> A compliant Congress repeatedly blessed unsound executive policies by enacting nominal, loophole-ridden ''bans'' on torture and cruel treatment and rubberstamping without serious hearings presidentially introduced legislation ranging from the PATRIOT Act to the Military Commissions Act to the most recent amendment of the Foreign Intelligence Surveillance Act.

In the same testimony, he argued that Congress should revisit the hastily enacted FISA Amendments Act with less emphasis on the issue of immunity for telephone and Internet service providers. He obviously was not paying attention.

Besides his condescending and inappropriate tone, I think his statements reflect a poor understanding of some of the most important pieces of national security legislation that have been passed since the September 11 terrorist attacks and passed on a bipartisan basis in both Houses.

As my colleagues may know, I was heavily involved in the legislative process surrounding the passage of the FISA Amendments Act. I can assure you that certainly was not the result of a congressional rubberstamp that was enacted hastily. We began working on the first one, the Protect America Act, debated it, and passed it in the summer of 2007. When we came back in the fall, the Senate Intelligence Committee went to work on a bipartisan basis, and we worked for months to get a truly bipartisan bill that came out of the committee. In that bill, we added many additional protections to American citizens to assure their rights would be protected from warrantless surveillance, even if they were overseas. We added that. And we added further protections. That bill passed the Senate. It went to the House, and it was stalled for months.

In the spring of 2007, I sat down with the Republican whip and the Democratic whip in the House of Representatives—STENY HOYER of Maryland and Mr. ROY BLUNT of Missouri. We went through and took account of all of the concerns they had on both sides in the House of Representatives. We worked with lawyers from the Department of Justice, from the intelligence community, and lawyers for the majority staff in the House of Representatives. It took us several months. What we finally came up with was a piece of legislation that overwhelmingly passed the House on a bipartisan basis and came back and passed the Senate on a bipartisan basis.

Another key aspect of the FISA Amendments Act was to ensure the intelligence community could continue to collect timely intelligence that could be used to prevent future terrorist attacks. Another key aspect of the legislation was the carrier liability provisions that were designed to end frivolous litigation against companies alleged to have responded to requests for assistance from the highest levels of government. I don't know what planet Mr. Koh is living on, but if he thinks we can accept electronic communications without being able to give legitimate orders to the carriers of those communications, he doesn't understand the real world. That is where we find out what the terrorists' plans are, who the terrorists are, and where they are likely to strike. If we cannot say we are not going to have frivolous lawsuits against those who respond to lawful orders from the Federal Government, then we are not going to be able to have access to that information.

I am happy to report that earlier this month, the U.S. District Court for the Northern District of California, which had raised questions and entertained legislation, rejected the constitutional challenges to the carrier liability provisions and dismissed all but a few of the lawsuits involved in the multidistrict litigation. They found that, contrary to Mr. Koh, they were constitutional, and a well-reasoned opinion said they were right. A bipartisan majority in both Houses of Congress said they were right.

Let me be clear, the FISA Amendments Act was a necessary and important piece of national security legislation that is keeping us all safe. But despite the overwhelming bipartisan approval, apparently Mr. Koh does not see it that way. I urge my colleagues, even those who voted for cloture, to go back and think again, to see if legislation worked on for a year in this body on a bipartisan basis and passed by this and the other body should be dismissed as hastily approved.

In his book, he condemns the Democratic leaders in the Senate who played a leading role in making the improvements to the FISA Act. And to the Republicans, he condemned everybody who worked on it. Apparently, decisions need to be made in the Department of Justice, not through the elected will of those of us who represent the people of America. I think his charges and his disregard of Congress warrant a hard look at him.

Another example of Mr. Koh's partisan legal scholarship can be found in his May 2006 article in the Indiana Law Journal, where he wrote:

> We should resist the claim that a War on Terror permits the commander in chief's power to be expanded into a wanton power to act as torturer in chief.

While that might appear to be a nice media sound bite in winning partisan plaudits, I think it is a bit premature to conclude that the United States illegally tortured detainees. We know the Department of Justice's Office of Legal Counsel reviewed the proposed interrogation procedures on several occasions and found them to be lawful. We in the Senate Intelligence Committee are

conducting a review of those practices to make sure what was done complied with the law. Where American soldiers violated all standards—not only of law but of decency—and performed unspeakable acts on detainees at Abu Ghraib prison, they were rightfully punished and sent to prison, as they should have been. That is what we do even with our brave soldiers who step out of bounds.

Here is another clever sound bite from Mr. Koh. In an article for the Berkeley Journal of International Law back in 2004, he wrote:

> What role can transnational legal process play in affecting the behavior of several nations whose disobedience with international law has attracted global attention after September 11—most prominently, North Korea, Iraq, and our own country, the United States of America? For shorthand purposes, I will call these countries the ''axis of disobedience.''

To my fellow colleagues, I ask: Do you accept the fact that the United States is part of an ''axis of disobedience''? Do you really think fighting back against the terrorists who struck us on 9/11 was disobedience? Do you think we should have a Legal Adviser in the State Department who believes international law—ill-defined, not applicable—should be applied to affect his political judgments on America?

The Legal Adviser for the State Department should be an advocate for the Nation not a detractor. If I remember correctly, after September 11, by a vote of 77 Members in the Senate, plus a majority in the House, we made the determination to go to war in Iraq to make sure we didn't suffer further attacks. It was in compliance with a U.N. resolution. Oh, I say, by the way, that was a legal international resolution.

A lot of people will say Mr. Koh had a distinguished career in government service and legal academia. I am concerned he spent a little too much time in the ivory tower, and I wish he would return to that jurisdiction.

Given my previously stated concerns, I cannot and will not in good conscience vote in favor of his nomination. I recognize that Mr. Koh may be headed for confirmation, but I would ask those who may have previously voted for cloture to go to this nomination and think about what he said about Congress, about the work we have done, and about what he has said about America. Are you comfortable having him as a Legal Adviser to the State Department after what he said about America being part of the ''axis of disobedience''? Are you comfortable with what he said about those of us who voted for the war resolution, about those of us who voted for the FISA Amendments Act? I certainly am not.

If he is confirmed, I would hope for his and our country's sake, if he returns to the State Department, his legal advice will be based on facts rather than political rhetoric.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING DENISE JOHNSON

Mr. KAUFMAN. Madam President, once again I rise to honor a Federal employee whose service to our Nation is exemplary. Before I do, I want to thank my distinguished colleague from Mississippi, Senator COCHRAN, for his June 11 statement about Federal employees. It is my great pleasure to join with him and other Senators to recognize the enormous contributions to the security and prosperity of our country by those who work in the Federal Government.

Madam President, last week, I shared the story of a Federal employee who spent his career working at the Redstone Arsenal in Alabama. He helped design and test the advanced missile systems used by our military to defend our ideals overseas. This week, I wish to share the story of a Federal employee who also works to advance our interests overseas—that of humanitarian good works. Both are vital to our global leadership.

I have spoken before about the groundbreaking medical research performed by Federal employees at the National Institutes of Health. The advances in medicine and biotechnology pioneered by those working at NIH keep America's health care the most innovative in the world. Yet making breakthroughs and developing treatments are only a part of how the Federal Government is helping to promote global health. One of our foreign policy and humanitarian priorities is to expand access to new medications and health technologies among those who live in the developing world.

The hard-working men and women of the Centers for Disease Control and Prevention are at the forefront of initiatives to bring lifesaving medicines to those in greatest need. Foremost, the CDC monitors, prevents, and, if necessary, contains the outbreak of deadly diseases in the United States, such as West Nile and Swine Flu. Part of this effort is a push to eradicate some of the most dangerous viruses throughout the world.

With the lens of Congress now focused on our health care system, so much has been said about its shortcomings. Yet for all the problems we face on this front, Americans are blessed with freedom from fear of diseases that afflicted previous generations.

When I was young, tens of thousands of children each year were stricken with polio. In the early part of the 20th century, polio outbreaks occurred in the United States with deadly frequency. Parents used to keep their children home and away from their peers. Many became paralyzed or had to make use of the iron lung. We have all seen those famous images of President Franklin Roosevelt seated behind his desk in the Oval Office signing New Deal programs into law and overseeing a World War against the enemies of liberty. But at the same time, few Americans knew that behind that desk our President sat in a wheelchair, his legs paralyzed from his own battle with polio.

Today, in parts of Africa and South Asia, hundreds of children each year still develop polio. While children in developing nations routinely receive the Salk or Sabin vaccines, this is a luxury for rural villagers in places such as India, Nigeria, Afghanistan, and Somalia. The CDC has set a goal of vaccinating every child on Earth. Leading this charge over the past decade, Denise Johnson serves as the Acting Chief of the CDC's Polio Eradication Branch.

Before she was recruited to direct this project, Denise served for 6 years as the manager of the CDC's Family and Intimate Partner Violence Prevention Program. In this role, she oversaw the promotion of nonviolent, respectful relationships through community and social change initiatives. This was around the time that Congress passed the Violence Against Women Act, which was one of the proudest achievements of my friend and predecessor, Vice President JOSEPH BIDEN, during his career in the Senate.

When asked why Denise was highly sought after to work on the polio project, one of her supervisors at the CDC said:

> If you do a good job keeping women and children from being beaten, you can eradicate polio.

With Denise at the helm, the Polio Eradication Branch has been working in close concert with the World Health Organization and UNICEF to promote immunization. In her first few years alone, Denise and her team helped immunize over a half billion—let me repeat that, a half billion—children in 93 countries.

From her office in Atlanta, Denise oversees a staff of over 40 professionals working overseas. Her effective leadership has proven to be a key factor in the program's success. Denise administers the purchase and distribution of over 200 million doses of the oral polio vaccine—bought for a mere 63 cents per dose—and routinely serves as a field consultant in polio hotspots around the world. In fact, Denise is in Kenya right now, taking the fight against polio straight to the front lines.

Twenty years ago, there were over 350,000 cases of polio in 125 countries, but today there are fewer than 2,000 cases. That is 350,000 cases down to 2,000 cases because of the diligent work

performed by Denise and the rest of her team at the CDC's Polio Eradication Branch. It is only a matter of time before this disease no longer threatens our world's children.

Madam President, Denise is just one of so many Federal employees who have dedicated their lives to serving the greater good. She and her team are truly engaged in what President Obama has called ''repairing the world.'' Their work saves lives and helps demonstrate our Nation's commitment to humanitarian leadership in the global community.

I hope my colleagues will join me in honoring Denise Johnson and her team for their outstanding work, as well as the important contributions made by all of our excellent public servants.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

GROVES NOMINATION

Mr. CARPER. Madam President, in the Constitution, we see laid out before us a framework of how our government is supposed to work, with three branches—legislative, executive, judicial. We also find in the Constitution what our relative responsibilities are, not with great detail but with some definitiveness.

Ironically, one of the requirements the Constitution provides for us in this country is that every 10 years we try to count everybody. We have a census. Most nations do that. We have been doing that really for over 200 years. It does not get any easier. In fact, every 10 years it gets harder, and it also gets to be more expensive.

The Director of the Census does not serve a finite period of time. The Director of the Census really serves at the pleasure of the President, and we have had Census Directors who have served as little as 1 year and some Directors who have served maybe 4 or even 5 years.

This is particularly appropriate to speak about today because we do not have a Director of the Census. We had a Dr. Murdock, from down in Texas, who served for about the last year of the Bush administration as our Census Director. He did a very nice job. But at the beginning of this year, Dr. Murdock resigned. We do not have a Census Director. What we do have coming down the railroad tracks is the requirement to do the census.

Next April 1—I call it a little bit like D-day. At Normandy, we sent all of our troops ashore, and they scrambled off of those landing vessels. They stormed the beaches. That took place after literally months of planning, months of preparation, and finally the day of execution came.

In a way, the census is like preparing for the Normandy invasion. The efforts are underway now. They have been underway for months and will continue up to April 1 and beyond that day, as we try to count everybody. Yet, at this critical time, as we approach the need to conduct our census, to do it in an accurate, cost-effective way, we do not have a leader there. We have some good people, but they lack a Director.

Last month, I held a hearing of our Homeland Security and Governmental Affairs Subcommittee, and we invited people who had been high-level officials in, I think, every census since 1970—the 1970 census, the 1980 census, the 1990 census, and the 2000 census. We asked them to come in and talk to us about how they thought we were doing in terms of the preparation for the 2010 census. At the end of their testimony, I asked each of them to give to us on our committee two names of people who they thought would be excellent Census Directors, and they were good enough to do that. I think every one of them included in their recommendations the name of a fellow from Michigan—I am an Ohio State guy, but they recommended a fellow from Ann Arbor whose name is Dr. Robert Groves.

Dr. Groves is an expert in survey methodology. He has spent decades working to strengthen the Federal statistical system, to improve its staffing through training programs, and to keep the system committed to the highest scientific principles of accuracy and efficiency. Having once served as Associate Director of the Census Bureau a number of years ago, Dr. Groves knows how the agency operates and what its employees need to successfully implement the decennial census and other programs. He knows because he has been there. He is not just an academician—one of the most respected people in his field in the country—he actually helped run the Census Bureau at an earlier time. The combination of those experiences has prepared him well to lead the Bureau at a time when rapid developments and changes are occurring.

As a manager, he elevated the University of Michigan's Institute for Social Research to a premier survey research organization, respected throughout the country—actually, respected around the globe. Numerous Federal and State agencies and policymakers have sought his expertise in survey design and response. His work has received professional recognition through awards from various professional associations, including the 2001 American Association for Public Opinion Research Innovator Award and more recently the 2008 American Statistical Association Julius Shiskin Award for original and important contributions in the development of economic statistics. Ultimately, his deep expertise in survey response will help the Census Bureau focus on the most important goal of the 2010 census, which is to encourage all people to respond to the census.

Dr. Groves will undoubtedly face a host of operational and management challenges as we move closer to the 2010 census. However, I remain confident he is well equipped—remarkably well equipped—to understand the agency's inner workings, to lead his staff—he has led a large organization already; he served at a senior level at the Census Bureau before—and to also be a national spokesperson for the 2010 census and the agency's other equally important ongoing survey programs. It is for these reasons that I hope the full Senate will support his nomination and move it quickly.

Let me just reiterate, we are now about 8 months away from when the first forms go out as part of the start of the 2010 census. The Bureau has already completed something we call address canvassing—an operation in which 140,000 people on the ground nationwide were making sure the address lists we have to do the census are accurate.

Since the 2000 count, the population in this country is estimated to have increased by over 40 million people, with increased numbers of minorities and an increase in the number of languages spoken. Further complicating the 2010 decennial operations is the mismanagement and lack of preparation that occurred in past years, most notably in the failure of the field data collection automation contract, resulting in a last-minute decision to return to paper-based questionnaires, ultimately adding billions of dollars to the census budget. And it is only going to get harder the longer the Senate delays the confirmation process.

The reason we do not have a Census Bureau Director is not because we do not have a qualified candidate. It is not because our Subcommittee on Homeland Security and Governmental Affairs has not endorsed his candidacy. We have done so unanimously, and actually we have endorsed him with acclaim. We are just lucky, very fortunate in this country to have—at a time when we are about to try to meet our constitutional responsibility to count everybody accurately and in a cost-effective way—to actually have somebody with his gifts and his talents to bring to the job. What we do not have is the permission to bring his name up for a vote in the Senate. If we leave here today without having had the opportunity to vote up or down on the nomination of Dr. Groves, we will have made a very grave mistake.

I understand our Republican friends are uncomfortable, unhappy with the pace for the confirmation process for Judge Sotomayor, who has been nominated, as we know, to be an Associate Justice on the U.S. Supreme Court. I voted for Chief Justice John Roberts a couple of years ago. The timetable for approving his confirmation was almost the very same from the day he was nominated by former President Bush to the day we voted for him here, it was almost the same number of days we are

talking about with respect to the Sotomayor nomination. The timetable on Justice Alito: almost the same from the day he was nominated by President Bush until the day we voted here in the Senate—at least a majority of our colleagues did—to confirm him. It was almost the same number of days. I realize some of our colleagues are unhappy that we are providing the same kind of timetable for Judge Sotomayor that we provided for Justice Alito and Chief Justice Roberts. I, for the life of me, do not see what the beef is.

Just as I believe we are fortunate to have someone with Dr. Groves' credentials to serve as our Census Director, I think we are lucky to have somebody with Judge Sotomayor's credentials to serve on the Supreme Court. I have had the opportunity to meet with her. I know a number of my colleagues have too. I must say, among the things I most like and respect about her: She is up from nothing. She was a kid born in the Bronx, raised in the Bronx, and very humble, from a humble setting, a humble beginning. She worked hard, won herself a scholarship to Princeton, went there, excelled, and later went off to law school at Yale—two of the finest institutions we have in our country.

After that, she was a prosecutor for a number of years; beyond that, a corporate litigator; and finally nominated by a Republican President—George Herbert Walker Bush—to serve as a district court judge. By all observers, she did a superb job. She was not just so-so. She was an exceptional judge—so good, in fact, that a few years later, when there was a vacancy on the circuit court of appeals in her district, a Democratic President, Bill Clinton, said: I think she ought to get the nod. He nominated her for that position, and she was confirmed by a wide margin. So she has actually been through this process not once but twice. I think she has gone on to serve longer as a Federal judge—when you add together the district court time and the circuit court of appeals time, I think she has served longer as a Federal judge than anybody in the last 100 years who has been nominated to serve on the U.S. Supreme Court.

I have read the comments some of her colleagues have to say about her, including colleagues who were also nominated by Republican Presidents. They have been uniformly complimentary, very gracious in their remarks, very laudatory as well.

So I would say to my Republican colleagues, while you struggle to get over the fact that we are going to set the same timeline or try to set the same timeline for the confirmation of Judge Sotomayor that we set for the nominations of Judges Alito and John Roberts—I just don't understand the angst you feel.

I do know this: Apparently, the nomination of Dr. Groves is being held up along with 25 to 30 other names, all of whom have cleared committees, I think, by wide margins. We can't move forward on those nominations. Some of them maybe are not of grave consequence. The nomination of Dr. Groves is of grave consequence. If we have the opportunity later today in the course of business to actually consider a number of nominations that are before the Senate, that are awaiting our consideration, I would urge my colleagues on the other side of the aisle to allow the nomination of Dr. Groves to come here for a vote and to give us the opportunity to vote him up or down. I am sure we will vote him up, and I am equally sure he will make us proud with the service he will provide as the Director of the Census Bureau for our country in the years ahead.

With that having been said, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, just before walking into this Chamber, I attended a historic rally on health care reform across the street. Today, thousands of Americans—some from every State in this country—traveled to Washington for one of the largest health care lobby days in the history of the Nation. I joined these citizens—volunteers, almost all—representing more than a thousand organizations and more than 30 million people who are fighting to ensure that every American has access to affordable health care coverage.

I am inspired by their activism and energy and by the message I hear from these Americans. I am hearing from hundreds of thousands of middle-class Ohioans, and their message is: Don't let the special interests hijack this health insurance reform.

The message I hear is to make sure health care reform includes a strong public option. I will tell you about individuals, Americans like Joseph from Powell, OH, who are demanding they change. Joseph, an ordained pastor and doctor of psychology, wrote to me that as a child he suffered a stroke and became paralyzed and blind. His father's insurance expired and his family had no coverage. They struggled to provide the care he needed. As an adult, he is concerned that too many Americans are not receiving the medical care they need. Joseph wishes to see a public insurance option that will bring down costs and help all Americans lead a productive life.

The spirit and energy of the people I met today—thousands from around this Nation demanding change—reaffirms why health care reform is so important.

Health care reform is about keeping what works and fixing what's broken. Middle-class families from all over the country are demanding a health care system that reduces costs, enhances quality of care, and provides choice—choice either of a private insurance plan or of a public option. It is their choice. The existence of both will make the other behave better and make the other work better and will improve the quality of care for all Americans. Good old American competition.

People are reminding elected officials in the Senate and House about Americans like Ken from Findlay, OH. He lost his manufacturing job a few years ago, after working in the industry for nearly 30 years. Shortly before losing his job, Ken began having serious health issues—unexplained seizures and memory loss. In and out of the hospital, and out of a job, Ken was forced to find expensive private insurance after being denied Social Security disability and not yet old enough to be eligible for Medicare. Unfortunately for Ken, the price of the private insurance was simply too high.

After a near-death seizure a few years ago, Ken was hospitalized again and diagnosed with lupus. After a month-long hospitalization, Ken entered a nursing home for rehabilitation.

All this treatment was done without insurance. With tens of thousands of dollars in medical expenses, Ken had to withdraw from his 401(k) savings early—facing tax penalties, I might add—ultimately draining his lifetime, hard-earned savings, and putting his retirement security in jeopardy.

It is unacceptable that Ohioans such as Ken, who worked hard all their lives, have to fight for health insurance simply to take care of their disability. That is why the time for health care reform is now.

The HELP Committee has accomplished a lot on quality, on prevention and wellness, in part thanks to the contribution and efforts of the Presiding Officer from North Carolina. We have done well with the workforce shortages issue. We have good language on fraud and abuse. Clearly, most important, the most difficult work is in front of us. We have more work to do to make sure health care reform is about providing people with affordable, quality health insurance that protects them, to protect what works and to fix what is wrong.

I need some of my colleagues to explain to me something that is pretty confusing. As we talk about this public option, I hear the insurance industry tell us over and over they can do things better, that with their marketing, their skills, their bureaucracy, their well-paid executives and all the things they do they can do things better. As they argue against the public option, they say the government cannot do

anything right. What puzzles me is why the insurance industry is so afraid that the public option will put them out of business. They tell us the insurance business does things better, the government cannot do anything right, but yet they are afraid the public option will put them out of business. I don't understand.

I encourage all of the grassroots volunteers whom I met today to keep moving forward to remind your elected officials this legislation is not about helping out the insurance companies. Health care reform is about helping people such as Cheryl from Cleveland.

Cheryl is 59 years old and was recently diagnosed with diabetes. Her husband died just 4 months ago, and with no income, her insurance costs more than $400 a month. With no income, Cheryl cares for a disabled adult son and an autistic granddaughter. She writes that she has no choices and that our system is broken and unaffordable for her, for some of her neighbors, and for too many Americans. She writes that she needs health care reform now before all her savings are lost. That is why it is so important we do this now.

President Obama is right we not wait for next year or the year after. Some people say the economy is bad; we cannot do it now. The same people said when the economy was good: We cannot do it now. As Chairman DODD repeatedly said in the committee that Senator HAGAN and I sit on, 14,000 Americans every day are losing their health insurance.

It is people such as Cheryl I talked about and Ken and Kathleen and Joseph—Kathleen, I will speak about in a minute—people who are losing their health insurance every day, 14,000 Americans every single day. For us to wait an additional 6 months or a year, or some people say let's wait until the next election until the voters, again, say we need health care reform, 14,000 people every day are losing their insurance.

Health care reform is about helping small business owners such as Kathleen from Rocky River, OH, west of Cleveland. One of Kathleen's finest employees suffers from rheumatoid arthritis. Kathleen's premiums have increased to $1,800 a month, and after trying to purchase another plan, she was turned down because of her employee's arthritic condition.

Keep in mind, if you have a small business of 10, 20, 50 employees, and you have a decent insurance plan, if one of them gets very sick to the tune of hundreds of thousands of dollars, everybody's premium goes up because it is such a small insurance plan. Then so often the small business person has to give up and cannot insure their employees. Kathleen is being victimized, as are her employees, by that phenomenon. She does not want to fire her finest employee, nor should she have to.

I stand ready to work with my colleagues to design a public insurance option that will help provide middle-class families with economic stability, with stable coverage, with stable costs, with stable quality. I stand with the thousands of volunteers who were here today across the street demanding real change in our health care system. They are showing the world how change in America happens. Their activism is important—the stories of the people they are fighting for, people I just mentioned—Joseph, Ken, Cheryl, and Kathleen. That is why we cannot wait any longer. We need health care reform now, and we need a strong public option now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AID TO PAKISTAN

Mr. GRAHAM. Mr. President, I want to speak on the record in support of the Kerry-Lugar legislation that was passed by this body basically without objection—by voice vote. It went through so quickly, to me it demonstrates the power of the bill, and so I want to congratulate Senator KERRY and Senator LUGAR for this piece of legislation.

To the public, what I am talking about is an aid package to Pakistan of I think it is over $1.5 billion a year for the next 5 years. I know we need money here at home. Trust me, in South Carolina we have the third highest unemployment in the Nation. Times are tough. But all I can tell the taxpayers and the American people is that what happens overseas does matter.

September 11 was planned in Afghanistan. It was an area of the world, quite frankly, that we ignored. Pakistan has been an ally in the war on terror generally. It is a regime with nuclear weapons. It is a country that has been hit incredibly hard by the downturn of the world economy. There are millions of people in Pakistan who are looking to find a better way. The government is fighting forces that are aligned with the al-Qaida movement—the type of people who would impose a period of darkness in the Middle East that would affect the quality of our lives. So $1.5 billion is a lot of money, but it will do a lot of good in Pakistan and it will help this government and the Pakistan military combat the growing threat of terrorism in Pakistan. The aid package is going to help the government provide a better quality of life for its people. Where the government fails to provide a decent quality of life in Afghanistan and Pakistan, you will have a vacuum that will be filled by the Taliban. The Taliban is not in favor with the Afghan people, but when the government of Afghanistan cannot deliver justice, provide the basic necessities of life, that allows the drug dealers and the Taliban to come along and fill in the vacuum.

Pakistan is a large country with nuclear weapons. It is in our national security interest to make sure that the government is stable, that the military will be supportive of civilian control of the government and will be able to defeat the forces of extremism we have seen. We know what they can do when left unchecked. So this bill is an aid package which focuses on civil capacity.

The bill also makes sure that we know where the money is going to go. It is not a $1.5 billion check to Pakistan that could be stolen through corruption. It is a very accountable system that follows the money. It makes an effort to upgrade the Pakistan military to deal with counterinsurgency, because they do not have the capacity now that they need. Again, it provides assistance to the Pakistani people and the government to improve the quality of their lives.

I think we are getting something for our money. I think we are going to get a good return if we can stabilize Pakistan. It helps us in Afghanistan, where we have thousands of American troops stationed and fighting as I speak.

So to Senators KERRY and LUGAR, congratulations on being able to get this bill through the Senate so swiftly. To Senators MCCONNELL and REID, I applaud them both, the minority and majority leaders, for working for the common good here. The administration has also been very supportive. I have had my differences with this administration, and I will continue to have them, but I want to acknowledge that Ambassador Holbrooke, who is now in charge of monitoring Pakistan and Afghanistan as a unit, has done a good job of focusing on what we need to do in both countries, because one does affect the other.

The Kerry-Lugar bill, according to the Ambassador and General Petraeus, would be the most important thing the Congress could do to aid the Pakistan Government and the Pakistan military at this crucial time. So I am glad to see that in a bipartisan fashion we responded to that call from our general and from our Ambassador, and hopefully this will become law soon.

To the American taxpayer, I know times are tough. I know money is in short supply. But quite frankly, this is an investment we have to make. We have soldiers serving in Afghanistan. If we can make Pakistan more secure and less of a safe haven for terrorists who are attacking our troops, that makes their lives better. If we can stabilize Pakistan and put it in the column of moderation and not extremism, not

only will our Nation prosper now, but future generations will be able to prosper. It is impossible for us as a nation to have a strong, vibrant economy and to enjoy the freedom we enjoy today and pass it on to our kids and grandkids without confronting these problems head on. Anytime you ignore problems such as Pakistan and Afghanistan, they always come back to bite you.

This is a wise investment at a time that it matters. The tide is turning in Pakistan, it is turning our way, and I hope this aid package will allow it to accelerate and get a result in Pakistan that helps us in Afghanistan.

Every American should be proud of the history and tradition of our country. We have been blessed in many ways. The challenges we face are enormous, but we have to remember we are the most blessed nation on Earth and this is a chance for us not only to help ourselves but help the world at large.

I am proud of the Senate. I look forward to working in the future with Ambassador Holbrooke and the administration on Afghanistan, Iraq, and Pakistan, to find ways to make sure we are successful. This is not a Republican or Democratic problem, this is a problem for anyone who loves freedom. This is a problem that needs to be addressed and the Kerry-Lugar bill does address the problem of Pakistan in a reasoned way.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRUGGLE FOR EQUALITY

Mr. BURRIS. Mr. President, this June we celebrate our diversity as Americans as we mark Pride Month. In many ways, the struggle for equality is a singular thread that is woven through the fabric of American history.

From the Declaration of Independence, to the Emancipation Proclamation, to women's suffrage, from school integration, to Stonewall, the story of this Nation is a story of a long, slow march toward equal rights for every citizen. It is a story of ever greater inclusiveness—a tribute to the enduring promise of the American dream.

Together, we can reduce discrimination based on race, ethnicity, religion, sex, sexual orientation, and gender identity.

I believe we can achieve equal rights for all. I believe our next step in this ongoing struggle must be to secure the rights of the gay, lesbian, bisexual, and transgender community. We must start by stepping up our efforts to prevent hate crimes.

It is hard to believe that it has been over a decade since Matthew Shepard was brutally beaten and left to die on a bitterly cold Wyoming road. His story rightly sparked intense national debate about the nature of hate. It reminded us that if Matthew was vulnerable, anyone could be vulnerable to such a vicious attack.

The thing that is particularly heinous about hate crimes is that they are not just an assault on an individual, they are intended as an indiscriminate assault on an entire community.

Our government has a moral obligation to say this is wrong, and we need to make sure our law enforcement officers and our courts have all of the resources they need to deliver justice.

That is why I am proud to be a cosponsor of the bill inspired by Matthew's tragic story. I do not want to see another year go by without the Matthew Shepard Local Law Enforcement Act as the law of the land.

But we must not stop there. Far too many gay and lesbian Americans face not just violence but other forms of discrimination in their daily lives.

We are fortunate in Illinois to have laws on the books to protect our citizens from discrimination based on sexual orientation or gender identity. I believe those equal protections should be Federal law. I am also a proud cosponsor of the Employment Non-Discrimination Act. It is the fair thing to do, and it is the right thing to do, and it is far overdue.

Passing ENDA will not end all forms of discrimination. One of the worst forms of discrimination is not only destroying people's careers and lives, it is undermining our national security.

I am talking about the military's ''Don't Ask, Don't Tell'' policy.

To all of those who have served, and to those currently serving in our Armed Forces, let us say: Thank you—thank you to those who have served. We honor your service. We honor your sacrifices. And we honor your courage.

This Nation is a better, safer place because of them. They fight for this Nation every day. We should end this offensive and discriminatory policy so they can be the best soldiers, sailors, airmen, and marines they can be, while living their lives openly and honestly.

Especially in this time of war, when we face terrorist threats, we must welcome the service of every patriotic man and woman who signs up to defend our freedom. When we dismiss the sacrifices made by those with a different sexual orientation, we determine the strength—we undermine the strength—of our fighting forces.

When we fail to recognize the brave contributions that gay and lesbian servicemembers continue to make every single day, we diminish ourselves as much as we diminish their service.

Senator TED KENNEDY has long been a leader on this issue, and I know he wants to see legislation passed to end the ban. I support his important work and I will do all I can to support those efforts.

We will see justice, and not just in the military, but also for gay and lesbian families.

Last week, President Obama took a first step toward ending the inequality of gay and lesbian families when he extended certain benefits to domestic partners of Federal employees. For the first time, same-sex partners can be included in the Federal Long Term Care Insurance Program. Now any employee will be able to use sick leave to care for a same-sex partner, just as an employee can take time off to care for an opposite-sex spouse.

I applaud the President for beginning to tear down these inequities, but while this Executive order represents an important initial step, there is so much more to be done. The U.S. Government is far behind the private sector on this front. A large number of Fortune 500 companies already offer comprehensive benefits to same-sex couples. They have done so for many years, sometimes for over a decade. This allows them to compete for the best and brightest, attracting talented professionals regardless of sexual orientation or gender identity. We need to make sure the Federal Government is able to compete for the same talented people.

I am proud to support a bill that would extend additional benefits to the domestic partners of Federal workers. This legislation, introduced by my friend Chairman LIEBERMAN and Ranking Member COLLINS, will extend the full range of benefits to these couples. This includes access to the same Federal health and retirement plan currently available to the recognized spouses of government workers. As the free market has shown, extending these benefits to same-sex partners is not only the right thing to do, it also makes good business sense.

I know that this week, the many Pride events around the country mean a lot of different things for people in the gay, lesbian, bisexual, and transgender community. For some, it is a chance to reflect on the progress and accomplishments made by this community and to organize for the future. For others, it is an opportunity to reflect and to honor those who have been lost to AIDS. And still for others, it is a chance to feel safer, to feel empowered to celebrate a part of something bigger than themselves, and to be reminded that everyone should be proud of who they are. However each of us celebrates Gay and Lesbian Pride Month, we must remember that gender equality is far from over. But just as the Emancipation Proclamation set this country on the path to racial equality, just as women's suffrage paved the way for gender equality, so that singular refrain throughout our history will be taken up again. The struggle for equality will not be easy,

and it never has been, but if we keep at it, we will get there.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, might I inquire what the status is?

The PRESIDING OFFICER. We are on the executive nomination of Harold Koh.

Mr. ENZI. Are there time restrictions?

The PRESIDING OFFICER. We are in postcloture, which requires debate on the pending matter.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as if in morning business for such time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ENZI. Mr. President, I rise today to speak about the need to reform our Nation's health care system. If we are to be successful, we must undertake this effort with the greatest care and deliberation.

When it comes to health care reform, we have started down this road before. Last Congress, I proposed legislation called Ten Steps to Transform Health Care in America in an effort to provide a blueprint from which we could begin to address the challenge of improving our health care system.

I might mention the way that came about is that Senator KENNEDY as the chairman of the Health, Education, Labor, and Pensions Committee, and I as the ranking member, worked together on a number of bills. In fact, I have quite a record for being able to work in a bipartisan way to get bills completed. We were very busy on the Higher Education Act and other education issues, so I took some leadership in the health area, and we talked about principles we wanted to achieve. Then I collected ideas from both sides of the aisle and put together this package of 10 steps that will transform health care in America as a blueprint to improve and address this challenge of improving our health care system. So it isn't something on which he or I just started working.

After I introduced the bill, I took my message of health care reform directly to the people in my State. I traveled 1,200 miles and held a series of events in March of last year to provide the people of Wyoming with the chance to see what I was working on and to voice their concerns with our current system. Everywhere I went, I heard the same message repeated over and over, and that was that people want change. They want a system that will provide them with a health care system that is affordable, more available, and easier for them to access. Simply put, the people of Wyoming, as do people all across the country, want more choices and more control over their health care. That was the goal of my Ten Steps bill. It was drafted with the aim of leveling the playing field in tax treatment of health insurance. It was also intended to provide a helping hand to low-income Americans in the form of subsidies that would ensure access to quality, affordable health insurance.

As I traveled through the State, I also heard from members of the small business community. They made it clear that they wanted greater equity and access to a plan that would allow cross-State pooling so they could band together with small business owners in other States and get better rates on the health insurance they provide to their employees.

In the end, no matter whom I spoke with, they all had one message they wanted me to bring to the Senate: Keep costs down and under control. There have to be limits. That is why, as the only accountant in the Senate and as a member of the Budget Committee, I was and remain very concerned with the effect any health care reform proposal will have on our Federal budget, both in the short and the long term.

I can't be the only one who heard those things when I was back home. I think my experience on the road was very similar to that of almost every one of my colleagues. Last year, whether they were campaigning for themselves or for other members of our party, we logged on a lot of travel miles. We met with and spoke to people from all walks of life who came from every imaginable background. Some were from large cities and towns with large populations and others came from the smaller cities and some very small towns with fewer people and resources. Whomever we spoke to and wherever we were, we all heard the same concerns: We need a better health care system, and we need it now.

In response, I was pleased to join with several of my colleagues as we continued to work on health care reform this year. As the ranking member on the Senate Committee on Health, Education, Labor, and Pensions and in my service on the Senate Finance Committee, I have been working to foster and facilitate a constructive dialog with my colleagues on both committees. I have also met with the President and administration officials on numerous occasions so we could share ideas on how to best craft a strong, bipartisan bill. As the debate on health care reform proceeds, I continue to stand ready to work on this critical issue.

This is likely to be the most important legislation we will ever work on as Members of the Senate, no matter how many terms we serve. How well we handle this crucial issue will have an impact not just today but for many tomorrows and countless years to come. If we fail to provide the change that is needed, it may be a long time before the Senate will ever try to do this again.

I am convinced we have a perfect storm before us as we face this issue. The time is right, the political winds are with us, and we have the support and encouragement of the current administration and the people of this Nation to get something done. That is why a good bill and a bipartisan effort are well within our grasp.

If we are to do the work that is before us and do it well, however, we can't have one side or the other try to grab the reins and lead the effort exclusively in their direction. The American people are looking for us to solve the problem, and they want to know we wrote this bill together, amended it together, and, most importantly, finished it together. They know no one side has all the answers, so they do expect us to put partisanship aside. This is too important an issue not to follow a path that will produce a bill that will have the support of 75 or 80 Members of the Senate. I have every belief we can do that, and that is why I am so strongly committed to bringing massive change to the policies laid out in the recently filed Kennedy bill. I will continue to try to bring that change to the work being done by the Health, Education, Labor, and Pensions Committee and in the Finance Committee.

Let me be very clear about what I believe we can do if we put partisanship aside and work together. We can draft a good bipartisan bill, one that will draw a large majority to its side, and we can get it done this year.

Last week, the HELP Committee began to mark up a very flawed piece of legislation. I understand the difficult circumstances that brought Senator DODD to chair this extraordinarily complex bill, and I appreciate Senator DODD's willingness to take on the task, as he also chairs the Banking Committee. However, the legislation we are considering in the HELP Committee is broken, almost to the point of being beyond repair. It is too costly and it is incomplete. Of course, we are promised we will get the other pieces of the bill. Arguments made about the unfairness of estimating the cost of an incomplete bill show that in the race to revamp our health care system, this bill was a false start. In order to get this right, we should slow down, and in some areas we need to start over.

This shouldn't be a matter of speed. To stay with the analogy of health care, no one goes to a doctor or a surgeon based on how fast they can operate or conduct an examination. It never matters how long it takes. All that matters is that they get it right. We should do the same.

I am not suggesting that we come up with a new process to develop this legislation. All I am saying is that we need to make better use of the one we already have in place, the way we have always done things in the Senate when we want to make sure we get it done right.

For instance, it wasn't all that long ago that we had to do something about our Nation's pension system. We worked together. We talked about what we had to do together. Then we came up with a way to get there, together.

The result was a bill that when it came to the floor was over 1,000 pages long and it had the immense involvement of two committees—the same two committees we are talking about with health care, the HELP Committee and the Finance Committee. Those two committees came together on a bill of over 1,000 pages. When it came to the floor, we already had an agreement between the two committee members which was taken to the leaders, which meant we had an agreement with everybody in the Chamber that there would be 1 hour of debate, two amendments, and a final vote. I asked the Parliamentarian when the last time was that there was a bill of that complexity that had that kind of an agreement before we even debated it, and that person said: Not in my lifetime. That is what is possible around here if we work together. That is what we did with the Nation's pension system.

I think we were talking about the Pension Benefit Guaranty Corporation being short a drastic $24 billion. Boy, that doesn't look like much money anymore, does it? No. We are talking about some errors on this one that are over $58 billion. That pensions bill wasn't so long ago. We worked together, we talked about what we had to do together, and then we came up with it together. The result was a bill that only had the two amendments offered to it because the agreement on both the illness and the remedy was so strong.

As we prepared to begin the markup of this bill last week, we received a troubling preliminary analysis from the Congressional Budget Office and the Joint Committee on Taxation regarding the costs and coverage figures associated with the legislation. In its review of the proposal, the CBO found that enacting the proposal would result in an increase in spending of about $1.3 trillion, with a net increase to the Federal budget deficit of about $1 trillion over the 2010-to-2019 period. This cost estimate did not include the promised ''significant expansion of Medicaid or other options for subsidizing coverage for those with an income below 150 percent of the poverty level.'' As the markup continues, we will be asking the CBO for an official analysis of the impact of the addition of such a policy on the Federal budget deficit.

We are having more and more seniors moving into the category of long-term care—and we have a proposal before us, which we will debate when we get back. The Senator from New Hampshire, Mr. GREGG, ranking member on the Budget Committee, pointed out that the only part of that proposal that gets scored are the premiums people would pay in over that first 10 years for their long-term care, which comes to about $59 billion, which shows a surplus of $59 billion. But what it doesn't take into consideration is the obligation to those people who are paying in those premiums that they will get long-term care.

The expected cost of that long-term care to those people paying in that $59 billion is $2 trillion. The proposed payment doesn't match the proposed costs, and it would not be sustainable beyond the 10 years. Whether or not people actually start taking long-term care benefits right away, we will have another Federal Government program with a budget deficit. At the same time we received notice of the preliminary analysis of the Kennedy bill, we got word the Finance Committee was postponing the markup on health care legislation, after reports surfaced that the CBO was preparing an estimate of its legislation that projected an increase to the Federal deficit of $1.6 trillion over the next 10 years. All of this was on the heels of President Obama's speech last week at the American Medical Association, in which he said:

> Health care reform must be and will be deficit neutral in the next decade.

The bill we have before us misses the target of this commitment by more than $1 trillion. Again, the bill is still missing language in three key areas.

I will take a few moments to speak about our Nation's deficit and overall fiscal and economic condition. My concern about the runaway spending in the Kennedy bill—I should call it the Kennedy staff bill; I know the Senator, had he been able to work with me, would have come up with some different conclusions on the bill. My concern with the runaway spending in the Kennedy staff bill is not simply a concern that it breaks faith with the President's health care reform commitments. Rather, I am deeply troubled by the direction this bill would take us during a truly perilous fiscal age.

I was elected to this body in 1996. In my first years in Congress, we moved from a budget deficit to a budget surplus. I am deeply disappointed that nearly 13 years later, our projected deficit for this fiscal year exceeds $1.84 trillion, and our national debt exceeds $11.4 trillion. That is bad. People are starting to take notice, and that, unfortunately, includes our creditors. Add to this the losses to our gross domestic product and an unemployment rate heading toward 10 percent and the news is worse. Again, there have to be limits. People have them in their families, municipalities have them, and most States have them. The Federal Government doesn't.

According to the Federal Reserve, the level of debt-to-GDP ratio is estimated to reach the highest levels it has since immediately after World War II. The increasing spread between short-term and long-term treasuries is evidence that global investors are increasingly concerned about our Nation's level of debt and the real potential for future inflation.

In recent weeks, Treasury Secretary Geithner traveled to China to attempt to ease growing concerns about our ability to pay off our growing debts. When Geithner told an audience of Chinese students at Peking University that ''Chinese assets are very safe,'' reports are that this statement drew loud laughter.

It is really not a laughing matter for us. It is serious. Tough action, not ''I will tell you what you want to hear'' speeches, is what we need.

On the State and local front, our economic indicators are equally troubling. On Thursday, the Rockefeller Institute of Government issued a report on State personal income tax revenues for 2009. They are falling fast; 34 of the 37 States in the report saw declines in tax revenue, indicating that it will be increasingly more difficult than expected for States to close their widening budget gaps. I can hear calls for more bailouts, but my question is, who is going to bail out the Federal Government?

These numbers provide the critical backdrop as we consider the new deficit spending included in the Kennedy staff bill. Recently, Fed Chairman Bernanke stated that ''achieving fiscal sustainability requires that spending and deficits be well controlled.'' He went on to note that ''unless we demonstrate a strong commitment to fiscal sustainability in the longer term, we will have neither financial stability nor economic growth.'' For these reasons, the Kennedy proposal requires an entire rewrite with respect to its impact on our Federal budget deficit.

Just as troubling as this bill's impact on the deficit is its failure to help tens of millions of Americans get the health insurance they need. The Congressional Budget Office estimates that, if enacted, this bill would only provide health insurance for one-third of the Nation's uninsured. Let's see, $1 trillion for 16 million people. This number falls far short of the President's stated goal of ''quality, affordable health insurance for all Americans'' in his recent letter to Chairmen KENNEDY and BAUCUS.

Of even greater concern, the CBO projects that about 10 million individuals who would be covered through an employer's plan under current law would not have access to that coverage under the Kennedy legislation. This figure breaks President Obama's often-repeated promise during both the 2008 campaign and since taking office that under his health care plan:

> If you like your health care plan, you will be able to keep your health care plan, period. No one will take it away, no matter what.

Under the Kennedy plan, that promise rings hollow for millions of Americans, and that is simply unacceptable. I know the President has already scheduled an event on one of the networks to push his health care ideas. When it airs, I am sure we will hear him repeat the line over and over: If you like the health care plan you already have, you can keep it.

If he makes that promise again, every time we hear him say that, we should remind ourselves that the White House has already admitted that such statements aren't to be taken literally. I think that means they are not true.

I cannot recall ever hearing something like that from the White House, but those are their words. Maybe they should be applied to the whole presentation—that none of it should be taken literally.

I know one thing that can be taken literally, and we ought to give it straight to the American people, and that is this: Under the Kennedy proposal being rolled out, you would not be able to keep the care you have right now. Washington bureaucrats will be able to deny you and your family the care you need and that you fully deserve.

Unfortunately, that is not the only thing that we are in denial about. We are also in denial when it comes to the cost of the Democrats' health care plan and our ability to work our way out of a hole of debt that only promises to grow deeper and deeper for a long time and for many years to come.

A lot of times we talk about how we are spending our kids' and grandkids' money. I really feel compelled to point out that we are already spending our seniors' money. Why is that? Well, normally, what happens in this country is that a little bit is taken—well, a bunch is taken—out of your check for Social Security, which is matched by the employer. That amount of money each month has always gone to pay the seniors who are retired, their pensions, and to have a little bit of surplus. But do you know what? It is not doing that anymore. We are having to take money out of the trust funds now to supplement that to be able to pay the people who are retired now—and we are not even to the baby boomers yet. So we have a problem.

Unfortunately, that is not the only thing we are in denial about. Having shown the devastating impact of the Kennedy bill on the Federal deficit, and the failure of it to provide access to adequate health coverage for millions of Americans, I want to turn to one of the three foundational principles of my 10-step plan; namely, improving the quality of care.

On this front, I think the Kennedy plan again fails to live up to the promise laid out by President Obama to ''improve patient safety and quality of care.'' That is very important—to improve patient safety and quality of care.

I am deeply troubled by the real possibility that comparative effectiveness research, which is mentioned in the bill and has been debated in the committee, and which has been held intact in there, will be used as a cost-containment measure to ration care under this legislation. The result would be, for millions of Americans, a Federal bureaucrat would dictate the type of care they receive and interfere with the doctor-patient relationship.

As the Kennedy bill proceeds through Congress, I will fight to strip those provisions that will delay and deny needed health coverage to Americans. I spoke at length in committee about the truly horrible stories of rationing care that we hear about from the United Kingdom. I will continue to speak out to make sure this type of so-called care is not imported to the United States.

Finally, I am deeply troubled with a number of other policies advanced in the Kennedy bill. I believe the community rating provisions will result in skyrocketing premium costs for younger Americans. I am troubled that the bill doesn't provide incentives to encourage individuals to make healthier choices. There are a lot of choices we can make to improve our health ourselves.

As we complete the second week of the HELP Committee markup, we are still missing the guts of the Kennedy proposal. We expect that the final proposal will include a government-run plan, a mandate on employers to provide insurance, and a provision dealing with biosimilars. It is difficult to comment on these provisions until they are released.

Proponents of the government-run option—including the President—consistently argue that a public plan is necessary to keep the insurance companies honest and to foster competition. With respect to provisions dealing with preexisting conditions, rate bands, and other reforms, we are all committed to taking action to keep insurers honest and make sure people with preexisting and chronic diseases can get insurance. The creation of a new government program at a time when the experts and Medicare trustees tell us that Medicare stands on the brink of insolvency, does nothing to foster honesty; it fosters fiscal irresponsibility. We are borrowing to pay for the government-run programs we have now. If you already have trouble making your mortgage payments, why would you go out and buy a boat and an RV?

With respect to the notion that we will be fostering competition with the creation of a government-run health plan, I think the public is growing tired of government intervention in our day-to-day lives. First, there was our involvement in the mortgage system and then the banking system and then we got more involved in our Nation's automotive industry. It is certainly more than a possibility that the government has taken on more than it can handle. We are operating at more than the maximum capacity already. Having government take over our Nation's health care system may be the last straw.

Think about that—about all the things that just this year the government has decided to take over. The comment I get at home, and in other places I have traveled across the United States, is, doesn't the government have a little bit of trouble just running government?

There is certainly a role for government as a strong regulator of free market enterprise, but the inclusion of the government as a principal player in our competitive markets is entirely inconsistent with our Nation's capitalist economic system. I will forcefully oppose the creation of a government-run health plan.

Before I conclude, I would like to say a few words about the current process of health care reform in the Senate Finance Committee. I said at the outset that I am committed to working toward bipartisan health care reform. As a member of the Finance Committee, I have witnessed and have been a part of at least the foundations of such reform. There are many hurdles to remain, but I thank Chairman BAUCUS and Ranking Member GRASSLEY for their very hard work on this extremely complex, difficult issue. We have never had an issue that involved as many people in this country—100 percent of the people. It is important we get it right, that we take the time to get it right. Ranking member GRASSLEY has been cooperative and Chairman BAUCUS has been open and that has been extremely helpful. We have spent hours upon hours in that committee receiving inputs and options from both sides on how to reform our Nation's health care system.

This stands in great contrast to the partisan process that has, unfortunately, unfolded in the Health, Education, Labor, and Pensions Committee we have been tediously working through. There have been comments about how many amendments we turned in. We had 388 amendments. I had to remind them that if you don't get any piece of the drafting, you have to get your opinions in somehow and you do it through multiple amendments. Probably half those amendments were to fix grammatical errors, punctuation, typos—about half of them. Those were accepted.

It is my hope that the difference in process will result in a difference in substance between the Health, Education, Labor, and Pensions Committee legislation and the Finance Committee legislation. I will continue to work in the Finance Committee to shape legislation that improves the quality of our health care, reduces costs, is responsible in its budgetary impact, and increases access to care for all the American people.

As I have said, there is a long way to go on that committee and many differences to resolve, but I continue to work in good faith and hope for bipartisan, responsible health care reform. I am holding out hope a better, more inclusive process will emerge as we continue our work in the HELP Committee. I hope that a change will come about soon, but the bill we currently have before us is a clear sign that just as we have been excluded early on in the health care reform effort, it looks like we will continue to be excluded as the process continues. There is time to get us included. There is an important reason to get us included. But we will see.

In the end, for me and many people across this country, our discussions

about health care can be summed up in a short story with a simple moral. I was reading a book about a Wyoming doctor who came home and decided to settle in a town called Big Piney. He found some ranch land he liked, and he decided to make it his home. When he was attending a local rodeo, one of the cowboys competing in the contest looked at him and said: You aren't from here, are you?

He said: Well, I am going to be, I am a doctor.

Unable to control his enthusiasm, the cowboy walked away shouting to all within earshot: Hey, we finally got ourselves a doctor.

That is what health care is all about in Wyoming, the West, and countless towns and cities all across our country.

I have to tell you, this doctor spent most of his life in the Congo. He studied Ebola and established a lot of health clinics over there. When he retired, he did move to Wyoming. He did health care the old-fashioned way. He made house calls. He sat with people while they were dying. He had a lot of friends over there. Incidentally, he did not take Medicare or Medicaid. He said there were too many strings attached to it. He set up a foundation, and people he worked with could make a donation to his foundation instead. That way he wouldn't violate any Federal rules about treating some people and taking money. He was a tremendous doctor. Unfortunately, we lost him this year. So that area is once again without a doctor. If you can send me one who likes rodeos, we would be happy to have him there. That is what health care in Wyoming is about.

In the big cities and towns of Chicago, New York, Boston, and Los Angeles, it seems to me there is a hospital or doctor's office on almost every corner. In States such as Wyoming, however, they are few and far between, which makes health care a very precious commodity. I always tell people the statistics are we are short every kind of provider in Wyoming, including veterinarians, which always brings the comment: Surely, veterinarians don't work on people. We say: Yes, if you are far enough from a regular doctor, you are happy to have a veterinarian. You just hope he doesn't use the same medicines!

If we are not careful with this legislation, it will not make health care more plentiful and abundant, it will make it even more rare and difficult to obtain, and when health care gets more expensive and less available in places such as the big cities in this Nation, imagine what it will be like in the small towns of Wyoming and the West. People back home know what it will be like—another one-size-fits-all policy that did not fit so well into the rural areas of this country to begin with. That is why people are worried right now. The only way we can assure them they do not have to worry is if we take the time to make sure we get it right the first time. Then, and only then, will the American people feel like they will be getting what they said they wanted during our campaigns last year—not just change but change for the better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to be recognized as in morning business for the time I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, let me say of my friend, the senior Senator from Wyoming, he does articulate this issue well. He has spent countless hours working on it. When you listen to him, his depth of knowledge and trying to work out something that would give improvements and avoid a total socialization of medicine, he knows what he is talking about.

When I go back to my State of Oklahoma, it is not all that different than from when he goes back to his State of Wyoming and people ask the question: If government isn't working well now, why do we want to put all the rest of these things in government, whether it is health care or the banking industry, the insurance industry, oil and gas and the other takeovers we are witnessing right now?

I do think you can summarize what he said very simply by merely saying, if there is a government option, of course, this is a moving target. For those of us who are not on a committee that is dealing with health care reform, we are not sure what is going on there, and I am not sure anyone else does either because it is a moving target. From one time to another, we hear different things that are going to be in the bill, and then they change their mind.

One thing we know, though, they keep saying there is going to be a government option. If there is a government option, we are going to see a huge impact on insurers, private companies that offer insurance, and you will see that market dwindling. You can't blame them for that.

The other thing that is a certainty in this whole issue of the Kennedy bill and what they are trying to do, what the administration is trying to do with the health delivery system in America is they would be putting Washington between the patient and the doctor. That gets a response when I am back in Oklahoma of we don't want that to happen.

So we have right now a lot of invasions on the systems that have worked well in America.

NATIONAL ENERGY TAX

I wish to talk about one other issue since tomorrow the House is scheduled to vote on what is known as the Waxman-Markey bill, which is the Democrat's answer to the worst recession in decades, a national energy tax, a tax designed to impose economic pain through higher energy prices and lost jobs or as a recent Washington Post editorial put it:

> The bill contains regulations on everything from light bulb standards to the specs on hot tubs and it will reshape America's economy in dozens of ways that many don't realize.

In other words, this would be, if it were to pass, the largest tax increase in the history of America. I know a little bit about this issue because I started working on this issue back in the late nineties when they were trying to get the United States to ratify the Kyoto treaty. The Kyoto treaty is very similar to the proposals we have had since that time. We know what that would have cost at that time. Somewhere between $300 billion and $330 billion a year as a permanent tax increase.

There have been proposals on the floor of the Senate in 2003, 2005, 2007, 2008, and now this time. We in the Senate have more experience in dealing with this issue than the House does because this is the first time they have ever had it up for consideration.

Over the past several weeks, Speaker PELOSI has been facing an insurrection within her own ranks. We have been reading about the Democrats who are pulling out saying: We don't want to be part of the largest tax increase in the history of America. More and more people are jumping in and saying we cannot have it. As of yesterday, the American Farm Bureau came in opposing, the strongest opposition to this legislation.

Let me say, if the Democrats are having trouble passing this bill in the House, where the majority can pass just about any bill it wants, then there is no hope for a cap-and-trade bill to come out of the Senate. I think we know that. We watched it.

Right now, by my count, the most votes that could ever come for this largest tax increase in the history of America would be 34 votes—34 votes. They are not even close.

I say that because there are a lot of people wringing their hands: She wouldn't bring this bill up in the House on Friday unless she had the votes. Maybe she will have the votes. There has been a lot of trading, a lot of people getting mad. Nonetheless, she may have bought off enough votes to make it a reality.

The fact is the Waxman-Markey bill is just the latest incarnation of very costly cap-and-trade legislation that will have a very devastating impact on the economy, cost American jobs by pushing them overseas, and drastically increasing the size and scope of the Federal Government.

In the Senate, we have successfully defeated cap-and-trade legislation in the years I mentioned. Four different times it has been on the floor. I remember in 2005, I was the lead opposition to it. Republicans were in the majority at that time. It had 5 days on the Senate floor, 10 hours a day, 50 hours. It was the McCain-Lieberman bill at

that time. It was defeated then and by larger margins ever since then.

Just a year later, with the economy in a deep recession, it is hard to believe that many more Senators would dare vote in favor of legislation that would not only increase the price of gas at the pump but cost millions of American jobs, create a huge new bureaucracy, and raise taxes by record numbers. It is not going to happen.

I appreciate that my Democratic colleagues desperately want to pass this bill. They argue that cap and trade is necessary to rid the world of global warming and to demonstrate America's leadership in this noble cause. But their strategy is all economic pain and no climate gain. This is a global issue that demands a global solution. Yet cap-and-trade advocates argue that aggressive unilateral—unilateral, that is just America; in other words, we pass the tax just on Americans—aggressive unilateral action is necessary to persuade developing countries—now we are talking about China, India, Mexico, and some other countries—to enact mandatory emission reductions. In other words, we provide the leadership and they will follow. But recent actions by the Obama administration and by China and other developing countries continue to prove just the opposite. They continue to confirm what I have been saying and arguing for the past decade, that even if we do act, the rest of the world will not.

If you still believe—and there are fewer people every day who believe that science is settled—that manmade gases, anthropogenic gases, CO_2, methane are causing global warming—there are a few people left who believe that. If you are one of those who still believes that, stop and think: Why would we want to do something unilaterally in America? It doesn't make sense. The logic is not difficult to understand.

Carbon caps, according to reams of independent analyses, will severely damage America's global competitiveness, principally by raising the cost of doing business here relative to other countries such as China, where they have no mandatory carbon caps. So the jobs and businesses would move overseas, most likely to China.

This so-called leakage effect would tip the global economic balance in favor of China. A lot of them are saying China is going to follow our lead, they are going to do it. Look at this chart. This person is the negotiator for the administration. His statement is: We don't expect China to take a national cap-and-trade system. This is the guy who is supposed to be in charge of seeing to it that they do. This is Todd Stern. He is admitting it.

I wish those people who come to the floor and say: Oh, no, we know that if America leads the way, China is going to follow us—they are sitting back there just rejoicing, hoping we will go ahead and have a huge cap-and-trade tax to drive our manufacturing jobs to places such as China where they don't have any real controls on emissions, and the result would be an increase in CO_2. In other words, if we pass this huge tax in this country, it is going to have the resulting effect of increasing the amount of CO_2 that is in the atmosphere.

By itself, China has a vested interest in swearing off of carbon restrictions in order to keep its economy growing and lifting its people from poverty. Add unilateral Federal U.S. action into the mix, and we give China an even stronger reason to oppose mandatory reductions for its economy. And China understands this all too well. I believe they will actively and unfailingly pursue their economic self-interest, which entails America acting alone to address global warming.

Consider that in other realms, whether on intellectual property rights or human rights. The Chinese have conspicuously failed to follow America's example. We have tried to get them to do it, and they haven't done it. All the human rights efforts we have gone through to try to get political prisoners released and all these other things we have said to them to do it—we have threatened, we have asked, we have begged—and they do not do it. So why would they do this? So for China, climate change will be no exception.

My colleagues in the Senate are rightly focused on the economic effects this bill will have on their States and their constituents. But with China and other developing countries staunchly opposed to accepting any binding emissions requirements, we should be asking a more fundamental question: What exactly are we doing this for? If the goal of cap and trade is to reduce global temperatures by reducing global greenhouse gas concentrations, and if China and other leading carbon emitters continue to emit at will, then how can this supposed problem be solved?

Well, if I accept the alarmist science that anthropogenic gases are causing a catastrophe, then reducing global greenhouse gas concentrations is a solution. But the unilateral Federal solution, again, that America must first act to persuade China and others to follow—please follow us, please pass a tax in your own country, and then they are going to be following our example—there is no evidence that has ever happened before or that it would happen again. The only thing America gets by acting alone is a raw deal and a planet that is no better off.

Now, my Democratic colleagues want to sweep this reality under the rug. They argue that cap and trade—and I hope everyone understands what cap and trade is. I have often said, and other people have said—including some of the advocates of this—that they would prefer to have a carbon tax over cap and trade. Well, if you are going to have one or the other, I would too. But the only reason they use cap and trade is to hide the fact that this is a tax—a very large tax increase. So they argue that cap and trade will not only be at least to pull China along, but also it will solve our economic woes, create millions of new green jobs, and promote energy security.

Of course, these are laudable goals, and Republicans have a simple answer to this: Let's provide the incentives rather than the taxes and mandates to produce clean, affordable, and reliable sources of energy.

I am for all of the above. I want to have renewables, I want nuclear, I want wind, I want solar, I want clean coal, and natural gas. We need it all. Cut the redtape and encourage private investment. Let all technologies compete in the marketplace. However, that is not what the Democrats are proposing in the Waxman-Markey bill.

I am talking on the Senate floor about a House bill, and I am doing that because it is scheduled to pass tomorrow and then there will be an effort over here. We have had experience with this legislation. As I have said before, it is not going to pass here, but it is a very significant thing. Anytime one House is proposing to pass the largest tax increase in history, we have to be concerned.

This bill does the exact opposite. It closes access to affordable sources of energy by trying to price certain kinds of energy out of the market. It picks winners and losers that leave places such as the Midwest and the South paying higher energy prices to subsidize areas in the rest of the country. We have a chart that shows how much this would raise in the way of taxes in Middle America as opposed to the east coast and the west coast, and it creates more bureaucracy that will only increase the costs that consumers bear and add more layers of regulation to small business.

We have to ask: Why, then, do my colleagues believe creating a national energy tax is necessary? It is all rooted in fabricated global warming science. In fact, just last week, the administration produced yet another alarmist report on global warming—which, of course, is nothing new—that takes the worst possible predictions of the United Nations Intergovernmental Panel on Climate Change's Fourth Assessment Report—is what it is called.

By the way, these assessment reports are not reports by scientists. They are reports by political people, policy people. I have to also say—and I have said this on the floor of the Senate many times before—a lot of the things that come out and that are not in the best interests of the United States come from the United Nations. That is where this whole thing started, back in the middle 1990s.

It was the IPCC of the United Nations where it all started. So it is no surprise that such a report was released just in time for the House vote on Waxman-Markey. However, what is becoming clear is that despite millions of dollars spent on advertising, the American public has clearly rejected

the so-called ''consensus'' on global warming. There was a time when this wasn't true. I can remember back between the years of 1998 and 2005, when I would be standing on the Senate floor and talking about the science that rejects this notion. Since that time, hundreds and hundreds of scientists who were on the other side of the issue have come over to the skeptic side, saying: Wait a minute, this isn't really true.

I can name names: Claude Allegre was perhaps considered by some people to be the top scientist in all of France. He used to be on Al Gore's side of this issue back in the late 1990s. Clearly, he is now saying: Wait a minute, we have reevaluated, and the science just isn't there. David Bellamy, one of the top scientists in the U.K., the same thing is true there. He was on the other side and came over. Nieve Sharif from Israel, same thing. So there is no consensus on the fact that they think anthropogenic gases are causing global warming.

Of course, the other thing is, we don't have global warming right now. We are in our fourth year of a cooling spell. But that is beside the point. I am not here to address the science today but on the argument advanced by my colleagues, which is that U.S. unilateral action on global warming will compel other nations to follow our lead, as I have documented in speeches before since 1998.

By the way, if anyone wants—any of my colleagues—to look up those speeches, they can be found at inhofe.senate.gov. If you have insomnia some night, it might be a good idea to read them. They are all about 2 hours long. But I think many would find it very troubling indeed, that even if they believe the flawed IPCC or United Nations science, that science dictates that any unilateral action by the United States will be completely ineffective. The EPA even confirmed it last year during the debate on the Lieberman-Warner bill, and the same would hold true for this year's bill.

Put simply, any isolated U.S. attempt to avert global warming is a futile effort without meaningful, robust international cooperation. No one disputes this fact. The American people need to know what they will be getting with their money: all cost and no benefit. This chart shows that U.S. action without international action will have no effect on world CO_2. This is assuming there is no change in the manufacturing base, which we know there would be.

This brings us to a key question as to whether a new robust international agreement can ever be achieved. In addition to the domestic process ongoing in Congress, the United States is currently involved in negotiations for a new international climate change agreement to replace the flawed Kyoto treaty. This process is scheduled to culminate in Copenhagen this December. This will be the big bash put on by the United Nations to encourage countries to buy into their program.

The prospects of such an endeavor are bleak at best. Following the conclusion of the climate meeting in Bonn recently, the U.N.'s top climate official—Yvo de Boer—said it would be physically impossible—now this is the chief advocate of all this—to have a detailed agreement by December in Copenhagen. This is ironic to say the least, considering that President Obama was supposed to bring all the parties together to transcend their differences and to produce a treaty that would save the world from global warming. But the reality of the cost of carbon reductions has intervened, and now a deal appears—as it always has to me and others—far from achievable.

We must not forget where the Senate stands on global warming. As Senators may recall, in 1997, the Senate voted favorably, 95 to 0—95 to 0 doesn't happen often in this Chamber—on the Byrd-Hagel resolution. That stated simply that if you go to Kyoto and you bring back a treaty, we will not ratify that treaty if it, No. 1, would mandate greenhouse gas reductions from the United States without also requiring new specific commitments from developing countries—China—over the same compliance period; or, No. 2, result in serious economic harm to the United States.

Well, obviously, we have talked about the serious harm to the United States and the fact there is no intention at all of having China have to be a part of this new treaty now, what, 15 years later they are going to be talking about. So I think the Byrd-Hagel resolution will still stand strong support in the Senate; therefore, any treaty the Obama administration submits must meet the resolution's criteria or it will be easily defeated.

Remember that criteria: If they submit something in which the United States is going to have to do something that the rest of the world—or the developing world—doesn't have to do, then it is not going to pass; and, secondly, if it inflicts economic harm on this country.

Proponents of securing an international treaty are slowly acknowledging that the gulf is widening between what the United States and other industrialized nations are willing to do and what developing countries such as China want them to do. I suggest the gulf has always been wide but will continue to widen. Recent actions by the United States and China continue to confirm my belief.

Take China's initial reaction to the Waxman-Markey bill. The bill, hailed on Capitol Hill as a historic breakthrough, went over with a thud last week during the international negotiations. Get this: Waxman-Markey, which will be economically ruinous for the United States, was criticized by China for being too weak.

Another troubling aspect coming out of those meetings was the U.S. Government's official submission. Many in the Senate may be surprised to learn that this administration's position is to let China off the hook. You might wonder, why would China look at this thing that would destroy us economically and say they do not think it is strong enough; that they want it stronger? Because the stronger it is, the more manufacturing jobs will leave the United States to go to China. They have to go someplace where they are producing energy. Nowhere in the submission to the conference do we require China to submit to any binding emission reduction requirements before 2020. In fact, before 2020, the submission only asks for ''nationally appropriate'' mitigation actions, followed by a ''low carbon strategy for long-term net emissions reductions by 2050.''

I would submit this proposal is typical of the United States to say: Well, we have to do some face-saving, so at least let's put them in an awkward position of having to ''try'' to do something. It doesn't say they ''have'' to do anything; they have to try. So China can sit back and say: We are trying. Meanwhile, they enjoy all the jobs that are coming from the United States to China.

So what, then, is the Chinese Government's idea of a fair and balanced global treaty? Well, the Chinese believe the United States and other Western nations should, at a minimum, reduce their greenhouse gas emissions by 40 percent below the 1990 levels by 2020. For comparison's sake, Waxman-Markey, which could become the official U.S. negotiating position, calls for a 17-percent reduction—not 40 percent—below the 2005 levels by 2020.

Despite the positive spin the administration is putting on actions by the Chinese Government to reduce energy intensely or pass a renewable energy standard, while laudable, the official position of the Chinese in their submission to the United States remains as such, which I will read.

> The right to development is a basic human right that is undeprivable. Economic and social development and poverty eradication are the first and overriding priorities of the developing nations.

So China is talking about themselves and India and other developing nations.

> The right to development of developing countries shall be adequately and effectively respected and ensured in the process of global common efforts in fighting against climate change.

That is their written statement, and that speaks for itself.

Finally, and the most telling of all, the Chinese and other developing countries collectively argue that the price for reducing their emissions is a massive 1 percent of GDP from the United States and other developed countries. What does that tell us? That tells us they are not willing to pay anything.

So let me get this straight. China opposes any binding emission reduction targets on itself; China wants the United States to accept draconian emission reduction targets that will continue to cripple the U.S. economy;

and on top of that, China wants the United States to subsidize its economy with billions of dollars in foreign aid. In the final analysis, one must give China credit for seeking its economic self-interest. I sure hope the Obama administration will do the same for America.

Despite this reality, some here in the Senate will continue to tout the fact that China's new self-imposed emissions intensity reductions, which do not pose any type of binding reductions requirements, will somehow miraculously appear—will somehow suffice for binding requirements. I believe, however, that position will fail to satisfy the American people as acceptable justifications for passage of a bill that will result in higher United States energy taxes and no change in the climate.

I do not blame them. If I were in China, I would be trying to do the same thing. I would be over there saying we want the United States to increase their energy taxes, we want a cap-and-trade bill, an aggressive one that is going to impose a tax—now it is expected to be—MIT had figures far above the $350 billion a year.

That is not a one-shot deal. I stood here on the Senate floor objecting last October when we were voting on a $700 billion bailout. I can't believe some of our Republicans, along with virtually most of the Democrats, voted for this. I talked about how much $700 billion is. If you do your math and take all the families who file tax returns, it comes out $5,000 a family.

At least that is a one-shot deal. What we are talking about here is a tax of somewhere around $350 billion every year on the American people and the bottom line is, China wants no restrictions for theirs. They want the highest reductions for the United States and they want foreign aid on top of that.

I want to mention one other thing that just came up in today's Chicago Tribune. I read this because the Chicago Tribune has editorialized in favor of the notion that anthropogenic gases are responsible for global warming. I will read this:

> Democratic leaders need to slow down. This proposed legislation would affect every American individual and company for generations. There's a huge amount of money at stake: $845 billion for the federal government in the first 10 years. Untold thousands of jobs created—or lost. This requires careful study, not a Springfield-style here's-the-bill-let's-vote rush job.

Then:

> The bill's sponsors are still trying to resolve questions over whether and how to impose sanctions on countries that do not limit emissions. That's crucial.

That is exactly what we have been saying. Even the Chicago Tribune agrees with that.

> That's crucial. Those foreign countries would enjoy a cost advantage in manufacturing if their industries were free to pollute, while American industries picked up the tab for controlling emissions. The Democrats need to delay the vote. Otherwise, the House Members should vote no.

That came out today in the Chicago Tribune. Even the Chicago Tribune says there should not be a vote, but there is going to be a vote. I can't imagine that Speaker PELOSI would bring this up for a vote unless she had the votes.

What is the motivation for this, knowing full well it will not pass the Senate? I mentioned Copenhagen a moment ago—the big meeting of the United Nations, all these people saying America should pass these tax increases. They have to take something up there that will make it look as though America is going to be taking some kind of leadership role. They are not going to do it. If they take the bill passed out of the House, I expect one will be passed out of the Senate committee—because that committee will pass about anything—they will take that to Copenhagen. Everyone will rejoice up there and come back only to find out we are not going to join in.

I am sure there is going to be some type of a treaty that is given to the Senate to ratify. We will all have to remember what happened in 1997. We voted 95 to 0 against ratifying any treaty that is either harmful to us economically or is not going to impose the same hardship and taxes on developing countries such as China as it does on the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY OF U.S. PATENT AND TRADEMARK OFFICE TO USE TRADEMARK FUND

Mrs. BOXER. I ask unanimous consent the Senate proceed to the immediate consideration of S. 1358, which was introduced earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 1358) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force.

There being no objection, the Senate proceeded to consider the bill.

Mrs. BOXER. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1358) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADEMARK FUND.

(a) AUTHORITY.—The Director of the United States Patent and Trademark Office may use funds made available under section 31 of the Trademark Act of 1946 (15 U.S.C. 1113) to support the processing of patents and other activities, services, and materials relating to patents, notwithstanding section 42(c) of title 35, United States Code, if—

(1) the Director certifies to Congress that the use of such funds is reasonably necessary to avoid furloughs or a reduction-in-force in the Patent and Trademark Office, or both; and

(2) funds so used are repaid to trademark operations not later than September 30, 2011.

(b) EXPIRATION OF AUTHORITY.—The authority under subsection (a) shall terminate on June 30, 2010.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The terms ''Director of the United States Patent and Trademark Office'' and ''Director'' mean the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term ''Trademark Act of 1946'' means the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

Mrs. BOXER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL WARMING

Mrs. BOXER. Mr. President, I did not plan to come down to the floor and speak today about the global warming legislation. But I heard bits and pieces of my friend Senator INHOFE's speech about essentially why we will never approve global warming legislation, why it is a bad idea, and his usual litany of ''horribles'' about what will happen. My friend Senator INHOFE and I work very well together on most issues that come before our committee when it comes to building the infrastructure; the State Revolving Fund, we have been a team; the highway trust fund, we have been a team. He has been very helpful on most of our nominees, if not all. So I am very grateful to him. But I could not allow his words to be the last word here on the global warming legislation as we get ready to leave for our week to go home and work.

I disagree very strongly with those who say that if we attack the problem with global warming head-on, we are moving into territory where we are

going to regret the fact that we did it because it is going to hurt our people, we are going to lose jobs, it is going to increase energy costs, when, in fact, we know the opposite is true. It is not just me saying it. I come from a State—California—where we have taken the lead in addressing the environment. We always have since the very early days. And what we have proven is that when you do it, you have a much healthier base for economic growth.

If you look at the per capita use of energy in my home State over the last 20 years, it has stayed absolutely flat, if you were to look at a graph. The rest of the country has gone up like this. So the difference between remaining on a flat line—in other words, keeping your per capita energy use stable—even with the creation in that time of computers and bigger TVs and all the rest, and a lot of other comforts, I might add—bigger homes—we have been able to do it. The rest of the country has gone this way with their per capita use. The difference between energy efficiency and the rest of the country, we have a lot of room for improvement, and it has been tried and it is proven and it makes a lot of sense, whether it is better energy-efficiency standards, which have been absolutely key to us, or better fuel economy, which has been key to us. We are the State that happens to buy the most, for example, hybrid cars. We have shown that we can keep per capita energy use down. A lot of us in our State have changed to the lightbulbs that make sense, the compact fluorescent bulbs. We know we have laws that will move that even faster. And we have not given up one ounce of our quality of life. We have a very good quality of life.

So by addressing the issue of global warming and getting the carbon out of the air, the first way to do it is through energy efficiency. That is what I call the low-hanging fruit. Renewable standards for our utilities—very important. We have done it in California, and I know my friend who is in the chair is on the Energy Committee, and I am very grateful they did renewable portfolio standards, although I would like to see it a little tougher. Be that as it may, we are on the road.

These are the things we can do that actually will tackle the problem of global warming, but there is so much more we can do through a system where we expect our industries that are emitting the most carbon to gradually bring it down so that we make sure we don't suffer the ravages of increased temperatures.

The science is so clear, and my friend Senator INHOFE and I have disputed this for a long time. He insists that the science is not clear. Well, he is not a scientist and I am not a scientist. So I think the best way to do this is to look to the most qualified scientists in the world. And we are very fortunate that we have had those scientists working at the United Nations, the Intergovernmental Panel on Climate Change, and they have come out with a series of reports, all of which tell us that temperatures are going up even more rapidly than we thought, the icemelt in the Arctic is occurring faster than we thought would happen. We all see the pictures of the polar bears. That picture is worth so much to us because we can see what is happening to the habitat there.

I will be leading a trip to Alaska for a couple of days at the invitation of Senator MARK BEGICH. He wants to show me and a group of Senators—and also Senator MURKOWSKI has been gracious enough to say she will join us in this. We are going to see ground zero for global warming in Alaska. I know in Greenland, where I went, you can just see the ice melt. You can sit and actually see the ice break off from these giant icebergs and watch them go out to sea.

So the scientists have proven it, and we know it is absolutely true. So when Senator INHOFE comes down here and he flies in the face of science, those of us who have been working on this—and I see one of our great leaders, not only, I say this, in the Senate but, frankly, in the country and even in the world community, JOHN KERRY, who has joined us. Just for his information, I will be speaking for about another 10 minutes, and then I am going to be so happy to sit and hear him because he has such an important vision on this.

But here is the good news. The good news is that this is an enormous opportunity to move our country forward. Again, I could quote Thomas Friedman, who did an extraordinary job of writing books and articles, and he testified before the Committee on Environment and Public Works very clearly on this, that the country that does this now and does it right and sets up a price on carbon—and I am sure he now knows that a cap-and-trade system is a very good way to do that—is going to be the leader in the world, not just an environmental leader, which is very important for our kids and our grandkids—we don't want to turn over a planet to them where temperatures are so high that we see people dying in the summer from the high temperatures or see our kids swimming in rivers that have turned so warm that organisms now live in those rivers. We have seen some of that already happen, where toxins exist that couldn't exist before, where we can be harmed because of the kind of life that lives in these warmer waters that can, in fact, harm our children. So we do not want to know those stories. We do not want to see hordes of refugees coming to our shores because countries are inundated due to rising seas.

Look, our own national security teams—the Department of Defense, the CIA—all of those that worry so much about national security—have told us—and Senator KERRY has the quotes chapter and verse—that this is a national security issue.

So when my friend from Oklahoma comes down here and says: Don't worry about it, you know, don't worry about it at all, the science is divided, it is just not so, just not so.

I guess there were always people who said smoking doesn't cause cancer. I guess there still are. I guess there are some people who say HIV doesn't cause AIDS. You know, I know there were people when I was a kid who said: Forget about polio, there is nothing you can do about it. But Dr. Jonas Salk figured out we could do something about it.

The science is clear. The world is getting warmer. Yes, to a certain degree, we can handle it, but above that it gets very dangerous. None other than the Bush administration's CDC, the Centers for Disease Control, told us that it is unequivocal that the dangers are lurking. They started the work to say that there would be an endangerment finding, that our people are in danger if we don't act. And now President Obama sees it clearly, and his EPA has picked up the ball and they have issued a draft finding that we are in danger. So Senator INHOFE and other Senators can stand up and say that we are not, but this work started in the Bush administration, and Bush administration officials participated in a lot of these U.N. meetings. So it is clear.

We have a great recession we are dealing with, and we have this great challenge of global warming. The great news is that when we act to solve global warming, we act to solve the problem of this great recession. Why do I say that? Because we know from the venture capitalists, many of whom live in the Silicon Valley, that the amount of funding from the private sector, not the public sector, that is going to flow into clean energy is going to dwarf that that went into the computer industry, that went into high-tech and biotech. This is testimony from those who are venture capitalists. And that, matched with the cap-and-trade system, which will have the ability to really help agriculture, which will have the ability to help our manufacturers, which will have the ability to make sure we have fair trade at the border when products come in, that means we are going to see technologies invented, cleanups start to happen, we will stop the ravages of global warming, and eventually, when all of this technology kicks in, the average family is going to pay less for their electricity. In the short run, if you have to pay just a little more—and I mean a little more, like 50 cents a day more maybe, probably less—we have the wherewithal to give you a credit for that funding.

I think the House of Representatives has worked very hard to make sure they have the bill that will keep people whole, that will transform this economy to a clean energy economy, will get us off foreign oil, which is only to the good.

You know, Iran has been in the news, and our hearts go out to those who are

trying to take their country back, if I could say that. We all stand with those demonstrators. We will not forget what they have gone through in their struggle.

I ask unanimous consent that when I am done, Senator KERRY finish this time on global warming, followed by Senator COBURN if he would like to be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Good.

So what Thomas Friedman—again, writing his great column, as he does—says is that Iran would not be such a formidable power in the world if oil was not so sought after in the world.

We do not buy any Iranian oil for obvious reasons, but the rest of the world does. The fact is, if we can create these clean alternatives, it is going to make every difference—every difference—in the world.

So in closing—and I am so pleased Senator KERRY is here—let me say this: My ranking member, JIM INHOFE, made a comment. I just want to say we are good friends, and anything I say here I say to him, and vice versa. My ranking member said in the press—and I do not know if Senator KERRY saw this—my ranking member, Senator INHOFE, said to me in the press I should get a life—get a life—and stop trying to pass global warming legislation because it is not going to happen.

I want to say to him very clearly today, I have a life, and I am spending it getting the votes I need to make sure we take advantage of this momentous opportunity. I want to thank those over in the House who seem to understand this golden moment of opportunity for our economy, for our foreign policy, for the creation of millions of new jobs, for energy independence—that is what they are fighting for over there—and for great opportunities for our agricultural sector, our manufacturing sector.

This is an opportunity we should not lose. I am very pleased at the progress we are making over here, and I want to send that signal: We are making great progress.

Mr. President, I thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is operating under cloture on the nomination of Harold Koh.

Mr. KERRY. Mr. President, has the time for a vote been set at this point?

The PRESIDING OFFICER. It has not.

Mr. KERRY. It is not set. I thank the Chair.

With that in mind, I think the leadership is hopeful of trying to get that vote somewhere in the near term.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask the distinguished Senator from Massachusetts if he would yield for a unanimous consent request or two?

Mr. KERRY. Of course, I will yield, Mr. President.

Mr. REID. As usual, I appreciate the courtesy of my friend from Massachusetts.

Mr. President, I ask unanimous consent that all postcloture time be yielded back except for 30 minutes and that time be divided as follows: 10 minutes for Senator KERRY—and we can count the time he has already used. Does the Senator need more time? OK—10 minutes for Senator KERRY, 10 minutes for Senator CORNYN, 10 minutes for Senator COBURN, or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; that upon confirmation, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object.

Mr. REID. Mr. President, I would ask to modify the consent request that instead of 10, 10, and 10, Senator KERRY be given 15 minutes and Senator CORNYN be given 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of the Koh nomination, and the Senate resuming legislative session, the Senate then move to proceed to the consideration of Calendar No. 84, H.R. 2918, the Legislative Branch Appropriations Act; that the motion be agreed to, and once the bill is reported, a Nelson of Nebraska substitute amendment, which is at the desk, be called up for consideration; further that the following be the only first-degree amendments and motion in order: McCain, Nebraska photo exhibit; Coburn, online disclosure of Senate spending; DeMint, Visitor Center inscription: ''In God We Trust''; Vitter, motion to commit, 2009 levels; DeMint, audit reform Federal Reserve; that upon disposition of the amendments and motion, the substitute amendment, as amended, if amended, be agreed to, and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; provided further that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which had been agreed to; and that no further amendments be in order; and that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute amendment remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, could I have a 5-minute notice from the Parliamentarian?

The PRESIDING OFFICER. The Senator will be notified.

GLOBAL CLIMATE CHANGE

Mr. KERRY. Mr. President, I want to make some closing comments with respect to the nomination of Dean Koh. But before I do that, I want to have a chance to share a few thoughts with the distinguished chairman of the Environment and Public Works Committee, who has been an extraordinary leader on this subject of global climate change.

Let me be the first to affirm that I rather think the Senator has a terrific life, and I am proud of what she is doing with respect to this issue. It is really interesting. I think it is important for us to talk about a few of the issues.

The Senator from Oklahoma, Mr. INHOFE, has made some comments on the floor of the Senate that are either wrong on the facts or wrong in terms of the judgment politically.

I want to say upfront, as my colleague has said, I enjoy my conversations and my relationship with the Senator enormously. We are both pilots. He flies often, much more frequently than I do these days, but we both share a passion for flight and for aerobatics, and for different kinds of airplanes, and I love talking to him about them.

I wish he were up to state of the art with respect to the science on global climate change. He made a number of comments on the floor of the Senate which Senator BOXER and I just have to set the record straight on: No. 1, suggesting that the science is somehow divided. That is myth. It is wishful thinking, perhaps, on the part of some people. I suppose if your definition of divided is that you have 5,000 people over here and 2 people over here—who want to put together a point of view that is usually encouraged and, in fact, paid for by a particular industry or something—you can claim it is divided.

But by any peer review standard, by any judgment of the broadest array of scientists in the world—not just the United States, across the planet—the science is not divided. The fact is, Presidents of countries are committing their countries to major initiatives on global climate change.

The science is clearly not divided with respect to global climate change. In fact, every major scientist in the United States whose life has been devoted to this effort, such as Jim Hansen at NASA, or John Holdren, the

President's Science Adviser—formerly at Harvard—these people will tell you in private warnings that are even far more urgent than the warnings they give in public. The reason is, the science is coming back at a faster rate and to a greater degree in terms of the damage that was predicted than any of these people had predicted.

The fact is, there is a recent study about the melting of the permafrost lid of the planet. It shows in the Arctic—this is the Siberian Shelf Study, which I would ask my colleague from Oklahoma to read—columns of methane rising up out of the sea level, and if you light a match where those columns break out into the open air, it will ignite. Those columns of methane represent a gas that is 20 times more damaging and dangerous than carbon dioxide, and it is now—as the permafrost melts—uncontrollably being released into the atmosphere.

In addition to that, there is an ice shelf, the Wilkins Ice Shelf, down in Antarctica. A 25-mile ice bridge connected the Wilkins Ice Shelf to the mainland of Antarctica. That shattered. It just broke apart months ago. Now we have an ice shelf that for centuries—thousands of years—was connected to the continent that is no longer connected.

We have sea ice which is melting at a rate where the Arctic Ocean is increasingly exposed. In 5 years, scientists predict we will have the first ice-free Arctic summer. That exposes more ocean to sunlight. The ocean is dark. It consumes more of the heat from the sunlight, which then accelerates the rate of the melting and warming, rather than the ice sheet and the snow that used to reflect it back into the atmosphere.

There are countless examples of evidence of what global climate change is already doing across the planet. In Newtok, AK, they just voted to move their village 9 miles inland because of what is happening with the sea ice melt and the melting of the permafrost. We will spend millions of dollars mitigating and adapting to these changes as they come at us.

The Audubon Society has reported a 100-mile wide swath of land in the United States where their gardeners—who do not record themselves as Democrats or Republicans, ideologues, conservatives, or liberals; they are people who like to go out and garden; they are part of the Audubon Society as a result of that—are reporting plants they can no longer plant that used to be able to be planted.

We have millions of acres of forests in Alaska and in Canada that have been lost: spruce and pine to the spruce beetle that used to die, but because it is warmer, now it no longer dies. You can run down a long list.

Mr. President, I am not going to go through all of it here now, but suffice it to say, he is wrong about China. I just came back from a week in China where I met with their leaders. I went out to see what they are doing in wind power. I went to see their energy conservation efforts. They are ahead of us in some respects with respect to those efforts. They have a higher standard of automobile emissions reduction that they are putting in place sooner than we are. They are tripling their level of wind power that they are trying to target. They have a 20-percent energy intensity reduction level that they are now exceeding in several sectors of their economy, which they did not think they would be able to do. In 2 or 3 years, we are going to be chasing China if we do not recognize what has happened and do this.

So the Senator from California, the chairperson of the Environment and Public Works Committee, completely understands, as do many others, this can be done without great cost to our electric production facilities, without our companies losing business and losing jobs. On the contrary, the jobs of the future are going to be in alternative and renewable energy and in the energy future of this country.

There is barely a person I know who does not think we would not be better off in America not sending $700 billion a year to the Middle East to pay for oil so we can blow it up in the sky and pollute and turn around and try to figure out how we are going to spend billions to undo it. Why not spend those $700 billion in the United States creating that energy in the first place, with jobs that do not get sent abroad, and which pay people good value for the job they are doing? It liberates America for our energy security. It provides a better environment. We are a healthier nation, and we increase our economy. So you get all those pluses. What are they offering? What is the alternative that Senator INHOFE and others are offering? If they are wrong in their predictions, we have catastrophe for the planet.

So I think we are on the right track. China is going to reduce emissions. China will be on a different schedule because that is what the international agreements set up years ago. But as a developing country with 800 million people living on less than $2 a day, it is understandable that they would fight to say: We can't quite meet the same schedule now, but we will get to the same schedule. What is important is that, globally, all countries come together to reduce emissions. That will happen in Copenhagen. It is much more likely to happen in Copenhagen if the United States of America leads here at home. If we undertake these efforts and pass legislation here, I guarantee my colleagues that Copenhagen will be a success and China and other countries will all agree to reductions that are measurable, that are verifiable, and that are reportable.

So we need to get our facts straight as we come at this debate. The Senator from California and I are thirsty and waiting for this debate because we will show how we can reduce emissions, how we can transition our economy with minimal—minimal—costs. In fact, for the first few years, it pays for itself to undertake many of these transformations.

I wish to reemphasize some thoughts in the time I have left about Dean Koh. Dean Koh has been chosen to be legal counsel for the State Department. I have already spoken about his remarkable academic career, his leadership in the legal profession, the respect and glowing praise he has received from colleagues within the legal profession. We have heard a lot about him. I wish to address some of the points that have been raised in opposition to his nomination, some of which I believe are just plain disrespectful and indecent. It is hard to find the rationale for where they come from, frankly—maybe a mean-spiritedness or something—but it is hard, and I am grateful, as I think we all ought to be, that nominees are willing to subject themselves to some of these kinds of arguments. Also, there are some misunderstandings and mischaracterizations.

It is no surprise that not everybody is going to agree with him and every decision or opinion he has made, but the fact is that a lot of the arguments that have been made aren't grounded in reality. First, there have been allegations that his views on foreign law would somehow undermine the Constitution of the United States. Well, please, that is baseless beyond any kind of evidence I have ever seen or any statement he has ever made. Let me repeat what Dean Koh, himself, has said about the primacy of our Constitution. I quote:

> My family settled here in part to escape from oppressive foreign law, and it was America's law and commitment to human rights that drew us here and have given me every privilege in life that I enjoy. My life's work represents the lessons learned from that experience. Throughout my career, both in and out of government, I have argued that the U.S. Constitution is the ultimate controlling law in the United States and that the Constitution directs whether and to what extent international law should guide courts and policymakers.

That is definitive. No one should insert any other interpretation into it other than the Constitution is primary.

Some have also argued that Dean Koh's views on international law, particularly on something called ''the transnational legal process,'' would somehow undermine our sovereignty and our security. Again, this represents a fundamental misunderstanding of his views. Dean Koh understands that international law and institutions are simply part of life in a globalized world. Engagement with the international community is inevitable. He believes it is best to engage constructively. Here is what he said at his confirmation hearing:

> Transnational legal process . . . says what we all know—that we live in an interdependent world that is growing increasingly more interdependent. It is not new, and . . . [i]t is not an ideology. It is a description of

a world in which we live . . . It is from the beginning of the republic. It is the basic views of Thomas Jefferson and Ben Franklin, who called for us to give decent respect to the opinions of mankind. And most importantly, it is necessary and unavoidable that we be able to understand and manage the relationship between our law and other law.

Those aren't the words of an ideologue. They aren't the words of a radical. It is the broad perspective of a deeply knowledgeable and pragmatic and committed advocate for our Nation's interests. It reflects how we represent our interests. It reflects our real challenge, which is how we best use international law and institutions to advance national security interests and promote our core values. That is exactly what Dean Koh has spent his career working on. As one of the world's leading experts on international law, there is nobody better qualified to meet this challenge.

Yesterday, my colleague from Texas suggested that Dean Koh somehow created a moral equivalence between the United States and Iran's brutal and deadly crackdown after the recent election. This is what our colleague said:

Koh appears to draw moral equivalence between the Iranian regime's political suppression and human rights abuses that we've been watching play out on television and America's counterterrorism policies on the other hand. In 2007, he wrote: The United States cannot stand on strong footing attacking Iran for illegal detentions when similar charges can and have been lodged against our own government.

Well, common sense—in one sentence, the Senator accuses Dean Koh of equating our treatment of detainees with Iran's actions and violently suppressing protests this week—right now—and in the next sentence he cites as evidence for that comments that Dean Koh made a couple years ago on an unrelated issue of Iran's treatment of detainees. I have heard of people trying to make ''six degrees of separation'' connections and somehow make it mean something, but this is to the extreme.

The broader point is, Dean Koh was not suggesting there is a moral equivalence between Iran and the United States. He was arguing that we are safer if we can convince countries such as Iran and North Korea to respect global norms and standards. It is harder for the United States to run around the world enlisting allies and marshaling pressure when we are simultaneously forced to fend off accusations of lawless activity by ourselves. So Guantanamos and other things work to deplete our ability to be able to maintain the highest moral ground. That is not moral equivalence. That is a practical reality about how the world works and how you protect the interests of the United States.

We have heard the argument that Dean Koh's position in supporting the regulation of global arms trade is somehow going to infringe on the rights of Americans under the second amendment. Please. I mean, please. Nothing could be further from the truth. The fact is that Dean Koh supports efforts to regulate the transfer of guns across borders, which does nothing to interfere with the domestic possession of firearms. As he said at his confirmation hearing:

The goal is to prevent child soldiers in places like Somalia and Uganda from having AK–47s transferred from the former Soviet Union. It is not to in some way interfere with the legitimate hunter's right to use a hunting rifle in a national or State park.

Dean Koh went on to unequivocally state that he respects the Supreme Court's decision in Heller, which affirmed the right to bear arms under the second amendment as the law of the land.

There are other criticisms that have been made. I don't have time to go into all of them now, but the bottom line is whether it is the CEDAW—the Convention on the Elimination of Discrimination Against Women—or questions about his beliefs about the war in Iraq, the fact is that Dean Koh has also been questioned for allegedly supporting suits against the Bush administration's involvement in abusive interrogation techniques. Well, first of all, Dean Koh had no personal involvement in the lawsuit against John Yoo that has been mentioned, none whatsoever. Let's be clear. The State Department Legal Adviser is not charged with defending U.S. officials from legal suit or investigation of allegations of war crimes. That is the job of the Justice Department and the Defense Department.

Finally, we have heard questions about Dean Koh's respect for the role that Congress has played in crafting legislation relating to our national security. Dean Koh said at his confirmation hearing, and his words should stand:

[T]he Constitution's framework while defining the powers of Congress in Article 1 and the President in Article 2, creates a framework in which the foreign affairs power is a power shared. Checks and balances don't stop at the water's edge. It is both constitutionally required, and it is also smart in the sense that the President makes better decisions when Congress is involved. If they are in at the takeoff, they tend to be more supportive all the way through the exercise.

That is just the type of approach that we here in Congress should welcome.

While disagreements on legal and policy issues are entirely legitimate, I regret that there have been some accusations and insinuations against Dean Koh in the media that would be laughable if they weren't impugning the reputation of such a devoted public servant. Some have alleged that Dean Koh supports the imposition of Islamic Shariah law here in America. Others have actually claimed that he is against Mother's Day. Does anyone really think this President and this Secretary of State would seek legal advice from a man trying to impose Islamic law on America? Or abolish Mother's Day? That type of allegation has no place in this debate.

Fortunately, there is a chorus of voices across party lines and across American life that know the truth about Dean's Koh's record. That's why he has the support of such a long and impressive list of law professors, deans, clergy, former State Department Legal Advisers, and legal organizations.

I was heartened to see that eight Republicans voted for cloture. This sends an important message that his nomination has real bipartisan support. The words of Senator LUGAR on Dean Koh bear repeating: ''Given Dean Koh's record of service and accomplishment, his personal character, his understanding of his role as Legal Adviser, and his commitment to work closely with Congress, I support his nomination and believe he is well deserving of confirmation by the Senate.''

Senator LIEBERMAN, one of this body's strongest supporters of the war in Iraq and of Professor Koh's nomination, also put it well: ''[T]here is absolutely no doubt in my mind that Harold Hongju Koh is profoundly qualified for this position and immensely deserving of confirmation. He is not only a great scholar, he is a great American patriot, who is absolutely devoted to our nation's security and safety.''

In closing, I believe Dean Koh's own words best sum up the case for his confirmation: As he has written, ''I love this country with all my heart, not just because of what it has given me and my family, but because of what it stands for in the world: democracy, human rights, fair play, the rule of law.''

There is no stronger bipartisan voice for foreign policy or for the Constitution in the Senate than Senator DICK LUGAR of Indiana, and I hope my colleagues will follow his example.

I thank our Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to speak, once again, on the nomination of Harold Koh, whom the President has nominated to be Legal Adviser for the State Department. To put this in context, as the Senator from Massachusetts has addressed, the Legal Adviser is a very important job at the State Department. He is responsible for providing guidance on important legal questions, including treaty interpretation and other international obligations of the United States. He gives the Secretary of State legal advice during negotiations with other nations. So the Legal Adviser can be a very influential voice in diplomatic circles, especially if he or she has particularly strong views on America's obligations to other nations and multilateral organizations.

Based on my review of Dean Koh's record, I don't believe he is the right man for this job. His views are in tension with what I believe are core Democratic values, in that he would subjugate America's sovereignty to the opinions of the so-called international common law, including treaty obligations that the Senate has never ratified. Indeed, they are not obligations,

but he nevertheless would impose them on the United States. When the Senator from Massachusetts says he believes the U.S. Constitution is primary, I would have felt much better if he had said it was the exclusive source of American law, together with the laws that we ourselves pass as representatives of the people; not just a consideration but the consideration when it comes to determining the obligations and rights of America's citizens, rather than subjecting those to international opinion and vague international norms which I heard the Senator refer to.

It is true Professor Koh is an advocate of what he calls transnational jurisprudence. He believes Federal judges—these are U.S. judges—should use their power to ''vertically enforce'' or ''domesticate'' American law with international norms and foreign law. As I mentioned, this means judges using treaties and ''customary international law'' to override a wide variety of American laws, whether they be State or Federal. Of course, we understand treaties that have been ratified by the Senate are the law of the land, but Professor Koh believes that even treaties that the United States has not ratified can be evidence of customary international law and given legal effect as such.

The Legal Adviser to the State Department has an important role, as I mentioned, in drafting, negotiating, and enforcing treaties. That is why it is so crucial he understands that no treaty has the force of law in the United States until it has been ratified, pursuant to the Constitution, by the Senate. Do we want a top legal advisor at the State Department who believes that norms that he and other international scholars make should become the law, even if they are rejected or not otherwise embraced by the Congress? That can't be within the mainstream. That is outside the mainstream; indeed, I believe a radical view of our obligations in the international community.

In 2002, Professor Koh delivered a lecture on the matter of gun control. He argued for a ''global gun control regime.''

I don't know exactly what he means by that, but if he means that the second amendment rights under the U.S. Constitution of an individual American citizen to keep and bear arms are somehow affected by global gun control regimes, then I disagree with him very strongly. Our rights as Americans depend on the American Constitution and American law, not on some global gun control regime or unratified treaties because of some legal theory of customary international law.

On the matter of habeas corpus rights for terrorists, in 2007, Professor Koh argued that foreign detainees held by the U.S. Armed Forces anywhere in the world—not just enemy combatants at Guantanamo Bay—are entitled to habeas corpus review in U.S. Federal courts. Those are the rights reserved to American citizens under our Constitution and laws, not to foreign terrorists detained by our military in farflung battlefields around the world.

If Professor Koh were correct—and he is not—this would mean that even foreign enemy combatants captured on the battlefield fighting against our troops in Afghanistan and held at Bagram Air Force Base would be able to sue in the U.S. courts seeking their release.

On this issue, fortunately, Dean Koh's radical views are not shared by the Obama administration, which filed a brief recently arguing that habeas corpus relief doesn't extend to detainees held at Bagram Air Force base in Afghanistan.

Do we want a top legal adviser in the State Department working to grant terrorists and enemy combatants even more rights than they have now?

There is the issue of military commissions, something Congress has spoken on at some length after lengthy debate. Professor Koh's views of military commissions also deserve our attention.

Military commissions, it turns out, have been authorized since the beginning of this country—by George Washington during the Revolutionary War, by Abraham Lincoln during the Civil War, and by Franklin Roosevelt during World War II. Yes, military commissions have been authorized both by our 43rd and 44th President of the United States in the context of the war on terror.

President Obama has said that ''military commissions . . . are an appropriate venue for trying detainees for violations of the laws of war.'' I agree with him.

Of course, military commissions, as I alluded to a moment ago, have had bipartisan support and have been authorized by the Congress. But somehow Professor Koh takes a more radical view. He believes military commissions would ''create the impression of kangaroo courts.'' He said they ''provide ad hoc justice.'' He said they do not and cannot provide ''credible justice.''

Do we want the top legal adviser at the State Department undermining both the will of Congress and the President regarding the time-tested practice of military commissions during wartime?

Again, here is another example of Professor Koh's views that are radical views—certainly outside of the legal mainstream. Senators should also take a look at Professor Koh's views on suing or prosecuting lawyers for providing professional legal advice in the service of their country.

My position is clear: Government lawyers—and I don't care whether they are working in a Democratic administration or a Republican one—should not be prosecuted or sued for doing their jobs in good faith. They should not be punished for giving their best legal advice under difficult and novel situations, even if it turns out that some lawyer somewhere later disagrees with that advice.

As dean of the Yale Law School, Professor Koh has enabled and empowered the leftwing attempt to sue one of its own alumni, John Yoo, who worked at the Office of Legal Counsel in the Bush administration.

The Yale Law School's Lowenstein International Human Rights Law Clinic has filed suit against John Yoo for the legal advice he provided to policymakers during his service on behalf of the American people.

I wonder if Professor Koh is willing to hold himself to the same standard and agree that individuals can sue him for his official acts if he is confirmed as Legal Adviser to the State Department—if later on lawyers, and perhaps prosecutors, disagree with that legal advice and say it was wrong.

Suppose Professor Koh gives legal advice that certain GTMO detainees should be released. If they return to the battlefield, as many have, and end up killing Americans, or our allies, should the victims' families be allowed to hold Professor Koh legally responsible in a court of law? Or suppose Professor Koh gives legal advice that authorizes military actions in Afghanistan or Pakistan. If those operations result in collateral damage, or civilian casualties, would the victims have standing in Federal Court to sue Professor Koh?

Do we want a top Legal Adviser at the State Department who is so compromised by the fear of being sued or prosecuted that he could not be trusted to give honest, good-faith legal advice to the Secretary of State or the President of the United States?

Perhaps most timely, given the civil unrest in Iran—and the Senator from Massachusetts was critical of the fact that I quoted a 2007 writing of Professor Koh, but it is true from this writing, and I will read it in a moment—Professor Koh appears to draw a moral equivalence between Iran's regime's political suppression and human rights abuses, on one hand, and America's counterterrorism policies on the other.

In 2007 he wrote:

> The United States cannot stand on strong footing attacking Iran for ''illegal detention'' when similar charges can be and have been lodged against our own government.

He goes on to say that U.S. Government criticism of Iranian ''security forces who monitored the social activities of citizens, entered homes and offices, monitored telephone conversations, and opened mail without court authorization,'' was ''hard to square'' with our own National Security Agency's surveillance programs.

Do we want to confirm a top Legal Adviser at the State Department who can't see the difference between counterterrorism policies approved by the Federal courts and the Congress and the brutal repression practiced by a theocratic regime?

We have heard enough moral equivalence about Iran over the last week,

and we have heard enough apologies for the actions of the United States, and enough soft-peddling of the actions of the Iranian theocracy, which is a brutal police state. We don't need another voice in the administration whose first instinct is to blame America and whose long-term objective is to transform this country into something it is not.

For these reasons, I urge my colleagues to oppose the nomination of Harold Koh as the top Legal Adviser to the State Department.

I yield the floor and reserve the remainder of my time.

Mr. WARNER. Mr. President, I rise today in support of the nomination of Dean Harold Hongju Koh to serve as Legal Adviser to the Department of State. Dean Koh is a close friend of mine, whom I have known and respected for many years. His distinguished career reflects a long history of public service and bipartisanship. For example, Dean Koh served in both Republican and Democratic administrations, beginning his career in government in the Office of Legal Counsel during the Reagan administration and at the Department of Justice and as Assistant Secretary of State for Democracy, Human Rights, and Labor in the Clinton administration.

Dean Koh also has strong academic and professional credentials. He was the editor of the Harvard Law Review, a Marshall scholar and a law clerk for the Honorable Harry A. Blackmun of the U.S. Supreme Court. He has been awarded with several honorary degrees and more than 30 human rights awards.

Dean Koh's established expertise in international law makes him a strong candidate for the position. I am certain that he will protect the U.S. Constitution and execute the job with extraordinary professionalism. I strongly support his nomination.

Mr. DODD. Mr. President, I rise in support of the nomination of Harold Koh to serve as Legal Adviser to the Department of State.

My one and only regret in offering my enthusiastic support for this nomination is that it will take from my State of Connecticut a pillar of our academic community and a mentor to countless young legal minds at the Yale Law School, where Harold Koh has served as a member of the faculty since 1985 and dean since 2004.

Dean Koh is a man of extraordinary intellect, unquestioned patriotism, and great accomplishment. He is a former Marshall Scholar, a graduate of Harvard Law School, the recipient of 11 honorary degrees, and the author of 8 books.

He has appeared before appellate courts and the Congress on countless occasions, won many awards and accolades as a human rights advocate, and served his country under Presidents of both parties. In his most recent service, he was unanimously approved by this body to serve as Assistant Secretary of State for Democracy, Human Rights, and Labor, where he served with tremendous distinction for 3 years.

In short, Dean Koh is exactly the sort of public servant we need at the State Department at a time when our Nation is seeking to restore its standing in the world by renewing our commitment to traditional American values like respect for all people and adherence to the rule of law.

After all, we confront global challenges as complex as they are numerous. Nuclear proliferation and international terrorism threaten our national security, and issues like genocide and human trafficking test our leadership on the world stage. Our foreign policy must be rooted in an understanding of American and international law, as well as a firm commitment to not only our Constitution, but also the underlying moral values from which it was created.

No one understands these issues better than Harold Koh. He is the child of parents born in South Korea who grew up under Japanese colonial rule. They lived through dictatorship and unrest before coming to America. Their son Harold chose to study law because he understood that, as he once stated in an essay, ''freedom is contagious.''

Dean Koh wrote movingly of his time with the State Department:

> Everywhere I went—Haiti, Indonesia, China, Sierra Leone, Kosovo—I saw in the eyes of thousands the same fire for freedom I had first seen in my father's eyes. Once, an Asian dictator told us to stop imposing our Western values on his people. He said, ''We Asians don't feel the same way as Americans do about human rights'' I pointed to my own face and told him he was wrong.

Our Nation will be safer and stronger, and the world will be freer, with Harold Koh at the State Department once again.

I suspect that many of my colleagues who have raised concerns about this nomination understand fully just how qualified Dean Koh is for this position. Unfortunately, some are too willing to play politics with our foreign policy.

Let's be clear. To suggest that Dean Koh does not understand or appreciate American sovereignty or the supremacy of our Constitution is an insult. Dean Koh has done important and valuable work exploring the tenets of international law and comparisons between the legal systems of different countries, work I hope he will continue when his nomination is approved. He does not wish to subjugate our legal system to that of any other nation, or to international law, and claims to the contrary are simply inaccurate and unfair.

Indeed, while some have been tempted by the prospect of opposing a talented legal scholar nominated by a President of the opposing party, Dean Koh's nomination has been endorsed by serious legal minds on both sides of the ideological spectrum.

John Bellinger, who served in this position under President George W. Bush, wrote: ''I do think Harold Koh is well qualified and should be confirmed.''

Kenneth Starr, the well-known Republican attorney who has opposed Dean Koh in court on many occasions, calls him ''not only a great lawyer, but a truly great man of irreproachable integrity.''

Conservative legal legend Ted Olson agrees, calling Dean Koh a ''brilliant scholar and a man of great integrity.'' He also makes the very salient point that ''the President and the Secretary of State are entitled to have who they want as their legal adviser.''

Serious people, people who understand the importance of this position to our foreign policy and the nature of the man President Obama has nominated to fill it, have been able to look past political considerations and judge Dean Koh fairly.

They support him. I support him. I urge my colleagues to support him. And I look forward to his confirmation, his service, and his continued friendship.

Mr. CORNYN. We yield back the remainder of our time.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mrs. SHAHEEN). Is there a sufficient second?

There is a sufficient second.

The question is, shall the Senate advise and consent to the nomination of Harold Koh, of Connecticut, to be Legal Adviser of the Department of State.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 213 Ex.]

YEAS—62

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burris	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Specter
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	Lincoln	Udall (CO)
Conrad	Lugar	Udall (NM)
Dodd	Martinez	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Gillibrand	Murray	

NAYS—35

Alexander	Crapo	Kyl
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Johanns	

NOT VOTING—2

Byrd Kennedy

The nomination was confirmed.

Mr. KERRY. Madam President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL. Madam President, today the Senate confirmed Harold Koh to the position of Legal Adviser to the State Department by a vote of 62 to 35. I voted against his confirmation for reasons I explained on the floor yesterday. Chiefly, I am concerned about his support for a transnational legal process. The National Review recently published an article that explores the inherent conflict between transnational legal structures built on ''global norms'' and the constitutionally defined role of the American judiciary. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KOH FAILS THE DEMOCRACY TEST

(By John Fonte)

Advocates of global governance advance their agenda through the ''transnational legal process.'' Harold Koh, former dean of the Yale Law School, who has been nominated by President Obama to be the legal adviser to the State Department, is a leading advocate of this ''transnational legal process.'' His confirmation hearing is today, Tuesday, April 28.

Dean Koh has written extensively—sometimes clearly, sometimes obtusely—on transnational law and the ''transnational legal process.'' In a rather clear paragraph in The American Prospect (September 20, 2004), Koh explains how the system works: Transnational legal process encompasses the interactions of public and private actors—nation states, corporations, international organizations, and non-governmental organizations—in a variety of forums, to make, interpret, enforce, and ultimately internalize rules of international law. In my view, it is the key to understanding why nations obey international law. Under this view, those seeking to create and embed certain human rights principles into international and domestic law should trigger transnational interactions, which generate legal interpretations, which can in turn be internalized into the domestic law of even resistant nation-states.

Koh says much the same thing in the Penn State International Law Journal (2006)—more abstractly, to be sure, but it is worth listening to his voice to begin to appreciate the tone of the global-governance debate in legal circles: To understand how transnational law works, one must understand ''Transnational Legal Process,'' the transubstantive process in each of these issues areas [business, crime, immigration, refugees, human rights, environment, trade, terrorism] whereby [nation] states and other transnational private actors use the blend of domestic and international legal process to internalize international legal norms into domestic law. As I have argued elsewhere, key agents in promoting this process of internalization include transnational norm entrepreneurs, governmental norm sponsors, transnational issue networks, and interpretive communities. In this story, one of these agents triggers an interaction at the international level, works together with other agents of internalization to force an interpretation of the international legal norm in an interpretive forum, and then continues to work with those agents to persuade a resisting nation-state to internalize that interpretation into domestic law.

Koh notes that the crucial mechanism for incorporating these global norms that are ''created'' and ''interpreted'' in transnational forums into American constitutional law is the American judiciary. As Koh declares, ''domestic courts must play a key role in coordinating U.S. domestic constitutional rules with rules of foreign and international law.''

The global norms that are to be ''internalized'' into American law cover a wide range of policy areas, including matters of foreign policy, terrorism, internal security, commerce, environment, human rights, free speech, and social issues such as feminism, abortion, gay rights, and the status of children.

To ask the crucial questions of democratic theory: Who governs? Who decides?

For the advocates of global governance, the policy issues listed above are typically global problems that require global solutions. In this view, international judges, NGO activists, international lawyers, and the like operating in transnational forums such as the International Court of Justice, the International Criminal Court, and various U.N. agencies are the appropriate decision-makers.

For the advocates of liberal democracy, these issues should be decided through the democratic political process. In the United States, this would mean the elected representatives of the people: the Congress and president at the national level, state legislatures and governors at the state level, and city councils and mayors at the local level.

To be sure, the American judiciary should perform its constitutional role of interpreting the laws made by the political branches of American democracy. However, it is not appropriate for American courts to impose or ''internalize'' global norms, rules, or laws ''created'' at transnational forums by transnational actors who have no direct accountability to ''We the People of the United States''; actors who not only are not elected by the American people, but who are, for the most part, not even citizens of the United States. It is not appropriate, that is, if one believes in liberal democracy.

But, of course, the ''transnational legal process'' articulated by Harold Koh and the politics of transnationalism generally are not democratic. They represent a new form of governance that I call ''post-democratic.'' To ''make, interpret, [and] enforce'' international law, ''which can in turn be internalized into the domestic law of even resistant nation-states'' (as Koh describes it), is to exercise governance. But do these transnational governors have the consent of the governed?

The transnational legal process fails the ''government by the consent of the governed'' test in two ways. First, the democratic branches of government, the elected representatives of the people, have no direct input either in writing the global laws in the first place, or even in consenting to their domestic internalization, as, for example, happens when the Senate ratifies a treaty or the Congress passes enabling legislation for a non-self-executing treaty.

Second, there is no democratic mechanism to repeal or change these international rules that are incorporated into U.S. law by this process. What if the American people decide that they object to these global norms and transnational laws that were imposed upon them without their consent (on, for example, the death penalty, internal security, immigration, family law, etc.)? What if the American people at first approved, but later changed their minds on, some of these rules: How can these global norms, now part of international law and U.S. constitutional law, be repealed? Legislation to repeal the global norms could be deemed ''unconstitutional.'' In short, there are no democratic answers to these questions consistent with the transnational legal process, because it is not a democratic process.

At the end of the day, the argument over the transnational legal process is one part of a larger argument that will come to dominate the 21st century: Who governs?

Will Americans continue to decide for themselves public policies related to national security, human rights, immigration, free speech, terrorism, the environment, trade, commercial regulation, abortion, gay rights, and family issues—or will questions be decided by ''transnational issue networks'' working with ''transnational norm entrepreneurs,'' ''governmental norm sponsors,'' and ''interpretive communities,'' with the complicity of American judges?

The PRESIDING OFFICER. Under the previous order, the President shall be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 2918.

The legislative clerk read as follows:

A bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, there will be at least one more vote today.

Senator NELSON should be here momentarily to start managing the Legislative Branch appropriations bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1365

(Purpose: In the nature of a substitute.)

Mr. NELSON of Nebraska. Madam President, it is my understanding that there is an amendment already at the desk.

The PRESIDING OFFICER. That is correct. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 1365.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. NELSON of Nebraska. Madam President, I rise today to present the fiscal year 2010 legislative branch bill. I want to start by thanking Senator MURKOWSKI and her staff for their help in putting this bill together. I am very grateful for her support on this subcommittee. This was truly a bipartisan effort from start to finish. I thank her and I note that her health is improving because her leg is improving and she is getting to places on her own now.

This bill funds the salaries of the very dedicated public servants who support the legislative branch of government. The legislative branch is home to not only all of us here in the Senate and the House, but the Capitol Police, the Library of Congress, the Architect of the Capitol, the Government Accountability Office, the Government Printing Office, the Congressional Budget Office, the Office of Compliance, and the Open World Leadership Center.

In crafting this bill, it was our firm belief that the legislative branch should lead by example, funding only the most critical needs of our agencies and being good stewards of the taxpayers' dollars. This proved to be quite a challenge when we were presented with a budget request that reflected a 15-percent increase over the fiscal year 2009 enacted level. However, after several hearings, many meetings, and countless hours of staff negotiations, I am proud to say that we did exactly what we set out to do in writing this bill.

The bill before us today totals $4.6 billion, which is a 4.7-percent increase over the current year. The bill includes House-related items solely considered by that body which totaled $1.475 billion. It is important to note that the Senate Legislative Branch appropriations bill, which did not include House-related items, over which we had no control, represented only a 3.3-percent increase over fiscal year 2009 and was significantly below the budget request. If you include the $25 million that GAO received in the stimulus bill, then this is only a 2.4-percent increase over current year funding levels.

The fiscal year 2010 bill provides $934 million for the Senate, which is an increase of 4.3 percent over the current year. This funding will provide for annual salary and operating increases for Senate offices, the Senate Sergeant at Arms, the Secretary of the Senate, and other agencies that support the operation of the Senate.

The bill includes $331 million for the Capitol Police, which is an 8-percent increase over current year. This includes $15.4 million to fully implement the merger of the Library of Congress Police with the Capitol Police, providing seamless security throughout the entire Capitol complex.

The bill also provides for 10 additional civilian positions to help resolve management issues, including the constant increase in the demand for overtime. The committee did not provide the 76 new officers requested in fiscal year 2010, but does direct GAO to work with the Capitol Police to ensure that they are getting the most efficient use of their nearly 1,800 officers currently on board, by far the biggest this force has ever been.

The Architect of the Capitol is funded at $445 million, which is a decrease of $18 million, or 4 percent below current year. The amount includes $48 million in deferred maintenance projects, including $16.8 million for continued work on asbestos abatement and structural repairs in the utility tunnels. I am happy to say that the utility tunnel work is on schedule and significantly below original cost estimates. The bill also includes over $14 million in energy and sustainability projects across the Capitol campus.

The Library of Congress funding totals $638.5 million, which is a 4-percent increase over the current year. This amount includes $8.5 million for technology upgrades to allow for increased digitization of the Library's collections and full funding for the Digital Talking Book for the Blind project.

The Government Accountability Office is funded at $553.6 million, which is a 4-percent increase over current year, and provides all salary and inflationary increases for GAO's current staff level.

The Government Printing Office is funded at $147 million, which is a 4-percent raise over current year, allowing for the continued implementation of GPO's Federal Digital System and other technology upgrades.

The Congressional Budget Office is funded at $45 million, a 2-percent increase over the current year. Combined with the $2 million included in the supplemental, CBO will have adequate funding and FTEs needed to perform the critical work associated with health care spending, the current financial crisis, and global climate change.

The Office of Compliance is funded at $4.4 million, an increase of 8 percent above current year to cover inflationary changes and to allow the Office to hire an Occupational Safety and Health Program supervisor.

Last, but not least, the Open World Leadership Office is funded at $14.4 million, which is a 4-percent increase over the current year.

I believe the bill before the Senate is sound, prudent, and fiscally responsible. Taking into account the calculations I have given, it is a 2.4-percent increase over the current with those calculations. I encourage my colleagues to support its passage.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. Madam President, I rise this afternoon in support of the Legislative Branch appropriations bill for fiscal year 2010. The chairman of the subcommittee, Senator NELSON, and I have worked collaboratively in this process of putting the bill together. I thank him for that. I think we had some real substance in our hearings and spent the time, the energy, and the focus we needed on these matters regarding this particular appropriation.

When combined with the House items, the bill before us totals $4.7 billion, and while this is an increase of 5 percent over the current year, the bill we reported out of the committee represented less than a 3-percent increase over fiscal year 2009, as the chairman has said—in fact, 2.4 percent. I would argue for those who say we need to keep our appropriations bills within the range of inflation, we are probably there at a 2.4-percent increase.

We cannot, within this body, control the amounts the other body may provide for its own operations, but the amounts for the Senate and the other legislative branch agencies that are controlled in this bill are controlled very closely, especially when we compare this with the average 15 percent increase that was requested by the legislative branch agencies. I think we worked very hard to take the requests that came before the committee and really pared them down to what was appropriate, what was needed, what was necessary.

Both Senator NELSON and I are new to the Appropriations Committee. I am very pleased we were able to have these very good and substantive hearings with all of the legislative branch agencies. We discussed the wide range of issues and challenges before the legislative branch. We worked well together and have been consistent in our efforts to eliminate unnecessary spending, tighten our belts, and help ensure that the legislative branch is a model for the rest of the government. We believed we needed to set a good standard. If we stay on schedule, we will be able to get this bill enacted prior to the beginning of the fiscal year. It is a good start to the appropriations process.

I would like to highlight just a few areas, adding on to what the chairman has mentioned.

First, with respect to the Architect of the Capitol, the bill funds those projects that address the most serious risks to safety and health, such as repairs within the utility tunnels that underlie the Capitol Complex and projects that remedy deferred maintenance in our buildings. If we don't address the maintenance backlogs, the price tags, we know, will just increase down the road.

The bill continues the Architect of the Capitol's efforts to improve energy efficiency, with over $14 million in funding designated for this purpose.

Within the Library of Congress, we managed to include funding to begin to update the agency's information technology infrastructure. For about a decade now, there have been no increases to IT within the Library of Congress. Yet most of the users of the Library are virtual users. This was the highest priority of our Librarian of Congress, Mr. Billington. This investment will

ensure that millions of people who access the Library through its Web site will be able to find what it is they are looking for.

Similarly, within GPO, we funded the final increment for updating GPO's—this is the Government Printing Office—Web site to ensure government publications can be easily accessed and searched.

Also, the bill provides the final increment of funding to complete the merger of the Library of Congress Police into the Capitol Police. This project was initiated by Senator BENNETT when he was chairman of the subcommittee and has been promoted by each of the successive chairs and ranking members to improve security of the Capitol Complex.

Finally, there is a directive in the bill for a report by the Government Accountability Office of a study of Capitol Police staffing and overtime. Senator NELSON and I both share the concern that we right-size the Capitol Police and we control overtime spending. We recognize security is absolutely paramount, but effective management of the agency is equally as important.

I thank Senator NELSON for his efforts and those of his staff and my staff in putting this bill together. I also thank the full committee chairman, Senator INOUYE, and the ranking member, Senator COCHRAN, for getting us to the floor today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, today the Senate begins its consideration of our annual spending bills. We start with the legislative branch appropriations bill. I am pleased to announce to my colleagues that as of this moment, the Appropriations Committee has reported out four appropriations bills. It may please you to know, Madam President, that all of these bills—Legislative, Homeland Security, Commerce, and Interior—passed the committee unanimously and all of the bills represent a bipartisan approach.

We start with the legislative branch appropriations bill not because we want to take care of ourselves, but because it is the only bill so far which has been passed by the House and marked up by the Senate Appropriations Committee.

Without unanimous agreement, the Senate can only act on those appropriations bills which have already been approved by the House. While we begin today with the legislative bill, we are confident that several bills will soon follow. We are optimistic that the Homeland Security bill will pass the House this week and be available for consideration before we adjourn for the recess. Later this week the Committee on Appropriations will meet to consider two additional appropriations bills and we expect to meet in early July to prepare another five bills. Over the next several weeks we expect to have many bills debated and hopefully passed by the Senate so that we can begin final conference deliberations on these critically important measures.

The bill before the Senate, as prepared by our Legislative Subcommittee Chairman, Senator NELSON of Nebraska and his ranking member Senator MURKOWSKI of Alaska provides $3.1 billion for the operations of the Congressional Branch, excluding amounts specifically requested for the House of Representatives. It represents a 3-percent increase over the amounts provided in FY 2009, but it is nearly 10 percent below the amount requested.

Our colleagues should thank Senators NELSON and MURKOWSKI for completing their hard work on this bill. Because of the change in administration, the committee has had the details of the President's request for less than 2 months. Yet our colleagues, who have only assumed their subcommittee leadership positions this year, have already completed their review and prepared this measure.

The bill was marked up by the committee last week and approved on a unanimous vote. It is a tribute to our two managers that this bill was passed by the committee without a single amendment.

For those of our colleagues who focus on the small part of the Appropriations bills which are earmarks, I would note there is only one earmark in this bill.

Many critics and pundits constantly overstate the controversy over earmarks, but here in the bill which provides the essential support for our legislative branch, we include only one earmark.

As we begin our process to provide for our Nation's spending it is important to remember why we are engaged in this annual exercise.

As the Framers of our Constitution recognized it is critically important to our democracy to ensure that the people's representatives in the Congress are the ones who determine how taxpayer money should be expended.

While the Congress relies on the expertise of the executive branch to develop programs and to construct spending plans, it is our responsibility to determine which of these programs and plans is right for the American people. We were elected to represent our States. One way in which we carry out our responsibilities is by determining our Nation's budget.

Included in this process is the relatively small amount of funding that are included in direct response to our constituents' petitions. In the fiscal year 2010 bills that the Appropriations Committee will recommend to this body we will reduce our spending on non-project based earmarks by 50 percent compared to amounts for these program in fiscal year 2006.

To understand the importance of our willingness to curtail this type of spending, I would note that this means a reduction of more than $8 billion in earmarks.

Chairman OBEY and I have agreed that, as long as he and I are Chairmen, the total of non-project based earmarks in appropriations bills will not exceed 1 percent of the total discretionary funding appropriated by the committee in any fiscal year.

What this means is that this year and in future years we will allocate 99 percent of the funds in the budget for national programs and programs which are included in the president's request, and only 1 percent, really less than 1 percent, for programs that are included in direct response to the needs of our States, cities, towns and the constituents whom we represent.

It is essential that the Congress maintain its control over Federal spending. While it may not always be politically popular to challenge the authority of Presidents in determining the spending priorities for the country, it is how we safeguard the democratic traditions of this Nation.

The day that we cede this authority to the White House is the day when we create a monarchy. As chairman of the Appropriations Committee and a member of this body for more than 46 years, I have no intention to allow that to occur.

As the Senate reviews this and the other spending bills which will soon follow, I urge it to be mindful of the importance of this task.

The bill before this body deserves the support of every Member of this body. It provides for the essential services to fulfill the functions of our legislative branch.

It is a clean bill free of unnecessary legislative riders. It is $300 million below the amount requested and within the funding allocation provided to the subcommittee. I strongly recommend its approval.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

MOTION TO COMMIT WITH INSTRUCTIONS

Mr. VITTER. Madam President, I have a motion to commit with instructions at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Mr. VITTER moves to commit the bill H.R. 2918 to the Committee on Appropriations with instructions to report the same back to the Senate making the following changes.

(1) Amend the amounts appropriated in the bill so as to report back a bill with an aggregate level of appropriations for fiscal year 2010 not more than the level enacted for fiscal year 2009, while not reducing appropriations necessary for the security of the United States Capitol complex.

Mr. VITTER. Madam President, I will outline my motion to commit shortly. First, by way of introduction, let me say how disappointed and frustrated I am that another amendment I had proposed for this bill was consistently blocked out all of this week, and no vote, no consideration was allowed by the distinguished majority leader. That amendment, which had been filed some time ago, which I worked hard to get before this body, would have passed again, a repeal of the automatic pay

raise provision for Members of the Senate and Members of the U.S. House currently in the law.

We are in the midst of a very serious recession. American families all around the country are really hurting. Many have been laid off, lost their jobs through investment losses and the stock market. Many others are scared to death about their future. Yet all of us as Members of Congress live under this system where we get an automatic pay raise virtually every year, a pay raise on autopilot without any need for a proposal or a bill to be offered, to be filed, to be debated or voted on. That really is a very offensive system to millions of American families, particularly so during this serious recession.

I am very sorry the majority leader felt the need to work at every turn to block out any consideration of this amendment and certainly any vote on this amendment. We have a unanimous consent agreement on this bill before us. It contains amendments that are not germane to the bill. It contains amendments that have points of order against them. There is no legitimate way the majority leader can distinguish my amendment from those, except that he didn't want to deal with the issue.

We already have dealt with it by passing a stand-alone bill through the Senate. But, of course, to require the House to deal with it, we need to effectively attach it to another must-pass bill. So that remains my goal, and my effort will continue. I wish to assure and reassure the majority leader that effort will continue and we will be talking about this more in the future.

With regard to my motion to commit with instructions, it has a very similar theme because this motion to commit would simply send this appropriations bill back to the committee and ask that they restyle it so that it does not spend any more money than we spent on legislative appropriations for the last fiscal year. That would constitute about a $76 million cut. That is not a huge amount of money in Washington terms, but I think it would be the beginning of a huge and an important and an appropriate statement by this body.

Again, as I said, American families are hurting all over the country. There have been layoffs, job losses; there have been tremendous investment losses; people's savings have been whittled away, down to nearly nothing in some cases. People who had retired, counting on a certain future have seen that future disappear in front of their eyes. They don't have the luxury, particularly now, this year, in this recession, of any percentage increase—many of them. Many of those American families are dealing with a huge income decrease. Wouldn't it be reasonable and appropriate for us collectively to say we are going to live by the same dollar amount as we did last year? Consider that amount last year was an 11-percent increase from the year before, so that amount Congress passed last year was an 11-percent increase—about triple the rate of inflation—done in the middle of this serious recession. That was a significant increase last year. Shouldn't we temper that? Shouldn't we make a statement that we are going to live with the same dollar amount as last year?

I also note that under the exact language of my amendment, No. 1, we would give maximum flexibility to the Appropriations Committee about how they would find those modest savings of $76 million, and No. 2, the one thing we would protect, the one thing we would tell them not to touch is spending which is essential for security of the Capitol Complex. There would be no chance—not that it would be the desire of the Appropriations Committee—there would be no possibility of sacrificing anything to do with security of the Capitol Complex.

This is a pretty simple and a pretty basic suggestion. I think it is a pretty commonsense one. American families are struggling with the worst recession since World War II. Millions of American families have one or more members who have lost their jobs. Those families have seen their incomes go down enormously. Tens of millions of other Americans have seen life savings cut in half. Folks in retirement or near retirement have seen that whole picture change before their eyes. So there are plenty of Americans who are not dealing with an increase from last year, they are dealing with a huge decrease. How about we say on a bipartisan basis: OK, our legislative budget got an 11-percent increase last year even as this recession was underway.

So this year, we are going to get a zero percent increase. This year we are simply going to live with the same dollars as we lived with for the legislative branch last year. This is simple, straightforward, but I think important. Again, we would do this by giving the committee maximum flexibility in terms of finding those savings, and we would do it by protecting the security of the Capitol complex.

I urge all of my colleagues to support this important symbol and this important statement as families hurt all around our country.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I rise in opposition to the Vitter amendment to fund the legislative branch agencies at current year levels, which would result in a reduction actually of $101 million below the level that Senator MURKOWSKI and I have proposed in the bill we are considering.

The fiscal year 2010 bill reflects, as I have mentioned and said, only a 2.4-percent increase over fiscal year 2009 spending when you take GAO's stimulus funding into account.

When we started drafting this bill, the budget request we received sought a 15-percent increase over fiscal year 2009. From the outset, my ranking member and I have been committed to holding this bill to the lowest possible funding level, and to lead by example in being good stewards of the taxpayers' money.

My intention was to hold this bill at the rate of inflation, if we could, and it frankly pained me to even have to go as far as 2.4 percent over current year. But the reality is there are expenses in the legislative branch that we are responsible for.

As a former Governor, I am used to hearing individuals assert the desire to make budget cuts without actually offering any specifics. So I am used to what we are seeing here tonight. I say to my colleague, if he has specific suggestions about what types of cuts would be prudent—he has told us what not to cut, but if he has some specific suggestions about the types of cuts, I would be happy to talk about them. Speaking in generalities will not get the job done. I can appreciate the desire to keep spending restrained. However, if the Senator wishes to make specific suggestions of the $100 million cuts that he is, in fact, proposing, I would welcome it, as I would have welcomed hearing any of the Senator's suggestions during the weeks and months it took to create this bill.

As a matter of fact, I have visited with my colleague Senator JOHANNS about the increases in this budget this year, and have suggested to him that if there are other areas we should cut, then we would take his thoughts into consideration and make any adjustments that would make sense.

But, to my knowledge, I have not received any note of concern from the Senator, the sponsor of this amendment, about any of the items included in this bill while it was being created. We are all concerned about fiscal responsibility.

Let's talk a little bit about this bill and what this amendment would mean. We now have a fully operating Visitor Center here in the Capitol that costs money to operate and to secure, recently completed. There are still costs associated with bringing it up and into the running process. The Visitor Center has provided increased amenities for our constituents when they make the trip to Washington to visit. But it does cost money.

I have already outlined the bill in my opening statements, so I will not go through all of that again.

This is the first time through this process as chairman of the Legislative Branch Subcommittee, and I must say I was honored when Chairman INOUYE tasked me with the enormous responsibility.

This committee funds the agencies Congress relies on to provide them with timely information pertaining to the oversight of the Federal Government. For example, last year the Government Accountability Office, the GAO, as it is referred to, received over

1,200 congressional requests and testified at over 300 congressional hearings. Their work produced hundreds of improvements in government operations and produced significant financial savings for the American taxpayer.

The Congressional Budget Office, the CBO, also funded in this bill, actually received emergency funding in the supplemental that passed last week to further strengthen their workforce, allowing for timelier production of analyses for congressional offices.

I do not know how a spending freeze can be proposed to an agency that desperately needed this kind of help to do their job here so we can do our jobs here in Congress.

It does not make sense. I know for a fact that my colleagues depend on the CBO, that office, perhaps now more than ever before, for analysis related to health care costs, energy, and the current financial crisis.

The agencies funded in this legislative branch work for Congress. Quite simply, if you reduce their funding, you will reduce the service we receive here in Congress at an important time when we are facing important legislation. So we are a little spoiled here. But that is because of the great service we are used to receiving from the Government Printing Office to the Congressional Research Service to the Capitol Police who maintain our security, and the security of those who are in our buildings and on our grounds. These are agencies and staff that also support Congress. That is their mission. I think we owe it to them to at least to fund the cost-of-living increase for these dedicated public servants. The vote will determine whether you think your staff deserves a cost-of-living adjustment in 2010, and whether you think our Capitol Police deserve to be paid overtime with the long hours they work, risking life and limb to keep us and the thousands of Americans who visit here each year safe in the Capitol complex.

Every elevator operator, every construction worker, every plumber, every electrician, every maintenance person, every parking lot attendant, virtually every employee you encounter here in the Capitol complex, including staff present here today, is paid from this appropriations bill.

I could go on and I could go on. But I have to admit, I did not realize what a lot of those folks did until I started working on this bill. But now I do.

It is my responsibility, and the responsibility as well of the ranking member, to do what we think is right by these employees and these agencies.

I respectfully urge my colleagues to vote no on this motion.

How much time does the Senator need in response?

Mr. VITTER. I might need an additional 3 minutes to wrap up.

Mr. NELSON of Nebraska. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. In summary, let me try to clarify and rebut a few points. First, to say that this bill is a 2.4-percent increase over last year's is complete fiction, because that assumes the stimulus into last year's number. In fact, last year's number, because of the stimulus—and the stimulus was a one-time bill, not a normal fiscal year bill.

No. 2, last year's bill, as I mentioned, was an 11-percent increase over the previous year, three times the rate of inflation.

No. 3, I wanted to give the committee maximum flexibility in making this modest cut. But there are plenty of suggestions I would have. I would be happy to offer specifics. I will offer one right now. The Open World Leadership Center Trust Fund, $14.5 million. That would be almost a quarter of the savings I am asking for. That is a program to bring governmental officials from Russia and Eastern European republics to tour the United States. I am sure it is a nice idea, but I think there would be a lot of American families in the middle of this recession who would ask, is that essential? Is that core to what we are doing in government in very tough economic times? Do we actually need to do this?

We can find those savings. That program alone is a quarter of the savings my motion to commit would require. We can find those savings clearly without touching Capitol Police overtime, without touching cost-of-living increases for employees.

Finally, there are millions of American families who are not dealing with any increase this year in their incomes. They are dealing with a huge decrease. They are dealing with a huge decrease in savings. So can't we simply live with the same dollar amount as we did in the legislative branch last year? I think the huge majority of Americans would find that a very reasonable and a very modest goal.

I yield the reminder of my time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I move to table the Vitter motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 31, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—65

Akaka	Gillibrand	Pryor
Alexander	Hagan	Reed
Baucus	Harkin	Reid
Bayh	Inouye	Roberts
Begich	Johnson	Rockefeller
Bennett	Kaufman	Sanders
Bingaman	Kerry	Schumer
Bond	Kohl	Shaheen
Boxer	Landrieu	Shelby
Brown	Lautenberg	Snowe
Burris	Leahy	Specter
Cantwell	Levin	Stabenow
Cardin	Lieberman	Tester
Carper	Lincoln	Udall (CO)
Casey	Lugar	Udall (NM)
Cochran	Menendez	Voinovich
Collins	Merkley	Warner
Conrad	Mikulski	Webb
Dodd	Murkowski	Whitehouse
Dorgan	Murray	Wicker
Durbin	Nelson (NE)	Wyden
Feinstein	Nelson (FL)	

NAYS—31

Barrasso	Ensign	Kyl
Bennet	Enzi	Martinez
Brownback	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Gregg	Risch
Coburn	Hatch	Sessions
Corker	Hutchison	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	
DeMint	Klobuchar	

NOT VOTING—3

Byrd	Inhofe	Kennedy

The motion was agreed to.

Mr. NELSON of Nebraska. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SERVICE OF SUMMONS AGAINST AND RESIGNATION OF SAMUEL B. KENT, JUDGE OF THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

The PRESIDING OFFICER. Pursuant to rule IX of the Rules and Procedures in the Senate when Sitting on Impeachment Trials, the Secretary of the Senate will now swear the Sergeant at Arms.

The SECRETARY OF THE SENATE. Do you, Terrance W. Gainer, solemnly swear that the return made by you upon the process issued on the 24th of June, 2009, by the Senate of the United States, against Samuel B. Kent, is truly made, and that you have performed such service as therein described: So help you God?

The SERGEANT AT ARMS. I do.

Madam President, I send to the desk the return of service I executed upon service of the summons upon Judge Samuel B. Kent yesterday, June 24, 2009, at 4:30 p.m., at Devens Federal Medical Center, Ayers, MA, accompanied by a statement of resignation executed by Judge Samuel B. Kent following service of the summons, and to be effective June 30, 2009.

The PRESIDING OFFICER. The return of service and accompanying statement of resignation will be spread upon the Journal and printed in the RECORD.

The documents are as follows:

The foregoing writ of summons, addressed to Samuel B. Kent, United States District Judge, and the foregoing precept, addressed to me, were duly served upon the said Samuel B. Kent, by my delivering true and attested copies of the same to Samuel B. Kent, at Devens Federal Medical Center on the 24th day of June, 2009, at 4:30 p.m.

TERRANCE W. GAINER,
Sergeant at Arms.

Dated: June 24, 2009.
Witness: Andrew B. Willison, Deputy Sergeant at Arms.

I, Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas, hereby tender my resignation as a Federal District Judge effective 30th June 2009.

SAMUEL B. KENT.

Dated 24 June 2009.
Witnessed: Terrance W. Gainer; 4:44 p.m., Andrew B. Willison.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the Secretary of the Senate be directed to deliver the original statement of resignation executed by Judge Samuel B. Kent on June 24, 2009, to the President of the United States and to send a certified copy of the statement of resignation to the House of Representatives.

I further ask unanimous consent that a copy of the statement of resignation be referred to the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent established by the Senate on June 24, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, there will be no more votes today. We will have no session tomorrow. When we come back a week from Monday, we will have a number of votes beginning at 5:30.

As I have told everyone more than once, the next 5 weeks after we get back are going to be jam packed with stuff to do. Members should understand that we will have votes on Mondays and Fridays, with one exception which has already been announced: It is July 17. We hope we don't have to have weekend sessions. We have a lot to do. Everyone knows the workload we have. I would hope that we understand the amount of work we have to do. We are going to be in a week longer than the House of Representatives, as everyone knows. Because of our rules, we can't move as quickly as they do. We have an immense amount of work to do. We have the Sotomayor nomination. We have Defense authorization that was reported out of committee today by Senators LEVIN and MCCAIN. That is something that is very important for the military and to the American people. We have other appropriations bills we have to work on. We have health care. We are going to move as far as we can on that during that period of time. So we have a lot of work to do.

Also, on July 14, there will be no votes after 2 p.m. These are arrangements I made with one of the Senators, and this will be good for the entire body. So there will be no votes after 2 p.m. on July 14.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 1366 TO AMENDMENT NO. 1365

Mr. MCCAIN. Madam President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1366 to amendment No. 1365.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the earmark for the Durham Museum in Omaha, Nebraska)

On page 27, strike lines 5 through 10 and insert ''mission.''.

Mr. MCCAIN. Madam President, the amendment is very simple. It strikes from the bill an earmark of $200,000 for the Durham Museum in Omaha, NE. Let me be very clear. I hold no grudge against the museum or the sponsor of this earmark. On the contrary, I hold my colleagues from Nebraska in very high esteem, and I have no doubt that the museum does wonderful work. Thanks to modern technology and Wikipedia, it has a very nice description of the Durham Museum, formerly known as the Durham Western Heritage Museum in downtown Omaha, NE, dedicated to preserving and displaying the history of the U.S. western region and it is housed in Omaha's Union Station.

I am sure it is a very fine place. I am sure it gets lots of visitors from all over the great State of Nebraska. The only problem is, as I understand from reading the bill, which sometimes some of us don't do, this is a bill that is entitled ''Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 2010, and for Other Purposes.'' Well, obviously, the distinguished manager of the bill found another purpose but certainly none that has the slightest connection to the city of Omaha or the State of Nebraska, except the Senator happens to be from that State. He maybe even resides in that city.

The reason I am taking the floor is because Americans are hurting right now. Americans all over this country are hurting right now. I go downtown in my city, my hometown of Phoenix, AR, and I see people closing store fronts. I see people not able to make their house payments or people not able to pay their medical bills, and $200,000 would mean a lot to them; $200,000 is not a small sum.

So the fact is, I don't question the merits of the program. I don't question that the Durham Museum is probably a nice place to visit. I do question when we are going to stop earmarking porkbarrel projects because of the influence or clout of Members of the Senate.

I want to repeat, I do not question that this museum is a fine museum. I do question—and any objective observer would question—how in the world that has a place on appropriations of the taxpayers' dollars for the legislative branch. I don't think the Durham Museum is in the legislative branch of government unless I am badly mistaken, and I am sure I am not.

Here we are with trillions of dollars of deficit—$1.2 trillion for TARP, $410 million for the Omnibus appropriations bill, which was loaded with 9,000 unnecessary and wasteful earmarks, tens of billions of dollars to the domestic auto manufacturers, and we passed a budget resolution totaling $3.5 trillion. Now we have a bill totaling $3.1 billion to run the legislative branch of government.

As has been widely trumpeted, this bill is less than that requested. What it is also, though, is 3 percent more than it was last year. How many Americans are able to get 3 percent more money than they had last year? It is over $76 million more than last year's bill. So is this a big deal, $200,000? Probably not, with the trillions of dollars that we seem to throw around here.

But I am serving notice on my colleagues that I and some of my other colleagues are going to come to the floor and challenge these earmarks. We have to stop doing business as usual while we are committing generational theft and mortgaging our children's future.

Since it is going to be about 10 days or so before we will have a vote on this amendment—as the majority leader mentioned, we are not going to have anymore votes—I ask unanimous consent that before the vote I have 5 minutes and the Senator from Nebraska have the time he needs before the vote that will take place at the pleasure of the majority leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, I respect greatly my colleague from Arizona and his concern about spending. As was noted, the increase in the spending requested in the

appropriations bill is about 2.4 percent. While $200,000 is a lot of money—and it certainly is a lot to people today—I think it is important to point out that this museum is associated with the legislative branch in the following manner.

The Durham Museum is seeking to provide a public service of Federal interest making it appropriate to promote a public-private partnership. And this truly is a public-private partnership; the funding for the project in this bill is only 10 percent of the total cost. The Durham Museum will privately raise the remaining 90 percent and incur all ongoing operating costs.

The $200,000 requested in this bill for the Durham Museum to begin the preservation and digitization of the museum's photo archive collection will create new jobs, preserve our history and improve access to these priceless treasures.

This project will be moved significantly forward by the able assistance of the Library of Congress, and I thank Dr. Billington for his willingness to assist with this important project.

It is important to point out that the Library of Congress has been a leader in digitization efforts, having digitized more than 15 million unique primary source documents. The library enjoyed a remarkable long-term relationship with the Durham Museum long before I came to the Senate and will undoubtedly oversee a quality project as the Durham Museum seeks to follow in our national library's footsteps.

Mr. President, not all national treasures are located inside the beltway.

This project is more than just a ''photo exhibit.'' In addition to making these images available to the public, as noted in the Legislative Branch Report, Durham will work with the Library of Congress to establish conservation and preservation training programs, and on incorporating digitized primary source materials into school curricula.

Dr. Billington and I have worked together to ensure that the library's most impressive exhibits have traveled to the Durham Museum over the years, ensuring that my fellow Nebraskans, Iowans from the east, Kansans from the south, and South Dakotans from the north, have had access to some of our Nation's most treasured documents and artifacts.

Some of the notable library exhibits that have traveled to the Durham Museum have included: ''Bound for Glory,'' showcasing the photographs of the Farm Security Administration in the late 1930s and 1940s, and ''With An Even Hand, Brown v. Board at Fifty,'' commemorating the 50th anniversary of the landmark Supreme Court decision in the case of Brown v. the Board of Education.

In January of 2011, the library's most recent impressive exhibit on Abraham Lincoln, ''With Malice Toward None,'' will travel to the Durham Museum, showcasing some of our revered former President's most transformative speeches and eloquent letters.

I urge that this not be considered just a local project. It is associated with the Library of Congress and, as such, has a tie that is an ongoing and longstanding relationship that will benefit both the Library of Congress and the Durham Museum. There is a nexus here and it is not an isolated incident.

At this point, I ask my colleagues to support the inclusion of that funding within this budgetary request.

OSHA VIOLATIONS

Mr. GRASSLEY. Madam President, as the Senate considers the fiscal year 2010 legislative branch appropriations bill, S. 1294, I would like to raise a concern I have with a provision related to the Congressional Accountability Act of 1995, CAA. As the author of the Congressional Accountability Act, I have long believed that Congress needs to practice what it preaches by applying certain laws Congress passes to the legislative branch. The CAA did this by incorporating a number of laws including the Occupational Safety and Health Act of 1970. Senator MURKOWSKI, the distinguished ranking member of the Appropriations Subcommittee on the Legislative Branch, is here and I would like to ask about the provision in the bill related to the CAA.

I am concerned that the provision striking a section of the CAA related to the compliance date for OSHA violations may go further than necessary. As the author of the CAA, this provision was included to ensure that OSHA violations that are found in legislative branch buildings are remedied in a timely fashion. I understand that some concerns have arisen regarding the requirement that compliance occur by the next fiscal year, which prompted this revision, is that correct?

Ms. MURKOWSKI. That is correct, and it was a topic of discussion during the subcommittee hearings. Citations from the Office of Compliance are requiring certain actions by the Architect of the Capitol that don't always make sense. We found that the legislative branch is held to a higher standard than the executive branch and the private sector, and certain standards and timelines are applied that would not be applied outside the legislative branch, particularly to historic buildings.

As I said in our hearing with the Architect of the Capitol and Office of Compliance, I am completely supportive of having strong fire and life safety standards, but applying a ''gold standard'' to the legislative branch doesn't seem to be appropriate. We need to be pragmatic, and operate within a risk-based framework. In some cases, we have been asked to fund expensive projects by the AOC that simply aren't a good use of taxpayer dollars and don't necessarily offer significant improvements in fire and life safety.

Senator NELSON and I asked GAO to work with us to suggest how we could get the legislative branch on par with the executive branch and private sector. This language is the result of those discussions.

Mr. GRASSLEY. I agree that this provision should not lead to unnecessary expenditures and that we should examine this provision. However, I'm concerned the current revision in S. 1294 goes a bit too far by completely striking the compliance date. In fact I am informed the Office of Compliance, the entity in charge of enforcing the CAA has expressed concerns with completely striking this provision and instead recommends a selective amendment.

Out of the interest of saving time on the Senate floor, I will withhold an amendment to strike or modify this provision if the distinguished ranking member is willing to commit to working with me on this provision to make sure the revision is as narrow as possible as recommended by the Office of Compliance.

Ms. MURKOWSKI. I would agree to work with the ranking member of the Finance Committee, to work with the chairman of this subcommittee, Senator NELSON, and attempt to address his concerns as this bill moves forward.

Mr. GRASSLEY. I thank the distinguished ranking member and look forward to working with her and the chairman to narrow this provision and address the concerns expressed by the Office of Compliance.

Mr. NELSON of Nebraska. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, the nomination of a new Justice to the Supreme Court has somewhat unexpectedly brought to our mind a core question both for the Senate and the American people, and that is: What, if any, is the appropriate role for foreign law to play in the interpretation of our Constitution—meaning, should judges look at what other countries say when they are determining what are our constitutional rights.

This is not an academic question; it is a question that has the potential to impact our fundamental rights guaranteed to us by the U.S. Constitution.

Until recent years, the answer has always been understood to be no, apart from a few rare circumstances, certainly, and certainly never in the interpretation of the meaning of our precious constitutional rights.

This traditional understanding has served to protect our constitutional right by ensuring that judges remain true to the will of the American people, not the will of foreign judges or courts.

Our system has a critical component: moral authority. That moral authority

comes from the basic concept that our law is a product of the will of the people through the people they chose to represent them. The Constitution begins ''We the People do ordain and establish this Constitution.'' Our laws are enacted by a Congress, a body subject to the will of the people, composed of people elected by the people. We are accountable to the American citizens.

The novel idea that foreign law has a place in the interpretation of American law creates numerous dangers. A number of academics, and even Federal judges, I would say, are seduced by this idea.

Judge Sotomayor clearly shares in that idea. I am somewhat surprised, but it is true, as I will discuss. Her vision seems to be that we should change our laws, or listen to other laws and judges, and sort of merge them with this foreign law. That is the overt opinion of Mr. Koh, who was just nominated and confirmed to the chief counsel of the U.S. State Department. Mr. Koh is quite open about it—shockingly so, really.

But I suggest that if we become transnational, we suffer two monumental blows to our legal system. First, the laws we are subject to would not be laws made by us. This should remind us of the Boston tea party. The colonies objected to paying taxes, but not just any taxes; they objected because the taxes were being imposed on them by the British Parliament, and they didn't have a voice in it. The complaint was ''taxation without representation.'' Thus, the moral power of the American law to compel obedience arises from the people's choice to enact it in the first place. That moral authority is undermined when we allow foreign law, which we had nothing to do with, to impact our law. That is a pernicious thing, I suggest.

Second, it is not ever going to work in a good way. Most countries don't have laws, truth be known. They have politics masquerading as laws. Trying to merge our system, based on truth, the law, and the evidence, with these political legal systems will only result in our being shortchanged. We can reach agreements affecting mutual interests with foreign nations and adhere to them as long as we agree to do so—treaties and other kinds of agreements—but to submit ourselves to their political policies while pretending we are merging our law with theirs is foolishness.

It also creates confusion on a matter of utmost importance. The question is, who does the judge serve, the people of the United States or the people of the world or some individual country with whom they agree or the amorphous ''world community,'' which has been referred to?

Furthermore, reliance on foreign law places our constitutional rights in jeopardy. There are great differences between American and foreign law on cherished rights protected by our Constitution. The Constitution's protection of free speech is probably unparalleled anywhere in the world. Other nations punish sometimes spirited debate on controversial matters. They call it sometimes ''hate speech'' and take action against speech and other things that we would allow without a single thought, but it is criminalized in other countries.

The Constitution clearly protects the right to keep and bear arms. Other nations ban private gun ownership entirely. The Constitution allows for the death penalty. Other nations reject the use of the death penalty, even for violent killers, while some other nations have the death penalty and they impose it without due process being carried out. Yet this troubling potential for infringements on constitutional rights, I suggest, is only the tip of the iceberg.

First and foremost, reliance on foreign law creates opportunities for judges to indulge their policy preferences. In a speech that was given to the Puerto Rico chapter of the American Civil Liberties Union on April 28 of this year, 2009, 1 day after having been contacted by the White House about the possibility of a Supreme Court vacancy, Judge Sotomayor placed herself firmly on what I believe is the wrong side of this debate, stating in this speech:

> To suggest to anyone that you can outlaw the use of foreign or international law is a sentiment that is based on a fundamental misunderstanding. What you would be asking American judges to do is close their minds to good ideas.

Well, the ideas our judges are supposed to reflect are the ideas that the Congress sought to be good, the ones we enacted into law—not what was enacted in France, Saudi Arabia, China, or any other place. This is a matter of real importance. This whole concept of foreign law has been a matter of real controversy for several years. It is a timely subject, for sure. I thought it was pretty roundly condemned, although one judge on the Supreme Court defends it. In her speech, Judge Sotomayor explains:

> The nature of the criticism comes from . . . a misunderstanding of the American use of that concept of using foreign law, and that misunderstanding is unfortunately endorsed by some of our own Supreme Court justices. Both Justice Scalia and Justice Thomas have written extensively criticizing the use of foreign and international law in Supreme Court decisions.

So she criticized Justice Scalia and Justice Thomas, who have expressed opposition to this. Let me be blunt. I believe it is Judge Sotomayor, not Justices Scalia and Thomas, who is wrong.

Under her approach, a judge has free rein to survey the world to find what they might consider to be good ideas and then impose these views on the American people, calling it law. However, this is not the American system. Our system requires judges to adhere to this Constitution, to the statutes, and to the legal precedent, to the end that judges follow the will of the people of our country as expressed in our law.

The Constitution says ''We . . . do ordain and establish this Constitution for the United States of America,'' not some other. Judges are not free to amend it by citing some other foreign constitution. I think this is a big deal.

Judges are not free to indulge their own personal opinions about what good policy is. Judges do not set policy and search for support for that in foreign law. Despite Judge Sotomayor's claim at a Duke Law School panel discussion that ''courts of appeals is where policy is made,'' judges are not policymakers. They are servants of the law, if they are fulfilling their role properly—the law as it is, not the way they might wish it to be.

Second, reliance on foreign law causes confusion rather than clarification as to the state of American law. Judge Sotomayor claims that foreign law ''can add to the story [sic] of knowledge relevant to the solution of . . . [a] question [sic],'' paraphrasing Supreme Court Justice Ruth Bader Ginsburg, who pioneered this concept. She made those statements. Judge Ginsburg's citation of it in cases and her defense of it in speeches has really led to this controversy to which Justices Scalia and Thomas have responded.

On the contrary, reliance on foreign law creates confusion. Consider Judge Sotomayor's dissenting opinion in Croll v. Croll in the interpretation of a treaty—one of the few instances in which reliance on foreign law may be perfectly permissible. Judge Sotomayor repeatedly criticized the majority judges on the panel as ''parochial'' for consulting American dictionaries to understand the meaning of custody as determined by the Hague Convention on International Child Abduction, and then she relies on foreign interpretations of those words instead. Yet the majority rightly rebuked Judge Sotomayor for relying on the scattered and divergent foreign legal cases on this subject. The majority even cites a Supreme Court precedent that warns against relying on foreign law where it is in a state of confusion.

Third, the reliance on foreign law is also based on a misconception that judges, rather than elected officials in the political branches of government, play a role in advancing our Nation's foreign policy.

Judge Sotomayor states this:

> I share more the ideas of Justice Ginsburg in thinking . . . that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world.

But judges are not diplomats. It is the job of diplomats to protect our standing in the world, and they have to explain to the world why we rule the way we rule on our cases. That is their responsibility.

Fourth, reliance on foreign law blurs the distinction between domestic and

foreign law, undermining our ability to make democratic choices. The examples of the Supreme Court reliance on foreign law, cited approvingly by Judge Sotomayor, involved the interpretation of the Constitution dealing with purely domestic legal issues that do not and should not touch on any matter of international concern. For example, she approvingly cites the case of Roper v. Simmons in which five Justices of the Supreme Court recently rendered a decision based in part on their review of foreign law and concluded that our Constitution declares that we cannot execute a violent criminal if that criminal is 1 day under 18 years of age when he killed someone or a group of people. There is nothing in the Constitution that says that. They found some foreign law to make an argument about what the Constitution says about what age a State can set for the death penalty. I know we can disagree on what the age should be, but it is a legislative matter.

The Court in that case said it was looking to ''evolving standards of decency that mark the progress of a maturing society.'' What kind of standard is that for law? Where do you find what a maturing society now believes? Do you check with China? Do you check with Iran? Or maybe France? Where do we do this? How do they divine what this all is?

The Court concluded that the death penalty violated the eighth amendment which prohibits cruel and unusual punishment. There are at least six or more references in the Constitution itself to capital crimes, to taking a life without due process. It has always been contemplated in the Constitution that the death penalty is not cruel and unusual. That was for drawing-and-quartering and such matters as that.

If basic constitutional rights are subject to redefinition by considering foreign law, our Constitution ceases to be the bulwark for our liberty it has always been. The Constitution will be weakened. Its authority and power will be diminished. Yet this is precisely the view of foreign law advocated by Judge Sotomayor, who says that these courts that do this ''were just using foreign law to help us understand what the concept meant to other countries, and to help us understand whether our understanding of our own constitutional rights fell into the mainstream of human thinking.'' I am not sure, did the judge conduct worldwide polls of human thinking? How does a judge find out what the mainstream of human thinking is? In truth, many of the critics of this idea have hit the nail on the head. They say that all it does is allow a judge to look around the world to find somebody who agrees with them and use that as authority to do what they wanted to do all along.

Judge Sotomayor not only advocates for reliance on foreign law, but she also goes a step further than Justice Ginsburg, advocating for adoption of the techniques of foreign judges, even ones that serve to conceal the individual judge's reasoning process from public scrutiny.

In her forward to the book ''The International Judge,'' which she was chosen to do, Judge Sotomayor states:

> [T]he question of how much we have to learn from foreign law and the international community when interpreting our Constitution is not the only one worth posing. As ''The International Judge'' makes clear, we should also question how much we have to learn from international courts and from their male and female judges about the process of judging and the factors outside the law that influence our decisions.

In her speech in 1999, Judge Sotomayor expressed admiration for the French tradition of judicial panels of judges issuing single decisions, commenting:

> With a single decision, there is less pressure on individual judges and less fear of reprisal for unpopular decisions.

According to law professor William D. Popkin, French legal opinions are anonymous, unanimous, and laconic, the legal ''equivalent of flashing a policeman's badge,'' and ''[t]he irony about French judicial opinion writing is that minimal reason-giving allows French judges to conceal a bold judicial lawmaking role, perhaps even bolder than in the case of U.S. and English judges because of the lack of any formal notion of precedent.''

That is different from the American heritage of law. Judges sign opinions. But we have seen at least three very significant opinions in recent years and months from Judge Sotomayor that were per curiam. No one judge assumed responsibility for the decision, and they were very short—so in a way, maybe she is following that—really surprisingly short in the case involving firearms, in the case involving the firefighters in Connecticut. They were very short opinions and not a lot of discussion and per curiam.

The problems with this tradition are clear. The approach makes it easier for judges to conceal the grounds of their decisions, making it more difficult to assess whether their legal reasoning was justified. Only then can one see if proper principles are being followed. Indeed, Judge Sotomayor may already be following that, as I noted with some of the per curiam opinions we have seen.

I have to say the judge wants more international law, not less. Ominously, Judge Sotomayor states:

> International law and foreign law will be very important in the discussion of how we think about the unsettled issues in our legal system. It is my hope that judges everywhere will continue to do this because . . . within the American legal system, we're commanded to interpret our law in the best way we can, and that means looking to what other, anyone has said to see if it has persuasive value.

The judge makes an audacious claim that the American legal system commands judges to look at foreign law and highlights the role of making decisions on unsettled cases. There have been and will be many differences between domestic and foreign law on matters that are fundamental. This is normal and understandable because different nations have different cultures, values, and legal systems. The United States should be independent to pursue its own individual choices expressed through the American people through their elected officials to reach the fullest and richest expression of our exceptionalism as a nation.

The American ideal of law is objectivity in deciding the case before the court, that case being sufficient for the day. This is unusual. Most countries are not so restrained. To a much greater degree, foreign judges see themselves as policymakers. In Afghanistan and Pakistan recently, the chief judge was setting all kinds of policy in Afghanistan. I thought it was most unusual. Surely nothing like that would happen here because we have a different heritage.

I suggest that for an ambitious, strong-willed American judge, such freedom to search around the world to identify arguments that might be helpful in allowing them to reach a result they might like to reach would be a great temptation. It is a siren call that ought not to be followed, and great judges do not do so. They analyze the American statutes, the American Constitution in a fair and objective way. They apply it to the evidence fairly and honestly found and render a decision without any regard to the parties before them, to the rich and poor alike, as their oath says. That is why we give them independence as a judge to show they will be more willing to render those kinds of opinions.

I am troubled by this, I have to say. I did not expect to see a nominee who would be one of the leading advocates for the adoption of foreign law in the American legal system. I think it is wrong. I don't think that is a good idea. The American people need to be talking about that issue as they think about the confirmation that will be coming up.

Our nominee, Judge Sotomayor, is delightful to talk to. She has a record and a practice as a private practitioner, as a prosecutor, as a district judge, and an appellate judge. All of those are good. She has many good qualities. But some of the issues I am raising today and have raised previously do cause me concern.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The McCain amendment to H.R. 2918.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the introduction of S. 1382 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent to proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING MARK S. MANDELL

Mr. REID. Mr. President, I rise to honor my good friend, a good American and a good person, Mark Mandell.

Mark will turn 60 years old on Saturday, June 27. I have known Mark and his family for many years, and have long been impressed by his many accomplishments and contributions to his community.

Mark's affiliations are far too long to list but that is an accurate indication of how much of himself he has given to others.

A founding partner at his successful firm—Mandell, Schwartz & Boisclair, Ltd. in Providence, RI, Mark has been listed among the ''Best Lawyers in America.'' He has served as the president of the Association of Trial Lawyers of America, the Roscoe Pound Institute of Civil Justice, the Rhode Island Bar Association and the Rhode Island Trial Lawyers Association.

In addition to his abundant bar memberships, professional associations, society memberships, civic and community activities, and government appointments, Mark has authored and lectured extensively throughout the United States and around the world.

Mark has been recognized with numerous awards, but I know that he is most gratified not by those that honor his professional achievements, but rather those that acknowledge his good citizenship and leadership in community service.

Many of those awards honor Mark for his strong commitment to the Jewish community he so values. As the Torah implores, ''Justice, justice shall you pursue.''

I am proud to call Mark Mandell my friend, and thank him for his dedicated and principled pursuit of justice. Happy birthday, Mark.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the first budget scorekeeping reports for the 2010 budget resolution. The reports, which cover fiscal years 2009 and 2010, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through June 23, 2009, and include the effects of P.L. 111–22, the Helping Families Save Their Homes Act of 2009; P.L. 111–31, the Family Smoking Prevention and Tobacco Control Act; H.R. 1777, an act to make technical corrections to the Higher Education Act of 1965, and for other purposes, pending Presidential action; and H.R. 2346, the Supplemental Appropriations Act, 2009, pending Presidential action. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the 2010 budget resolution.

For 2009, the estimates show that current level spending is $942 million below the level provided for in the budget resolution for budget authority and $3.9 billion above it for outlays while current level revenues match the budget resolution level. For 2010, the estimates show that current level spending is $1,205.9 billion below the level provided for in the budget resolution for budget authority and $715.9 billion below it for outlays while current level revenues are $12.3 billion above the budget resolution level.

I ask unanimous consent to have the letters and accompanying tables from CBO printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2009 budget and is current through June 23, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

Since my last letter dated September 11, 2008, the Congress has cleared and the President has signed several acts that affect budget authority, outlays, and revenues for fiscal year 2009. The budgetary effects of legislation enacted at the end of the second session of the 110th Congress are included in the effects of previously enacted legislation on Table 2.

Legislation enacted during the 111th Congress prior to the adoption of S. Con. Res. 13 is included in the budget aggregates of S. Con. Res. 13 (see footnote 1 of Table 2). In addition, since the adoption of S. Con. Res. 13, the Congress has cleared and the President has signed the following acts:

Helping Families Save Their Homes Act of 2009 (Public Law 111–22); and

An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (Public Law 111–31).

The Congress has also cleared for the President's signature the following acts:

An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (H.R. 1777); and

Supplemental Appropriations Act, 2009 (H.R. 2346).

This is CBO's first current level report since the adoption of S. Con. Res. 13.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf, Director).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (—) resolution
ON-BUDGET			
Budget Authority	3,668.6	3,667.6	—0.9
Outlays	3,357.2	3,361.0	3.9
Revenues	1,532.6	1,532.6	0.0
OFF-BUDGET			
Social Security Outlays [3]	513.0	513.0	0.0
Social Security Revenues	653.1	653.1	0.0

[1] S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $7.2 billion in budget authority and $1.8 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

[2] Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009

[In millions of dollars]

	Budget authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,532,571
Permanents and other spending legislation	2,186,897	2,119,086	n.a.
Appropriation legislation	2,031,683	1,851,797	n.a.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2009, AS OF JUNE 23, 2009—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Offsetting receipts	−640,548	−640,548	n.a.
Total, Previously enacted	3,578,032	3,330,335	1,532,571
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22) [2]	106	3,896	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	11	2	8
Total, enacted this session	117	3,898	8
Passed, pending signature:			
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (HR–1777)	−187	−202	0
Supplemental Appropriations Act, 2009 (H.R. 2346) [2]	89,682	26,992	0
Total, passed, pending signature	89,495	26,790	0
Total Current Level [2,3]	3,667,644	3,361,023	1,532,579
Total Budget Resolution [4]	3,675,736	3,358,952	1,532,579
Adjustment to budget resolution for disaster allowance [5]	−7,150	−1,788	n.a.
Adjusted Budget Resolution	3,668,586	3,357,164	1,532,579
Current Level Over Budget Resolution	n.a.	3,859	n.a.
Current Level Under Budget Resolution	942	n.a.	0

[1] Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

[2] Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2009, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	−630	−630	n.a.
Supplemental Appropriations Act, 2009 (H.R. 2346)	16,169	3,530	n.a.
Total, amounts designated as emergency	15,539	2,900	n.a.

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	3,675,927	3,356,270	1,532,571
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	−1,530	2,240	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	11	2	8
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	1,515	642	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	−187	−202	0
Revised Budget Resolution Totals	3,675,736	3,358,952	1,532,579

[5] S. Con. Res. 13 includes $7,150 million in budget authority and $1,788 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 25, 2009.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2010 budget and is current through June 23, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives.

Pursuant to section 403 of S. Con Res. 13, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of Table 2 of the report).

This is CBO' s first current level report for fiscal year 2010.

Sincerely,

ROBERT A. SUNSHINE
(For Douglas W. Elmendorf).

Enclosure.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	2,882.1	1,676.2	−1,205.9
Outlays	2,999.1	2,283.2	−715.9
Revenues	1,653.7	1,666.0	12.3
OFF-BUDGET			
Social Security Outlays [3]	544.1	544.1	0.0

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009—Continued

[In billions of dollars]

	Budget resolution [1]	Current level [2]	Current level over/under (−) resolution
Social Security Revenues	668.2	668.2	0.0

[1] S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010, includes $10.4 billion in budget authority and $5.4 billion in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

[2] Current level is the estimated effect on revenues and spending of all legislation, excluding amounts designated as emergency requirements (see footnote 2 of table 2), that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Previously Enacted [1]			
Revenues	n.a.	n.a.	1,665,986
Permanents and other spending legislation	1,637,423	1,621,675	n.a.
Appropriation legislation	0	600,500	n.a.
Offsetting receipts	−690,251	−690,251	n.a.
Total, Previously enacted	947,172	1,531,924	1,665,986
Enacted this session:			
Helping Families Save Their Homes Act of 2009 (P.L. 111–22)	318	11,346	0
An act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (P.L. 111–31)	10	13	46
Total, enacted this session	328	11,359	46

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009—Continued

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Passed, pending signature:			
An act to make technical corrections to the Higher Education Act of 1965, and for other purposes (HR–1777)	32	36	0
Supplemental Appropriations Act, 2009 (H.R. 2346) [2]	11	33,530	0
Total, passed, pending signature	43	33,566	0
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	728,688	706,384	0
Total Current Level [2,3]	1,676,231	2,283,233	1,666,032
Total Budget Resolution [4]	2,892,499	3,004,533	1,653,728
Adjustment to the budget resolution for disaster allowance [5]	−10,350	−5,448	n.a.
Adjusted Budget Resolution	2,882,149	2,999,085	1,653,728
Current Level Over Budget Resolution	n.a.	n.a.	12,304
Current Level Under Budget Resolution	1,205,918	715,852	n.a.

[1] Includes the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111–3), the American Recovery and Reinvestment Act (ARRA) (P.L. 111–5), and the Omnibus Appropriations Act, 2009 (P.L. 111–8), which were enacted by the Congress during this session, before the adoption of S. Con. Res. 13, the Concurrent Resolution on the Budget for Fiscal Year 2010. Although the ARRA was designated as an emergency requirement, it is now included as part of the current level amounts.

[2] Pursuant to section 403 of S. Con. Res. 13, provisions designated as emergency requirements (and rescissions of provisions previously designated as emergency requirements) are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2010, which are not included in the current level totals, are as follows:

	Budget authority	Outlays	Revenues
Supplemental Appropriations Act, 2009 (H.R. 2346)	17	7,064	−2

[3] For purposes of enforcing section 311 of the Congressional Budget Act in the Senate, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[4] Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution:

	Budget authority	Outlays	Revenues
Original Budget Resolution Totals	2,888,691	3,001,311	1,653,682
Revisions:			
For the Supplemental Appropriations Act, 2009 (section 401(c)(4))	5	2,004	0
For an act to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	0	0	40
For the Congressional Budget Office's reestimate of the President's request for discretionary appropriations (section 401(c)(5))	3,766	2,355	0
For further revisions to a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products . . . and for other purposes (sections 311(a) and 307)	10	13	6
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	6	−1,175	0
For an act to make technical corrections to the Higher Education Act of 1965, and for other purposes (section 303)	32	36	0
For further revisions to the Supplemental Appropriations Act, 2009 (section 401(c)(4))	−11	−11	0
Revised Budget Resolution Totals	2,892,499	3,004,533	1,653,728

[5] S. Con. Res. 13 includes $10,350 million in budget authority and $5,448 million in outlays as a disaster allowance to recognize the potential cost of disasters; those funds will never be allocated to a committee. At the direction of the Senate Committee on the Budget, the budget resolution totals have been revised to exclude those amounts for purposes of enforcing current level.

Source: Congressional Budget Office.

Note: n.a. = not applicable; P.L. = Public Law.

HONORING OUR ARMED FORCES

SPECIALIST CHANCELLOR ARSENIO KEESLING

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of Army SPC Chancellor Arsenio Keesling, from Indianapolis, IN. Chancellor was 25 years old when he lost his life on June 19, 2009, in Baghdad, Iraq. He was a member of the 961st Engineer Company of the U.S. Army Reserve, based in Sharonville, OH.

Today, I join Chancellor's family and friends in mourning his death. Chancellor, who was known to his friends and family as Chancy, will forever be remembered as a loving brother, son and friend to many. He is survived by his parents Gregg and Jannett Keesling; his brother O'Neil; his sister Tiana; his grandparents Gary and Gwen Keesling and Terrence and Barbara Fowle; and a host of other friends and family members.

Chancellor, a graduate of Lawrence North High School in Indianapolis, enlisted in the Army following his graduation in 2003. He served his first tour of duty in Iraq as a combat engineer assigned to a company based at Fort Sill in Lawton, OK. He was redeployed to Iraq in May 2009 with the 961st Engineer Company for a second tour of duty.

Chancellor had been home just a few weeks ago to celebrate his 25th birthday with family and friends. A native of Jamaica, where he lived until he was 12 years old, he had a particular passion for soccer and reggae music. He planned on going into the construction business once his military career was complete.

While we struggle to express our sorrow over this loss, we can take pride in the example Chancellor set as a soldier and patriot. Today and always, he will be remembered by family and friends as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Chancellor's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Army SPC Chancellor Arsenio Keesling in the RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Chancellor's family can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Chancellor.

FREEDOM OF INFORMATION ACT

Mr. LEAHY. Mr. President, on July 4, the Nation will celebrate the 43rd anniversary of the signing of the Freedom of Information Act, FOIA. The tragic events unfolding in Iran are a powerful reminder of the vital role of a free press and the free flow of information in an open society. Now in its fifth decade, FOIA remains an indispensable tool for shedding light on bad policies and government abuses. The act has helped to guarantee the public's ''right to know'' for generations of Americans.

Today, thanks to the reforms contained in the Leahy-Cornyn OPEN Government Act, Americans who seek information under FOIA will experience a process that is much more transparent and less burdened by delays than it has been in the past. A key component of the OPEN Government Act was the creation of an Office of Government Information Services, OGIS, within the National Archives and Records Administration. This office will mediate FOIA disputes, review agency compliance with FOIA, and house a newly created FOIA ombudsman.

I applaud President Obama and Acting Archivist of the United States Adrienne Thomas for recently appointing Miriam Nisbet as the first Director of OGIS. I look forward to working closely with Director Nisbet and I will continue to work very hard to ensure that OGIS has the necessary resources to carry out its mission.

These new reforms to FOIA are very good news. But there is still much more to be done.

Earlier this year, Senator CORNYN and I joined together to reintroduce the bipartisan OPEN FOIA Act, S. 612, a commonsense bill to promote more openness regarding statutory exemptions to FOIA. This FOIA reform measure requires that Congress clearly and explicitly state its intention to create a statutory exemption to FOIA when it provides for such an exemption in new legislation. While there is a very real need to keep certain government information secret to ensure the public good and safety, excessive government secrecy is a constant temptation and the enemy of a vibrant democracy.

The OPEN FOIA Act has twice passed the Senate this year as a part of other legislation. This bill provides a safeguard against the growing trend towards FOIA exemptions and would make all FOIA exemptions clear and unambiguous, and vigorously debated, before they are enacted into law. I hope that the Congress will enact this good government measure this year.

When describing our vibrant democracy, President Kennedy once wisely observed that ''[w]e are not afraid to entrust the American people with unpleasant facts, foreign ideas, alien philosophies and competitive values. For a nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people.'' As we reflect upon the celebration of another FOIA anniversary, we in Congress must reaffirm this commitment to open and transparent government.

Open government is not a Democratic issue, nor a Republican issue. It is truly an American value and a virtue that all Americans hold dear. It is in this bipartisan spirit that I join Americans from across the political spectrum in celebrating the 43rd anniversary of FOIA and all that this law has come to symbolize about our vibrant democracy.

COMMENDING HUBERT AND THOMAS VOGELMANN

Mr. LEAHY. Mr. President, I would like to bring to the Senate's attention a recent article published in The Burlington Free Press on Father's Day, which featured father and son botanists Hubert and Thomas Vogelmann from Jericho, VT, and the University of Vermont.

Now professor emeritus at the University of Vermont, Hub Vogelmann was the pioneer researcher calling attention to the impact of atmospheric deposition—acid rain—on the forests of the Northeast. Hub led a field trip on the western slopes of the Green Mountains to view the damage in person with the Environmental Protection Agency, EPA, Administrator. His contributions to the stewardship of our natural resources are many, particularly concerning the health of the forest ecosystem.

Now dean of the College of Agriculture and Life Sciences at the University of Vermont, Hub's son Tom is carrying on in the Vogelmann family tradition of science, service and stewardship.

As if this were not remarkable enough, Hub and his late wife Marie's two other sons are scientists as well, Jim a botanist and Andy, a physicist.

I value the working relationship I have enjoyed with Hub over the years and look forward to working with Tom in his new role as dean.

Mr. President, I ask unanimous consent that the article ''Like Father, Like Son—Fellow botanists have a lot in common,'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIKE FATHER, LIKE SON; FELLOW BOTANISTS HAVE A LOT IN COMMON

(By Tim Johnson)

JERICHO.—This is a story about the family Vogelmann, father and son. They're next-door neighbors.

Hub, the father, grew up in a city, married, had three sons, moved here to the country, and tried his hand at raising beef cattle—grass-fed, back before that was fashionable.

Tom, the eldest, proved adept at haying. He was a bit of a handful, into everything, but he was good at tossing bales into the barn.

Hub had a day job, and he used to joke that's what made it possible for him to lose money on the cattle. Tom helped out but ''he always had a mind of his own—it was get out of my way,' '' Hub recalled the other day.

Tom smiled knowingly. They were sitting on Tom's porch in the late afternoon sun, reminiscing.

Hub's day job was professor of botany at the University of Vermont. He was there 36 years, retiring in 1991.

Tom turned out all right. He, too, is a professor of botany . . . at the University of Vermont, where else? He's also the new dean of the College of Agriculture and Life Sciences.

If ever there was a prime example of a son's following in his father's footsteps—not just figuratively, but literally—Tom is it. That's what he's doing every time he walks along the gravel road that runs past their houses.

BUTTERNUTS DECODED

Hubert W. ''Hub'' Vogelmann, son of a minister in Buffalo, N.Y., became a botanist by a kind of happenstance.

He liked science. During his last year at Heidelberg College, in Ohio, his favorite professor asked him what he was going to do after he graduated.

''I said, 'I dunno,' '' Hub recalled. ''And he said, 'You've got to go to graduate school. I know some people in the botany department at the University of Michigan.' ''

On the strength of the professor's recommendation, Hub went to Ann Arbor.

''They gave me an exam, and I flunked it,'' he said. ''The department chairman was very kind. He let me stay on.''

Hub stayed on long enough to get his Ph.D. His first job after that was at UVM, and he never left.

''Vermont,'' he said. ''As a botanist, you couldn't ask for a better place.''

At first, Hub and his wife, Marie, settled in Essex Junction. In 1958, when Tom was 5, Hub bought a 120-acre dairy farm in Jericho and has lived there ever since. He later acquired the adjoining property and rented that place out.

Tom was in the first entering class at the new Jericho Elementary School. He remembers being able, from the house, to spot the distant school bus approaching from far across the fields—far enough away that he could time his arrival just right at the stop down the road. His summers were pretty uneventful. He remembers sitting in a tree and watching draft horses at work—old farming technology that was in its last throws in the '50s. He appreciated what he saw.

''When they'd do haying,'' he said, ''there was not one straw left.''

At age 14, during a year the family spent in Mexico, Tom served as his father's assistant as they studied fog in the Cloud Forest. Later Tom went to UVM, where he sampled various disciplines. He liked science and remembers being intellectually swept away by plant biochemistry and molecular biology, two courses in his senior year. He remembers one night at the family dinner table: Tom remarked how curious it seemed to him that butternuts grow next to stone walls—could it be something in their biochemistry or molecular biology?

His father looked at him.

''Tom,'' Hub said, ''you need to take more ecology. They grow there because that's where squirrels drop the nuts.''

Hub knew something about ecology, a field that began to flourish during his career. He did seminal research on the impact of acid rain on forests. He was the first to pin the decline of red spruce on industrial emissions from the Midwest, according to Walter Poleman, a senior lecturer at UVM, who delivered a testimonial May 1 when Hub received a Lifetime Achievement Award at the Center for Research on Vermont. ''His findings helped establish guidelines for the Clean Air Act and set the stage for acid rain research throughout the Northeast,'' Poleman said.

Tom went his own way. He applied to graduate school in plant biochemistry and in archaeology.

''The plant people took me,'' he said. ''The archaeology people didn't.'' So, he became a botanist, earning a Ph.D. from Syracuse University and specializing in whole-plant physiology. He and his wife, Mary (also a botanist), spent three years in southern Sweden, then they went to the University of Wyoming, where he rose to full professor. In 2001, someone from UVM asked if he'd be interested in chairing the botany department—the same department Hub had chaired for 20 years.

''I thought, 'Why not?' '' Tom said. ''So, I came back in January of 2002.'' He camped out in his old room in his father's place. Before long the tenant vacated the house next door. Tom and Mary moved in. ''The whole story is a bit surreal,'' Tom said, when asked how he came to be living next door to his father. ''It wasn't ever thought out or planned.

''One thing led to another,'' he said.

GROWING DEGREES

One thing led to another for Tom's younger brothers, too, both of whom also have doctorates. Jim has a Ph.D. in botany, and so does his wife. The youngest, Andy—the odd one out in this family, unless you count their late mother, Marie, who was an accomplished musician—has a Ph.D. in atmospheric physics.

Was it something in the water? How was it that all three Vogelmann offspring wound up with advanced degrees in science?

The question brought a blank look to Tom's face.

''A lot of conversations around dinner table . . .'' he said vaguely.

About what, besides butternuts?

''Could be about anything, '' he said, ''from fossils to. . . . We used to walk through plowed fields, we'd find artifacts, and we'd talk about them.''

Or, he mused, maybe it had to do with the ambiance in which they came of age. Some kids grow up in a corporate culture. They grew up in a university culture.

Hub still enjoys hearing Tom talk about the doings at UVM. Some things don't change, Hub said.

They don't just talk shop, though. Each one brags about the other's garden.

''He grows some of the world's best celeriac,'' Tom was saying before Hub showed up.

Celeriac, Tom explained, is a big root that you can grate into soups or salads. The leaves look like celery leaves.

After Hub arrived and sat down, the porch conversation soon got back to gardens.

''He has the biggest garlic patch in Vermont,'' Hub said.

''No, I don't,'' Tom said.

''How many plants do you have—a thousand?''

''Over a thousand,'' Tom said. ''That's a lot of holes to make with your thumb.''

''How many varieties?''

''Forty-two,'' Tom said.

Hub smiled. He seemed to know what was coming.

''It all tastes pretty much the same,'' Tom said.

GUN VIOLENCE

Mr. LEVIN. Mr. President, the past few months have been marked by several high-profile, tragic shootings that have left families to grieve and communities to ponder why. While many of the details of these recent shootings vary tremendously, one fact remains constant, our current gun laws have failed to keep firearms out of the hands of those who should not have been able to acquire them.

In 1983, James von Brunn, a white supremacist and Holocaust denier, was convicted of attempting to kidnap members of the Federal Reserve Board, after he was caught trying to enter a board meeting carrying multiple firearms. As a convicted felon, Mr. Von Brunn was legally barred from possessing firearms. Despite this fact, on June 10, Mr. Von Brunn walked into the United States Holocaust Memorial Museum and fatally shot security guard Stephen T. Johns, a 6-year veteran of the facility, before being shot himself by other officers. Holding a .22-caliber rifle, this man entered a museum that welcomes 30 million visitors and school children annually. Tragically, this type of violence is not uncommon.

On June 1, a 24-year-old man shot two soldiers, PVT William A. Long and PVT Quinton Ezeagwula, outside of a military recruiting station in Little Rock, AR. Private Long, who had just completed basic training and was volunteering at the recruiting office before starting an assignment in South Korea, was killed in the shooting. The man accused in this incident was later found with two rifles and a handgun, despite being under investigation by the FBI's Joint Terrorism Task Force. The day before, a 51-year-old man with a history of mental illness walked into the Reformation Lutheran Church in Wichita, KS, and shot Dr. George Tiller in the head while he served as an usher during Sunday morning services. The accused in this incident had been arrested by police in 1996, after being found with bomb-making material in his car.

These senseless acts of gun violence frequently also target police officers. On April 4, a 23-year-old man, dishonorably discharged from Marine basic training, armed with three guns, including an assault rifle, ambushed and gunned down Officers Eric Kelly, Stephen Mayhle, and Paul Sciullo in Pittsburgh, PA. A fourth officer, Timothy McManaway, was shot in the hand. This shooting occurred just 2 weeks after a 26-year-old man, with a prior conviction for assault with a deadly weapon, turned two guns, including an assault rifle, on police officers in Oakland, CA. SGTs Mark Dunakin, Ervin Romans, Daniel Sakai, and Officer John Hege were fatally shot in what was the deadliest day for U.S. law enforcement since September 11, 2001.

In the span of a few months, a security officer, a doctor, two soldiers, and seven police officers lost their lives. All devoted their professional lives to the protection of others; all gunned down by someone who should not have had access to a firearm. These are not uncommon events, but rather simply the latest high-profile shootings to capture national headlines. In a nation which suffers 12,000 gun homicides, 17,000 gun suicides, 650 accidental gun deaths, and another 70,000 nonfatal gun injuries every year, there are still those who resist legislation aimed at putting an end to these tragedies. I urge my colleagues to act immediately and pass urgently needed commonsense gun legislation.

CLOSE THE SILO/LILO LOOPHOLE ACT

Mr. BAUCUS. Mr. President, I have been extremely concerned about the problems lease-in/lease-out and sale-in/lease-out transactions cause our tax system for years. I have made clear before that gaming the system at the taxpayers' expense is simply unacceptable. In 2004, Senator GRASSLEY and I successfully shut down the loophole that allowed losses from these deductions, but the current economic crisis has created new problems. I applaud the work of Senator MENENDEZ to address these issues, and I support his efforts to resolve this problem.

COMMENDING CHIEF WARRANT OFFICER KEVIN J. GALVIN

Mr. REED. Mr. President, today I pay tribute to the long and distinguished service of chief warrant officer and ancient keeper, Kevin J. Galvin of the U.S. Coast Guard.

For over 30 years, Chief Warrant Officer Galvin has served proudly in our Nation's Coast Guard, exhibiting the classic attributes of a ''Coastie'': a profound dedication to duty, unsurpassed technical expertise, and an uncompromising commitment to operational excellence.

Since June 2006, Chief Warrant Officer Galvin has served as the commanding officer of Castle Hill Station in Newport, RI. Through this period, during which the Coast Guard has taken on an increasing burden to help secure our homeland, Chief Warrant Officer Galvin exhibited sound and capable leadership. Under his watch, the Castle Hill Station exceeded every operational expectation, including the successful execution of over 350 search and rescue cases which resulted in 46 lives saved, 428 persons assisted, and $23 dollars in property secured. Chief Warrant Officer Galvin also oversaw more than 500 law enforcement boardings, directed multiple ports, waterways, and coastal security missions to protect critical infrastructure, provided security for visits by the President and foreign heads of state, and led his crew in providing security and SAR response for Tall Ships 2007, where 27 ships visited Rhode Island from around the world culminating in a Parade of Sail with over 6000 spectator vessels.

On June 21, 2008, Chief Warrant Officer Galvin relieved master chief boatswain's mate John E. Downey as the ancient keeper of the Coast Guard, becoming the second recipient of the Joshua James Ancient Keeper Award. The Ancient Keeper Award is presented to a Coast Guard member on Active Duty in recognition of their longevity and outstanding performance in boat operations. The award's namesake, CAPT Joshua James, is the most celebrated lifesaver in Coast Guard history with 626 lives saved. Only those who have exemplified the finest traits of maritime professionalism and leadership are appointed keepers. The ancient keeper is charged with overseeing Coast Guard boat operations to ensure the service's traditional professionalism remains intact. Chief Warrant Officer Galvin has carried out this responsibility with honor and distinction.

On July 1, 2009, Chief Officer Galvin will bring his long and impressive career in the Coast Guard to an end and will be relieved of his duty as the ancient keeper and commanding officer of the Castle Hill Station by another outstanding member of the Coast Guard, CWO Thomas Guthlein.

Again, I commend Chief Warrant Officer Galvin for his dedicated career in the U.S. Coast Guard and thank him for all he has done in service to our country.

PROJECT SPONSORSHIP CORRECTION

Ms. MIKULSKI. Mr. President, as Chairwoman of the Appropriations Subcommittee on Commerce, Justice, science, and Related Agencies, I rise today to clarify for the record the sponsorship of a congressionally-designated project included in the explanatory statement accompanying H.R. 1105, the Omnibus Appropriations Act, 2009, Public Law 111–8.

Specifically: Senator FEINSTEIN should not be listed as a cosponsor of the San Francisco district attorney ''Back on Track'' Byrne discretionary grant through the Department of Justice, since she did not request this funding. Senator FEINSTEIN's name was added as a cosponsor of this project through a clerical error.

MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

Mr. CARDIN. Mr. President, I rise today to show my support for the Matthew Shepard Hate Crimes Prevention Act of 2009.

On June 15, 2009, Stephen Johns was killed in the U.S. Holocaust Museum. On February 12, 2008, Lawrence King, a 15-year-old student, was murdered in his high school because he was gay. On election night 2008, two men went on an assault spree to find African Americans, because then-Senator Obama won the Presidential election. In July 2008, four teenagers brutally beat and killed a Mexican immigrant while yelling racial epithets. Hate crimes continue to occur in our country every day. According to recent FBI data, there were over 7,600 reported hate crimes in 2007. That's nearly one every hour of every day. Over 150 of those incidents occurred in my own home State of Maryland.

The number of hate crimes occurring across the country is likely underestimated. At least 21 agencies in cities with populations between 100,000 and 250,000 did not participate in the FBI data collection effort for the 2007 report. Additionally, victims may be fearful of authorities and may not report these crimes. Local authorities may define what constitutes a hate crime differently than other jurisdictions. But what we do know is that hate crimes are occurring and have increased toward certain groups of individuals.

According to the recent Leadership Conference on Civil Rights Education Fund Report, entitled ''Confronting the New Faces of Hate,'' hate crimes against Latinos has been increasing steadily since 2003. This marked increase also closely correlates with the increasing heated debate over comprehensive immigration reform. There was also a five year high in victimization rates in 2007 toward lesbian, gay, bisexual and transgendered individuals. That number has increased by almost 6 percent. The number of White supremacist groups has increased by 54 percent and African Americans continue to experience the largest number of hate crimes, with an annual number essentially unchanged over the past 10 years. While religion based offenses decreased, the number of reported anti-Jewish crimes increased slightly between 2006 and 2007.

The Matthew Shepard Hate Crimes Prevention Act is a necessary and appropriate response to this ongoing threat to our communities. Currently, 45 States and the District of Columbia have enacted hate crime laws and have taken a stand against hate in their States. Thirty-one of those States have already included sexual orientation in their definition of what constitutes a hate crime. Twenty-seven States and the District of Columbia prohibit violent crimes based upon a victim's gender. States have a patchwork of hate crimes statutes which leaves gaps which need to be filled in order to have an effective response and prosecution of these crimes. The Federal Government has a clear responsibility to respond to hate crimes. Current Federal hate crime laws are based only on race, color, national origin and religion. We need to include gender, disability, gender identity, and sexual orientation. Current law also requires the victim to be participating in a federally protected activity, like attending school or voting. Those who commit hate crimes are not bound to certain jurisdictions and neither should the people who prosecute them, which is why this legislation removes the requirement that a victim be participating in a federally protected activity. The Matthew Shepard Hate Crimes Prevention Act will make sure all Americans are equally protected against hate crimes.

The American public supports this goal. According to a Gallup poll from 2007, 68 percent of all Americans support extending hate crime protection to groups based on sexual orientation and gender identity, including 60 percent of Republicans, and 62 percent of individuals who frequently attend church. This legislation also enjoys the support of 43 Senators from both sides of the aisle. The legislation has also already passed the House of Representatives.

This legislation will also provide necessary resources to our State and local governments to fight hate crimes. Specifically, it will provide grants for State, local and tribal law enforcement entities for prosecution, programming and education related to hate crime prosecution and prevention. The bill will assist States and provide them with additional resources, not diminish their role in managing criminal activity within their State. The bill supplements state and local law enforcement efforts.

Additionally, and most importantly, the legislation was carefully drafted to maintain protections for Americans' first amendment rights. Nothing in this legislation diminishes any American's freedom of religion, freedom of speech or press, or the freedom to assemble. The Supreme Court has already ruled that such laws do not obstruct free speech. Let me be clear, the Matthew Shepard Hate Crimes Prevention Act targets violent acts, not speech.

Hate crimes affect not just the victims; they victimize entire communities and make residents fearful. We cannot allow our communities to be terrorized by hatred and violence. I encourage my fellow colleagues to support the Matthew Shepard Hate Crimes Prevention Act.

100TH ANNIVERSARY OF MEDICINE BOW, WYOMING

Mr. BARRASSO. Mr. President, I rise today to recognize the 100th anniversary of the town of Medicine Bow, WY. The town eventually became the setting for the classic Western novel by Owen Wister, ''The Virginian.''

Medicine Bow's history began decades before its incorporation on June 26, 1909. The town's name originates from the mountains surrounding the area. American Indians would annually travel to the foot of the Medicine Bow Mountains to obtain wood that was excellent for arrows. According to the Native Americans, anything that is perfect for the purpose for which it is intended is called ''good medicine.''

The Union Pacific Railroad routed tracks through the valley because the Medicine Bow River was an ideal place for a pumping station. Steam engines would pause to take on a load of water before roaring across the prairie to the east or over the mountains to the west. The railroad not only produced what is now known as the town of Medicine Bow, but it also created economic opportunities. Wyoming's booming cattle industry necessitated stock yards in Medicine Bow. The town became an important shipping center for cattle headed to the eastern market and a great place for cowboys to congregate after gathering their herds.

The wood in the Medicine Bow forest was excellent not only for arrows but also for railroad ties. Every year, tie hacks cut hundreds of thousands of railroad ties and mining props from the mountains at the head of the river. The material was then floated down to a river boom, a mile from the Medicine Bow Station. These ties were pulled from the river and shipped to supply America's swiftly expanding railroad network.

The tie hacks and the cowboys played a vital role in the development of Medicine Bow's untamed reputation. It was this reputation as one of the West's wildest towns that brought famous novelist Owen Wister to Medicine Bow. Following his stay in Medicine Bow, Wister authored the classic Western novel, ''The Virginian.'' In his novel, he mirrored more than just the setting of the town. His plot was a fictionalized story about the Johnson

County War in Wyoming, told from the cattle barons' point of view. Even Wister's famous line from the novel was not original. The phrase, ''When you look at me smile,'' came from a local man named William Hines. His novel brought fame and recognition to Wyoming's culture and history. In 1913 the Virginian Hotel was built by August Grimm and named after Wister's novel. To this day, visitors from all over the world enjoy a nice meal and a comfortable night's sleep at the Virginian.

The area surrounding Medicine Bow has long been host to several energy industries. Coal and uranium mines brought jobs to the area. Presently, wind turbines secure Medicine Bow's future and contribution to the America's energy market. Without a major interstate nearby, the Medicine Bow Valley has been able to secure and maintain its majestic western roots. Modernization may sweep through, but valleys like the Medicine Bow remind us of the Old West legacy.

In celebration of the 100th anniversary of the town of Medicine Bow, I invite my colleagues to visit this historic place. I congratulate the citizens of Medicine Bow who steward this important piece of Wyoming's history and present it to visitors from all over the world.

ADDITIONAL STATEMENTS

COMMENDING REVEREND GEORGE POULOS

• Mr. LIEBERMAN. Mr. President, today I would like to recognize the extraordinary service and remarkable character of Reverend George Poulos of the Church of the Archangels in Stamford, CT, who recently retired after over a half decade of service.

Reverend Poulos has come to hold a special place in our hearts and minds over his 53-year career. Over the years, he has been a spiritual father and friend to thousands of Connecticut families. As parish priest for Church of the Archangels, Reverend Poulos has officiated over 2,000 baptisms, 1,000 weddings, and 800 funerals. Although his formal tenure as parish priest ended earlier this week, Reverend Poulos remains intimately connected to the birth, life, and remembrance of the Stamford community. I have known Reverend Poulos for many years and treasure the example he has set in his career of devoted service; I am grateful for all the wisdom he has offered me personally.

The Church of the Archangels where Reverend Poulos served as parish priest is a magnificent structure built in the 11th century Byzantine style; in fact, it is the only true Byzantine-style church in the Western Hemisphere. As a 16-year-old, I watched the amazing structure emerge just down the street from the house where I grew up. When you enter the church, the left side wall reads: ''AGIASON TOUS AGAPONTAS THN EFPREPEIAN TOU OIKOU SOU,'' which means, ''Bless those who love the beauty of thy house.'' Reverend Poulos has offered us a rare kind of love that helps the Stamford community practice reverence, celebrate growth, and appreciate all the beauty of this life.

Our State and this Nation are blessed to have leaders like Reverend Poulos in our communities. As he retires from his church to spend time with his wife Christine, his five sons, and six grandchildren, I thank him for his service and assure him that his important contributions and generous spirit will never fade from our memory.•

REMEMBERING H.A. ''RED'' BOUCHER

• Ms. MURKOWSKI. Mr. President, as our colleagues know, this year marks the 50th anniversary of Alaska's admission to statehood. Earlier this year I had the privilege to speak at a number of events to kickoff the 50th anniversary celebration. I marveled at the fact that so many of Alaska's statesmen and stateswomen—the people who led Alaska from a frontier territory to a modern and vibrant state—are still with us today. The founding fathers and mothers of so many of our States are just names in a history book. In contrast, the founding fathers and mothers of Alaska are not remote historical figures, but our friends and neighbors. Alaska's history is very much a living history. That is a source of great pride to me and to all Alaskans.

Yet every year, it seems, we lose another piece of Alaska's living history as those who played a significant role in the statehood fight and the early growth of our 49th State pass on. Today it is my sad duty to acknowledge the loss of Red Boucher, the first elected lieutenant governor of Alaska. Red died last Friday at the age of 88. This Friday the people of Alaska will celebrate Red's life at a memorial service in Anchorage

Everyone who knew Red knew of his persuasive gifts. Born in Nashua, NH, he grew up in St. Vincent's Orphanage in Fall River, MA, where he was placed at age 9 after his father's death in 1930. Seven years later Red, who was barely 16 years old, talked his way into the U.S. Navy. He served for 20 years, including all of World War II. After he left the service he ended up in Fairbanks, where in 1958 he established one of Interior Alaska's first sporting goods stores. But sports was only one of his passions. Politics was clearly another.

Following service on the Fairbanks city council and as mayor of the city of Fairbanks, Red served as lieutenant governor of Alaska under Governor Bill Egan from 1970 to 1974.

After his term as lieutenant governor, Red did not disappear from public service. During his nationwide travels from 1976 to 1980 at the behest of the Citizens for Management of Alaska's Lands, Red met with hundreds of newspaper editorial boards, winning acclaim for his strong reasoned arguments for why the Arctic Coastal Plain should be left open to oil and gas development if an environmental impact statement proved it could be developed without environmental harm. Many credited Red's efforts as the reason that ANWR's coastal plain was not locked up as wilderness when ANILCA was enacted in 1980. He returned to Juneau in 1985 representing an Anchorage district in the Alaska House of Representatives. And in 1991 Red was elected to the Anchorage Assembly.

In the minds of many Alaskans these significant contributions are relatively minor. They would regard Red's creation of the Alaska Goldpanners, Fairbanks' summer baseball team, as his most enduring accomplishment. He managed the team from 1960 to 1969. During the 1964 and 1965 seasons Red managed a young pitcher named Seaver, Tom Seaver.

The alumni list of the Alaska Goldpanners reads like a ''who's who'' of Major League Baseball. In fact, nearly 200 Goldpanner alumni have gone on to play in the majors. Then there was Dan Pastorini who pursued a career in football as quarterback for the Houston Oilers, Oakland Raiders, Los Angeles Rams, and Philadelphia Eagles.

The Alaska Goldpanners continue to delight Alaskans and visitors from around the world each summer at Growden Memorial Field. At the time of his death, Red was the director of external affairs for the team.

Two days after Red's passing, at 10:30 P.M. on the evening of Sunday, June 21, his beloved Goldpanners took the field against the Lake Erie Monarchs. It was Fairbanks' 104th annual Midnight Sun Game, game played each year to commemorate the Summer Solstice. That game ended in the wee morning hours of Monday, June 22, with a 6–3 victory for the ''Panners.'' Red's still watching out for them.

In his later years Red championed bringing modern telecommunications and computing technologies to the remotest parts of Alaska. He hosted a statewide cable television show called ''Alaska On Line.'' I was proud to be Red's guest on more than one occasion. We discussed ANWR and the need to construct a pipeline to transport Alaska's abundant natural gas supplies to market.

The formula for ''Alaska On Line'' was simple: Invite interesting guests and let them tell their stories. These shows are virtual oral histories of Alaska. In fact, many of the tapes have already been acquired by the University of Alaska Anchorage Consortium Library for use by historians and scholars.

Red Boucher lived every day to the fullest enriching the lives of his fellow Alaskans in innumerable ways. I join with Red's family and all Alaskans in mourning the loss of this exemplary Alaskan.•

WEST VIRGINIA SCHOOL OF EXCELLENCE AWARD RECIPIENTS

• Mr. ROCKEFELLER. Mr. President, today I honor the recipients of the West Virginia School of Excellence award for the 2008–2009 academic school year. This is a prestigious award given to schools for providing rigorous curricula, innovative programs, and exhibiting an overall high standard of learning. Those receiving the award this year were Ben Franklin Career and Technical Center in Kanawha County; Poca Middle School in Putnam County; Eagle School Intermediate in Berkeley County; Davis Creek, Village of Barboursville, and Martha Elementary Schools all of Cabell County; Cottageville Elementary in Jackson County; and Stratton Elementary in Raleigh County. They are all incredibly impressive schools that are challenging their students. I would like to take a little time to highlight how each school is preparing their pupils for future success.

Ben Franklin Career and Technical Center, located in Dunbar, centers its curriculum on the principle of preparing all students for the 21st century by training them to operate efficiently in a complex economy. It offers career preparation programs, short-term skill courses, and customized training for local businesses.

Poca Middle School is based on the principles of allowing students to ''master basic academic skills and to explore and identify their own interests and talents.'' It is a school that prides itself on offering students various opportunities to explore the arts and to actively pursue their interest by attending a wide range of classes and school events. It has allowed students to experience a more personal learning environment by implementing an online math program. The school's use of online learning is just the beginning of the many expanded learning programs that West Virginia schools will be implementing in the near future.

Eagle School Intermediate, located in Martinsburg, is dedicated to ''providing educational opportunities for all students to reach their highest academic potential.'' Eagle School Intermediate was one of the first schools in West Virginia to allow parents to track their student's progress via online grade checking. This is just another example of how West Virginia is expanding its boundaries towards providing the most in-depth academic technology to its students and their parents.

Davis Creek Elementary School, located in Barboursville, is an extraordinary representation of the Mountain State's flourishing primary education programs. For the 2006–2007 school year, the Cabell County public school was declared a National Blue Ribbon School. Davis Creek served 169 students in grades K–5 and has also been named a West Virginia Exemplary School.

Village of Barboursville Elementary School, located in Barboursville as well, is an institution that is focused on cohesive learning among students and faculty. It boasts a strikingly high parental approval rating. The school focuses its curriculum on providing students with the opportunity not only to learn inside the classroom, but also to develop proper social skills that can be taken and used to develop a stronger bond with the community.

Martha Elementary School, also located in Barboursville, is an institution founded on cooperation between parents and students to create an environment conducive to learning. This 300-student rural school focuses on endowing students with the opportunity to follow their dreams. The dedicated faculty uses innovative programs to assist students on an individual basis, allowing for a more personalized educational experience. The school strives to create an atmosphere of support among family, the school, and the community.

Cottageville Elementary, located in Cottageville, is dedicated to providing ''equity and excellence in education.'' The school bases its curriculum on the belief that all students should be held to a high standard and endowed with the resources necessary to receive an excellent education. Teachers and faculty strive to provide their students with the skills necessary to excel academically by creating a support system that includes the school, family, and the community.

Stratton Elementary, located in Beckley, strives to afford all of its students the opportunity to learn at a pace that is the best match for each individual. Stratton offers many gifted programs and online learning portals that allow students to take more advanced courses and to have access to one-on-one help around the clock.

Once again, I congratulate these eight schools for receiving the West Virginia School of Excellence award, a distinction each school undoubtedly deserves. I commend them on their impressive achievements and applaud all of the administrators, teachers, and students for the wonderful example they set for all West Virginians.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

H.R. 1777. An act to make technical corrections to the Higher Education Act of 1965, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mrs. GILLIBRAND).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1344. A bill to temporarily protect the solvency of the Highway Trust Fund.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 25, 2009, she had presented to the President of the United States the following enrolled bill:

S. 407. An act to amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2091. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Triallate; Pesticide Tolerances'' (FRL No. 8421–2) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2092. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Butenedioic acid (2Z)-, monobutyl ester, Polymer with methoxyethene, sodium salt; Tolerance Exemption'' (FRL No. 8418–7) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2093. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oxirane, 2-methyl-, Polymer with Oxirane; Tolerance Exemption'' (FRL No. 8420–9) received in the Office of the President of the

Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2094. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Starch, oxidized, polymers with Bu acrylate, tert-Bu acrylate and styrene; Tolerance Exemption'' (FRL No. 8418–8) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2095. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Propenoic acid, butyl ester, polymer with ethyl 2-propenoate and N-(hydroxymethyl)-2-propenamide; Tolerance Exemption'' (FRL No. 8418–4) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2096. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acetochlorp Pesticide Tolerances'' (FRL No. 8417–8) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2097. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Data Requirements for Antimicrobial Pesticides; Technical Amendment'' (FRL No. 8418–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2098. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glyphosate; Pesticide Tolerances'' (FRL No. 8417–5) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2099. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements'' ((RIN2060–AO80)(FRL No. 8420–9)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2100. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009'' ((RIN2060–AO77)(FRL No. 8420–9)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2101. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion'' (FRL No. 8903–6) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2102. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations, Phase II'' (FRL No. 8921–5) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2103. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Detroit-Ann Arbor Area to Attainment for Ozone'' (FRL No. 8921–2) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2104. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfections Byproducts Rule and Change in References to Analytical Methods'' ((RIN2040-AF00)(FRL No. 8920–8)) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2105. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''National Volatile Organic Compound Emission Standards for Aerosol Coatings'' (FRL No. 8920–7) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2106. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Revision of Source Category List for Standards Under Section 112 (k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries'' (FRL No. 8920–9) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2107. A communication from the Director of Regulatory Management, Office of Policy, Economics and Innovations, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 8417–6) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Environment and Public Works.

EC–2108. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles in the amount of $50,000,000 or more with Russia, Sweden, Hong Kong and Kazakhstan; to the Committee on Foreign Relations.

EC–2109. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0076 - 2009–0081); to the Committee on Foreign Relations.

EC–2110. A communication from the Acting Director of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Mine Rescue Teams'' (RIN1219–AB66) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2111. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-104, ''WMATA Compact Consistency Temporary Amendment Act of 2009''; to the Committee on Homeland Security and Governmental Affairs.

EC–2112. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 7A for Fiscal Years 2005 through 2008, as of March 31, 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–2113. A communication from the Deputy Chief Counsel of the Office of Regulations and Security Standards, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''False Statements Regarding Security Background Checks'' (RIN1652–AA65) received in the Office of the President of the Senate on June 23, 2009; to the Committee on the Judiciary.

EC–2114. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Fundamental Properties of Asphalts and Modified Asphalts-III''; to the Committee on Commerce, Science, and Transportation.

EC–2115. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; AVI July Fireworks Display; Laughlin, Nevada'' ((RIN1625–AA00)(Docket No. USG–2008–1261)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2116. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Rockets Over the River; Bullhead City, Arizona'' ((RIN1625–AA00)(Docket No. USG–2009–0070)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2117. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River Mile 265.2 to 266.2 and from Kanawha River Mile 0.0 to 0.5, Point Pleasant, West Virginia'' ((RIN1625–AA00) (Docket No. USG–2009–0191)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2118. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Ohio River, Mile 460.0 to 475.5, Cincinnati, Ohio'' ((RIN1625–AA00) (Docket No. USG–2009–0310)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2119. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sea World Summer Nights Fireworks; Mission Bay, San Diego, California'' ((RIN1625–AA00) (Docket No. USG–2009–0268)) received in the Office of the President of the Senate on June 22, 2009; to the

Committee on Commerce, Science, and Transportation.

EC–2120. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Marinette Marine Vessel Launch, Marinette, Wisconsin'' ((RIN1625–AA00) (Docket No. USG–2009–0462)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2121. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Navigation and Navigable Waters; Technical, Organizations and Conforming Amendments'' ((RIN1625–ZA23)(Docket No. USG–2009–0416)) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2122. A communication from the Acting Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Common Crop Insurance Regulations; Basic Provisions; Enterprise Unit Revisions'' (RIN0563–AC23) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2123. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the one-year extension of authority to provide additional support for counter-drug activities of certain foreign governments, and one relative to the establishment of a defense coalition support fund to maintain inventory of critical items for coalition partners, received in the Office of the President of the Senate on June 18, 2009; to the Committee on Armed Services.

EC–2124. A communication from the General Counsel of the Department of Defense, transmitting a legislative proposal relative to including as part of the National Defense Authorization Bill for fiscal year 2010, relative to the authority to order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty to provide assistance in response to a major disaster or emergency, received in the Office of the Senate on June 24, 2009; to the Committee on Armed Services.

EC–2125. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the Air Force Academy Athletic Association, and one relative to the responsibility for preparation of Biennial Global Positioning System Report, received in the Office of the President of the Senate on June 24, 2009; to the Committee on Armed Services.

EC–2126. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2127. A communication from the First Vice President and Controller, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's 2008 Management Report and report on the system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–2128. A communication from the Acting Assistant Secretary of Land and Minerals Management, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Required Fees for Mining Claims or Sites'' (RIN1004–AE09) received in the Office of the President of the Senate on June 24, 2009; to the Committee on Energy and Natural Resources.

EC–2129. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tribal Economic Development Bonds'' (Notice 2009–51) received in the Office of the President of the Senate on June 25, 2009; to the Committee on Finance.

EC–2130. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Santa Susana Field Laboratory-Area IV, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2131. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Standard Oil Development Company, Linden, New Jersey, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC–2132. A communication from the General Counsel of the Department of Defense, transmitting legislative proposals relative to including as part of the National Defense Authorization Bill for fiscal year 2010, including one relative to the authority to transfer defense articles no longer needed in Iraq and to provide defense services to the Security Forces of Iraq, Afghanistan, and Pakistan; one relative to building the capacity of Coalition partners; and one relative to building the capacity of NATO and Partner Special Operations Forces, received in the Office of the President of the Senate on June 18, 2009; to the Committee on Foreign Relations.

EC–2133. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the termination of Danger Pay for U.S. Government personnel serving in Banja Luka and Other, Bosnia-Herzegovina based on improved conditions; to the Committee on Foreign Relations.

EC–2134. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, its request for participation in a study on parliamentary oversight; to the Committee on Foreign Relations.

EC–2135. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Upper Mississippi River Valley Viticultural Area (2007R–055P)'' (RIN1513–AB40) received in the Office of the President of the Senate on June 25, 2009; to the Committee on the Judiciary.

EC–2136. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Statutory Amendments Requiring the Qualifications of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition on Roll-Your-Own Tobacco (T.D. TTB–78)'' (RIN1513–AB72) received in the Office of the President of the Senate on June 25, 2009; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. MIKULSKI, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 2847. A bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–34).

By Mr. DURBIN, from the Committee on the Judiciary, without amendment:

S. 1107. A bill to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

Raphael William Bostic, of California, to be an Assistant Secretary of Housing and Urban Development.

David H. Stevens, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

By Mr. LEAHY for the Committee on the Judiciary.

B. Todd Jones, of Minnesota, to be United States Attorney for the District of Minnesota for the term of four years.

John P. Kacavas, of New Hampshire, to be United States Attorney for the District of New Hampshire for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CHAMBLISS (for himself, Mr. INHOFE, Mr. MARTINEZ, Mr. ISAKSON, Mr. COCHRAN, Mr. BURR, Mr. BROWNBACK, Mr. VITTER, Mr. WICKER, Mr. BAUCUS, Mr. TESTER, and Mr. CRAPO):

S. 1348. A bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1349. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

By Mr. PRYOR (for himself and Mr. INHOFE):

S. 1350. A bill to encourage increased production of natural gas and liquified petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. BROWNBACK, Mr. BUNNING, Mr. COBURN, Mr. CORNYN, Mr. GRASSLEY, Mr. INHOFE, and Mr. VITTER):

S. 1351. A bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 1352. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 1353. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1354. A bill to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BARRASSO (for himself and Mr. WYDEN):

S. 1355. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1356. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 1357. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. SESSIONS):

S. 1358. A bill to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force; considered and passed.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1359. A bill to provide United States citizenship for children adopted from outside the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 1360. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. BOND):

S. 1361. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

By Mr. REED (for himself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG):

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ (for himself, Mr. BAYH, Mr. NELSON of Florida, and Mr. CRAPO):

S. 1363. A bill to streamline the regulation of nonadmitted insurance and reinsurance, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 1364. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for hurricane and tornado mitigation expenditures; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. ENSIGN, Mr. BAYH, Mr. VITTER, Mr. SPECTER, Mr. ISAKSON, Mr. WHITEHOUSE, and Mr. KAUFMAN):

S. 1365. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate a portion of their income tax payment to provide assistance to homeless veterans, and for other purposes; to the Committee on Finance.

By Mr. CRAPO (for himself, Mr. REID, Mr. ENSIGN, and Mr. RISCH):

S. 1367. A bill to amend the Internal Revenue Code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Finance.

By Mr. WHITEHOUSE:

S. 1368. A bill to amend title 35, United States Code, to create an exception from infringement of design patents for certain component parts used to repair another article of manufacture; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 1370. A bill to provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S. 1372. A bill to provide a vehicle maintenance building to house the Smithsonian Institution's Vehicle Maintenance Branch at the Suitland Collections Center in Suitland, Maryland; to the Committee on Rules and Administration.

By Mr. LIEBERMAN (for himself and Mr. CORNYN):

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency or from funds administered by that agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself, Mr. KERRY, Mr. DURBIN, Mr. HARKIN, and Mr. FEINGOLD):

S. 1374. A bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROBERTS (for himself, Mr. HARKIN, Mr. GRASSLEY, Mr. BENNET, Mr. BROWNBACK, Mr. KOHL, Mr. LEAHY, Mr. UDALL of Colorado, and Mr. SANDERS):

S. 1375. A bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Ms. LANDRIEU, Mr. INHOFE, Mr. FEINGOLD, and Mr. DURBIN):

S. 1376. A bill to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission to the United States; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 1377. A bill to provide for an automatic increase in the federal matching rate for the Medicaid program during periods of national economic downturn to help States cope with increases in Medicaid costs; to the Committee on Finance.

By Mr. LEVIN:

S. 1378. A bill to modify a land grant patent issued by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. MENENDEZ):

S. 1379. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER:

S. 1380. A bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy; to the Committee on Finance.

By Mr. GRASSLEY:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief for small businesses, and for other purposes; to the Committee on Finance.

By Mr. DODD:

S. 1382. A bill to improve and expand the Peace Corps for the 21st century, and for other purposes; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1383. A bill to amend the Controlled Substances Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 1384. A bill to amend title XVIII of the Social Security Act to provide a senior housing facility plan option under the Medicare

Advantage program; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, and Mr. THUNE):

S. 1385. A bill to amend title 46, United States Code, to improve port safety and security; to the Committee on Commerce, Science, and Transportation.

By Mr. BURRIS:

S. 1386. A bill to amend the Homeland Security Act of 2002 to establish the office of Disability Coordination, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1387. A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes; to the Select Committee on Intelligence.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 1388. A bill to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes; to the Committee on Indian Affairs.

By Mr. NELSON of Nebraska (for himself, Mr. CHAMBLISS, Mr. HARKIN, and Mr. BROWNBACK):

S. 1389. A bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHANNS (for himself, Mrs. HUTCHISON, Mr. BUNNING, Mr. ROBERTS, Mr. MARTINEZ, and Mr. BOND):

S. Res. 206. A resolution expressing the sense of the Senate that the United States should immediately implement the United States-Colombia Trade Promotion Agreement; to the Committee on Finance.

By Mr. REID:

S. Con. Res. 31. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. MENENDEZ:

S. Con. Res. 32. A bill expressing the sense of Congress on health care reform legislation; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. BEGICH) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 144, supra.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 391

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 391, a bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away.

S. 417

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 417, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Michigan (Ms. STABENOW), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 475

At the request of Mr. BURR, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 515

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 515, a bill to amend title 35, United States Code, to provide for patent reform.

S. 546

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 592

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 592, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 604

At the request of Mr. SANDERS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 662

At the request of Mr. CONRAD, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 686

At the request of Ms. MIKULSKI, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 686, a bill to establish the Social Work Reinvestment Commission to advise Congress and the Secretary of Health and Human Services on policy issues associated with the profession of social work, to authorize the Secretary to make grants to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 694

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 855

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 855, a bill to establish an Energy Assistance Fund to guarantee low-interest loans for the purchase and installation of qualifying energy efficient property, idling reduction and advanced insulation for heavy trucks, and alternative refueling stations, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 981

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1023

At the request of Mr. DORGAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1023, a bill to establish a nonprofit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States.

S. 1035

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1035, a bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes.

S. 1048

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1048, a bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants.

S. 1064

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1064, a bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted under such Act, and for other purposes.

S. 1131

At the request of Mr. WYDEN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1131, a bill to amend title XVIII of the Social Security Act to provide certain high cost Medicare beneficiaries suffering from multiple chronic conditions with access to coordinated, primary care medical services in lower cost treatment settings, such as their residences, under a plan of care developed by a team of qualified and experienced health care professionals.

S. 1150

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1150, a bill to improve end-of-life care.

S. 1233

At the request of Ms. LANDRIEU, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1233, a bill to reauthorize and improve the SBIR and STTR programs and for other purposes.

S. 1257

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1280

At the request of Mr. CORKER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1280, a bill to authorize the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1309

At the request of Mr. BAYH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1309, a bill to amend title IV of the

Social Security Act to ensure funding for grants to promote responsible fatherhood and strengthen low-income families, and for other purposes.

S. 1318

At the request of Mr. GREGG, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1319

At the request of Mr. COBURN, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kentucky (Mr. BUNNING) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1344

At the request of Mr. VITTER, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 1344, a bill to temporarily protect the solvency of the Highway Trust Fund.

S. 1345

At the request of Mr. REED, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 11

At the request of Ms. COLLINS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Con. Res. 11, a concurrent resolution 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.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 199

At the request of Mr. KOHL, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Arkansas (Mr. PRYOR), the Senator from New York (Mrs. GILLIBRAND), the Senator from Maine (Ms. COLLINS), the Senator from Florida (Mr. NELSON) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 199, a resolution recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 199, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Mr. CONRAD):

S. 1349. A bill to amend the Internal Revenue Code of 1986 to simplify the deduction for use of a portion of a residence as a home office by providing an optional standard home office deduction; to the Committee on Finance.

Ms. SNOWE. Mr. President, today I rise to reintroduce legislation to offer a drastically simplified alternative for home-based businesses to benefit from the home office tax deduction. The U.S. Small Business Administration's, SBA's, Office of Advocacy designated reforming the home office tax deduction as one of its top 10 regulatory review and reform initiatives for 2008. By establishing an optional home office deduction, the Home Office Tax Deduction Simplification and Improvement Act of 2009 would take a strong step toward making our tax laws easier to understand. I would like to thank Senator CONRAD for joining me to introduce this critical bill here in the Senate and Representative GONZALEZ for introducing identical legislation in the House of Representatives.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I continually hear from small enterprises across Maine and this nation about the necessity of tax relief and reform. Despite the fact that small firms are our economy's real job creators, the current tax system places an entirely unreasonable burden on them as they struggle to satisfy their tax obligations.

Notably, according to the Office of Management and Budget's Office of Information and Regulatory Affairs, the American public spends approximately nine billion hours each year to complete government-mandated forms and paperwork. A staggering 80 percent of this time is consumed by completing tax forms. What is even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, an amount that is nearly 67 percent more than larger firms.

Turning to the legislation we are reintroducing today, the Internal Revenue Code currently offers qualified individuals a home office tax deduction if they use a portion of their home as a principal place of business or as a space to meet with their patients or clients. That said, although recent research from the SBA indicates that roughly 53 percent of America's small businesses are home-based, few of these firms take advantage of the home office tax deduction. The reason is simple: reporting the deduction is complicated.

A 2006 survey conducted by the National Federation of Independent Business Research Foundation found that approximately 33 percent of small-employer taxpayers try to comprehend the tax rules governing the home office tax deduction, but only about half of those respondents believe that they actually have a good understanding of the rules. As Dewey Martin, a Certified Public Accountant from my home State of Maine, so aptly said in testimony last year before the Senate Finance Committee, ''Many small business owners avoid the deduction because of the complications and the fear of a potential audit.''

With a morass of paperwork attributable to the home office deduction, the time-consuming process of navigating the tangled web of rules and regulations makes it unsurprising that so many small business owners forego the home office deduction. So to encourage the use of the home office tax deduction, the bill we are introducing today would establish an optional, easy-to-use incentive.

Specifically, our bill would direct the Secretary of the Treasury to establish a method for determining a deduction that consists of multiplying an applicable standard rate by the square footage of the type of property being used as a home office. The proposal would also require the IRS to separately state the amounts allocated to several types of expenses in order to reduce the burden on the taxpayer. It is vital that the IRS clearly identify the amounts of the deduction devoted to real estate taxes, mortgage interest, and depreciation so that taxpayers do not duplicate them on Schedule A. Finally, the bill makes two changes designed to ease the administration of the deduction: First, to reflect an economy in which many business owners conduct business or consult with customers through the Internet or over the phone versus face-to-face, our legislation takes these entrepreneurs into account by allowing the home office deduction to be taken if the taxpayer uses the home to meet or deal with clients regardless of whether the clients are physically present. Second, our bill would allow for de minimis use of business space for personal activities so that taxpayers would not lose their ability to claim the deduction if they make a personal call or pay a bill online.

I would be remiss not to note that the bill we are introducing today is the result of the dedicated efforts of various groups and organizations, which have worked with Senator CONRAD and me on a consensus approach to improve the current home office tax deduction. In particular, it is significant to note that the IRS Taxpayer Advocate Service strongly backs this bill. In fact, the National Taxpayer Advocate, Nina E. Olson, sent my office the following statement regarding our legislation:

''In my 2007 Annual Report to Congress, I made a similar proposal to simplify the home office business deduction. I am pleased that Senator SNOWE and CONRAD's proposed bill reflects the gist of my legislative recommendation. Reducing the burdensome substantiation requirements for employees and self-employed taxpayers who incur modest home office costs would make the home office business deduction simpler and more accessible to them.''

Our bill also received an endorsement from the National Federation of Independent Business. Dan Danner, the organization's Executive Director, said the following: ''Currently only a small percentage of home-based businesses in the U.S. take advantage of the home-office deduction because calculating the deduction is unnecessarily complicated. NFIB small business owners have advocated for a simpler, standard home-office deduction for years. The Snowe-Conrad legislation gives home-based businesses the option to deduct a legitimate business expense with minimum hassle. This commonsense change to the tax code will reduce tax complexity and help many home-based businesses take advantage of this deduction.'' Additionally, the SBA's Office of Advocacy added: ''The SBA Office of Advocacy reviewed the legislation and supports it.''

In closing, according to the SBA's Office of Advocacy, America's home-based sole proprietors generate $102 billion in revenue annually. With this in mind, it is absolutely critical to endow these small firms with as much relief from burdensome tax constraints as possible so that they can focus their efforts on developing the products and services of the future, as well as creating new jobs. The confusion over the home office business tax deduction, in my estimation, can be easily solved by passing this legislation. I urge all Senators to consider the benefits this bill will provide to thousands of small business owners, and I look forward to working with my colleagues to enact it in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Home Office Tax Deduction Simplification and Improvement Act of 2009''.

SEC. 2. OPTIONAL STANDARD HOME OFFICE DEDUCTION.

(a) IN GENERAL.—Subsection (c) of section 280A of the Internal Revenue Code of 1986 (relating to exceptions for certain business or rental use; limitation on deductions for such use) is amended by adding at the end the following new paragraph:

''(7) ELECTION OF STANDARD HOME OFFICE DEDUCTION.—

''(A) IN GENERAL.—In the case of an individual who is allowed a deduction for the use of a portion of a dwelling unit as a business by reason of paragraph (1), (2), or (4), notwithstanding the limitations of paragraph (5), if such individual elects the application of this paragraph for the taxable year with respect to such dwelling unit, such individual shall be allowed a deduction equal to the standard home office deduction for the taxable year in lieu of the deductions otherwise allowable under this chapter for such taxable year by reason of paragraph (1), (2), or (4).

''(B) STANDARD HOME OFFICE DEDUCTION.—

''(i) IN GENERAL.—For purposes of this paragraph, the standard home office deduction is an amount equal to the product of—

''(I) the applicable home office standard rate, and

''(II) the square footage of the portion of the dwelling unit to which paragraph (1), (2), or (4) applies.

''(ii) APPLICABLE HOME OFFICE STANDARD RATE.—For purposes of this subparagraph, the term 'applicable home office standard rate' means the rate applicable to the taxpayer's category of business, as determined and published by the Secretary for the 3 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

''(iii) MAXIMUM SQUARE FOOTAGE TAKEN INTO ACCOUNT.—The Secretary shall determine and publish annually the maximum square footage that may be taken into account under clause (i)(II) for each of the 3 categories of businesses described in paragraphs (1), (2), and (4) for the taxable year.

''(C) EFFECT OF ELECTION.—

''(i) GENERAL RULE.—Except as provided in clause (ii), any election under this paragraph, once made by the taxpayer with respect to any dwelling unit, shall continue to apply with respect to such dwelling unit for each succeeding taxable year.

''(ii) ONE-TIME ELECTION PER DWELLING UNIT.—A taxpayer who elects the application of this paragraph in a taxable year with respect to any dwelling unit may revoke such application in a subsequent taxable year. After so revoking, the taxpayer may not elect the application of this paragraph with respect to such dwelling unit in any subsequent taxable year.

''(D) DENIAL OF DOUBLE BENEFIT.—

''(i) IN GENERAL.—Except as provided in clause (ii), in the case of a taxpayer who elects the application of this paragraph for the taxable year, no other deduction or credit shall be allowed under this subtitle for such taxable year for any amount attributable to the portion of a dwelling unit taken into account under this paragraph.

''(ii) EXCEPTION FOR DISASTER LOSSES.—A taxpayer who elects the application of this paragraph in any taxable year may take into account any disaster loss described in section 165(i) as a loss under section 165 for the applicable taxable year, in addition to the standard home office deduction under this paragraph for such taxable year.

''(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this paragraph.''.

(b) MODIFICATION OF HOME OFFICE BUSINESS USE RULES.—

(1) PLACE OF MEETING.—Subparagraph (B) of section 280A(c)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) as a place of business which is used by the taxpayer in meeting or dealing with patients, clients, or customers in the normal course of the taxpayer's trade or business, or''.

(2) DE MINIMIS PERSONAL USE.—Paragraph (1) of section 280A(c) of such Code is amended by striking ''for the convenience of his employer'' and inserting ''for the convenience of such employee's employer. A portion of a dwelling unit shall not fail to be deemed as exclusively used for business for purposes of this paragraph solely because a de minimis amount of non-business activity may be carried out in such portion''.

(c) REPORTING OF EXPENSES RELATING TO HOME OFFICE DEDUCTION.—Within 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall ensure that all forms and schedules used to calculate or report itemized deductions and profits or losses from business or farming state separately amounts attributable to real estate taxes, mortgage interest, and depreciation for purposes of the deductions allowable under paragraphs (1), (2), (4), and (7) of section 280A(c) of the Internal Revenue Code of 1986.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

By Mr. PRYOR (for himself and Mr. INHOFE):

S. 1350. A bill to encourage increased production of natural gas and liquified petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes; to the Committee on Finance.

Mr. PRYOR. Mr. President, I rise today along with Senator INHOFE to introduce the Fueling America Act of 2009 which will provide incentives for the production and use of natural gas and propane vehicles throughout the United States.

In response to high gasoline and diesel fuel prices, consumers have become more interested in alternative fuel vehicles that run on natural gas or propane. These vehicles and aftermarket conversion kits have been available for years, but they have been used mostly in government and private fleets. Very few have been purchased and used by consumers. Larger natural gas and propone vehicles are often used for clean-burning transit buses and delivery trucks.

Natural gas and propane are clean, cost-effective alternative fuel choices. Two important potential benefits of increasing the supply of natural gas and propane vehicles are energy security and reduced pollutant and greenhouse gas emissions than comparable gasoline or diesel vehicles. Compared with conventional vehicles, natural gas vehicles produce only 5 to 10 percent of allowable emissions, which means far less greenhouse gases.

Thanks to new drilling technologies that are unlocking substantial amounts of natural gas from shale rocks, the nation's estimated gas reserves have surged by 35 percent, according to a study released last week. The report by the Potential Gas Committee, the authority on gas supplies, shows the United States holds far larger reserves than previously thought. Estimated natural gas reserves rose to 2,074 trillion cubic feet in 2008, from 1,532 trillion cubic feet in 2006, when the last report was issued.

Increasing the production of natural gas and propane vehicles for both individual and public transportation will provide a huge boost for Arkansas'

economy and job growth. Arkansas, with its abundant natural gas resources, has the capability to be a leader in the alternative energy sector and the fight to reduce our country's dependence on foreign oil. Developing the natural gas vehicle and propane industry will help Arkansas' natural gas producers grow and thrive, boosting the State's economy. In Arkansas, the Fayetteville Shale is proving to be a major new find of domestic natural gas. The Center for Business and Economic Research at the University of Arkansas estimates that this shale play will result in about $17.9 billion in economic stimulus and 11,000 jobs for the State.

Natural gas and propane vehicles are more fuel efficient and environmentally friendly than their gasoline counterparts, but right now their high cost and lack of infrastructure, such as refueling stations, make them an unrealistic option for the average American. Since the number of natural gas refueling stations is limited only about 400 to 500 publicly available nationwide, compared to roughly 120,000 retail gasoline stations the purchaser of a new natural gas vehicle would likely also install a home refueling system. According to NGVAmerica, a typical home system costs roughly $4,500 plus installation.

The Fueling America Act of 2009 will establish a research, development and demonstration program at the Department of Energy to improve cleaner, more efficient natural gas and propane vehicle engines, on-board storage systems, and fueling station infrastructure; require the GSA to report on whether the Federal fleet should increase the number of natural gas and propane vehicles; extend the Clean School Bus Program through 2014; extend tax credits for natural gas and propane refueling property; and extend and increase the consumer tax credit for the purchase of natural gas, propane and bi-fuel vehicles.

The Fueling America Act will make it easier and more practical for people to buy these clean, green vehicles. This bill will provide incentives for consumers and industry to purchase new natural gas and propane vehicles, as well as aftermarket conversion kits. At the same time, America can become less dependent on foreign oil, utilize our ample domestic natural gas resources, and create a cleaner environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fueling America Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INCREASED PRODUCTION OF NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES

Sec. 101. Definitions.

Sec. 102. Natural gas and liquefied petroleum gas vehicle research, development, and demonstration projects.

Sec. 103. Study of increasing natural gas and liquefied petroleum gas vehicles in Federal fleet.

Sec. 104. Clean school bus program.

TITLE II—TAX INCENTIVES

Sec. 201. Credit for natural gas and liquefied petroleum gas refueling property.

Sec. 202. Credit for purchase of vehicles fueled by natural gas or liquefied petroleum gas.

TITLE I—INCREASED PRODUCTION OF NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES

SEC. 101. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) NATURAL GAS.—The term ''natural gas'' means—

(A) compressed natural gas;

(B) liquefied natural gas;

(C) biomethane; and

(D) mixtures of—

(i) hydrogen; and

(ii) methane, biomethane, compressed natural gas, or liquefied natural gas.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 102. NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary, in coordination with the Administrator, shall conduct a program of natural gas and liquefied petroleum gas vehicle research, development, and demonstration.

(b) PURPOSES.—The purposes of the program conducted under this section are to focus on—

(1) the continued improvement and development of new, cleaner, more efficient light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicle engines;

(2) the integration of those engines into light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicles for onroad and offroad applications;

(3) expanding product availability by assisting manufacturers with the certification of the engines or vehicles described in paragraph (1) or (2) to comply with Federal or California certification requirements and in-use emission standards;

(4) the demonstration and proper operation and use of the vehicles described in paragraph (2) under all operating conditions;

(5) the development and improvement of nationally recognized codes and standards for the continued safe operation of vehicles described in paragraph (2) and the components of the vehicles;

(6) improvement in the reliability and efficiency of natural gas and liquefied petroleum gas fueling station infrastructure;

(7) the certification of natural gas and liquefied petroleum gas fueling station infrastructure to nationally recognized and industry safety standards;

(8) the improvement in the reliability and efficiency of onboard natural gas and liquefied petroleum gas fuel storage systems;

(9) the development of new natural gas and liquefied petroleum gas fuel storage materials;

(10) the certification of onboard natural gas and liquefied petroleum gas fuel storage systems to nationally recognized and industry safety standards; and

(11) the use of natural gas and liquefied petroleum gas engines in hybrid vehicles.

(c) CERTIFICATION OF AFTERMARKET CONVERSION SYSTEMS.—

(1) IN GENERAL.—The Secretary shall coordinate with the Administrator on issues related to streamlining the certification of natural gas and liquefied petroleum gas aftermarket conversion systems to comply with appropriate Federal certification requirements and in-use emission standards.

(2) STREAMLINED CERTIFICATION.—For purposes of paragraph (1), streamlined certification shall include providing aftermarket conversion system manufacturers the option to continue to sell and install systems on engines and test groups for which the manufacturers have previously received a certificate of conformity without having to request a new certificate in future years.

(d) COOPERATION AND COORDINATION WITH INDUSTRY.—In developing and carrying out the program under this section, the Secretary shall coordinate with the natural gas and liquefied petroleum gas vehicle industry to ensure, to the maximum extent practicable, cooperation between the public and the private sector.

(e) ADMINISTRATION.—The program under this section shall be conducted in accordance with sections 3001 and 3002 of the Energy Policy Act of 1992 (42 U.S.C. 13541, 13542).

(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the implementation of this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $30,000,000 for each of fiscal years 2010 through 2014.

SEC. 103. STUDY OF INCREASING NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES IN FEDERAL FLEET.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services, in consultation with the Administrator, shall—

(1) conduct a study on whether or not the Federal fleet should increase the number of light-duty, medium-duty, and heavy-duty natural gas and liquefied petroleum gas vehicles in the fleet;

(2) assess the barriers to increasing the number of natural gas and liquefied petroleum gas vehicles in the fleet;

(3) assess the potential for maximizing the use of natural gas and liquefied petroleum gas vehicles in the fleet; and

(4) submit to the appropriate committees of Congress a report on the results of the study.

SEC. 104. CLEAN SCHOOL BUS PROGRAM.

(a) IN GENERAL.—Section 6015 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (42 U.S.C. 16091a) is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by striking ''50'' and inserting ''65''; and

(ii) in the matter preceding clause (i), by striking ''one-half'' and inserting ''65 percent'';

(iii) in clause (i)(II), by striking ''or'' after the semicolon at the end;

(iv) in clause (ii), by striking the period at the end and inserting as semicolon; and

(v) by adding at the end the following:

''(iii) clean school buses with engines manufactured in model year 2010, 2011, 2012, 2013, or 2014 that satisfy regulatory requirements established by the Administrator for emissions of oxides of nitrogen and particulate

matter to be applicable for school buses manufactured in that model year; or

''(iv) clean school buses with engines only fueled by compressed natural gas, liquefied natural gas, or liquefied petroleum gas, except that school buses described in this clause may be eligible for a grant that is equal to an additional 25 percent of the acquisition costs of the school buses (including fueling infrastructure).''; and

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking ''25''and inserting ''50''; and

(ii) in the matter preceding clause (i), by striking ''one-fourth'' and inserting ''50 percent''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''and'' at the end;

(B) in paragraph (2), by striking ''2008, 2009, and 2010.'' and inserting ''2008 and 2009; and''; and

(C) by adding at the end the following:

''(3) $75,000,000 for each of fiscal years 2010 through 2014.''.

(b) TECHNICAL CORRECTION.—Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is repealed.

TITLE II—TAX INCENTIVES

SEC. 201. CREDIT FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS REFUELING PROPERTY.

(a) INCREASE IN CREDIT PERCENTAGE FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS REFUELING PROPERTY.—Subsection (e) of section 30C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(7) SPECIAL RULE FOR QUALIFIED NATURAL GAS VEHICLE REFUELING PROPERTY AND QUALIFIED LIQUEFIED PETROLEUM GAS VEHICLE REFUELING PROPERTY.—

''(A) IN GENERAL.—In the case of any qualified natural gas vehicle refueling property and any qualified liquefied petroleum gas vehicle refueling property to which paragraph (6) does not apply—

''(i) subsection (a) shall be applied by substituting '50 percent' for '30 percent',

''(ii) subsection (b)(1) shall be applied by substituting '$50,000' for '$30,000', and

''(iii) subsection (b)(2) shall be applied by substituting '$2,000' for '$1,000'.

''(B) QUALIFIED NATURAL GAS VEHICLE REFUELING PROPERTY.—For purposes of this paragraph, the term 'qualified natural gas vehicle refueling property' has the same meaning as the term 'qualified alternative fuel vehicle refueling property' would have under subsection (c) if only natural gas, compressed natural gas, and liquefied natural gas were treated as clean-burning fuels for purposes of section 179A(d).

''(C) QUALIFIED LIQUEFIED PETROLEUM GAS VEHICLE REFUELING PROPERTY.—For purposes of this paragraph, the term 'qualified liquefied petroleum gas vehicle refueling property' has the same meaning as the term 'qualified alternative fuel vehicle refueling property' would have under subsection (c) if only liquefied petroleum gas were treated as a clean-burning fuel for purposes of section 179A(d).''.

(b) EXTENSION OF CREDIT.—Subsection (g) of section 30C of the Internal Revenue Code of 1986 is amended to read as follows:

''(g) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2014.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

SEC. 202. CREDIT FOR PURCHASE OF VEHICLES FUELED BY NATURAL GAS OR LIQUEFIED PETROLEUM GAS.

(a) IN GENERAL.—Subsection (e) of section 30B of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) HIGHER INCREMENTAL COST LIMITS FOR NATURAL GAS VEHICLES AND LIQUEFIED PETROLEUM GAS VEHICLES.—

''(A) IN GENERAL.—In the case of any eligible natural gas motor vehicle and any eligible liquefied petroleum gas motor vehicle, paragraph (3) shall be applied by multiplying each of the dollar amounts contained in such paragraph by 2.

''(B) ELIGIBLE NATURAL GAS MOTOR VEHICLE.—For purposes of this paragraph, the term 'eligible natural gas motor vehicle' means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system the final assembly of which is in the United States and that—

''(i) is only capable of operating on compressed natural gas or liquefied natural gas, or

''(ii) is capable of operating for more than 175 miles on compressed natural gas or liquefied natural gas and is capable of operating on gasoline or diesel fuel.

''(C) ELIGIBLE LIQUEFIED PETROLEUM GAS MOTOR VEHICLE.—For purposes of this paragraph, the term 'eligible liquefied petroleum gas motor vehicle' means (except as provided in clause (ii)) a new qualified alternative fuel motor vehicle or aftermarket conversion system the final assembly of which is in the United States and that—

''(i) is only capable of operating on liquefied petroleum gas, or

''(ii) is capable of operating for more than 175 miles on liquefied petroleum gas and is capable of operating on gasoline or diesel fuel.

''(D) AFTERMARKET CONVERSION SYSTEM.—For purposes of this paragraph, the term 'aftermarket conversion system' means property that converts a vehicle that is not described in this paragraph into an eligible natural gas motor vehicle (for purposes of subparagraph (B)) or an eligible liquefied petroleum gas motor vehicle (for purposes of subparagraph (C)).''.

(b) EXTENSION OF CREDIT FOR NATURAL GAS AND LIQUEFIED PETROLEUM GAS VEHICLES.—Paragraph (4) of section 30B(k) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (3),

(2) by striking the period at the end of paragraph (4) and inserting '', and'',

(3) by striking ''(as described in subsection (e))'' in paragraph (4) and inserting ''(as described in paragraph (4) or (5) of subsection (e))'', and

(4) by adding at the end the following new paragraph:

''(5) in the case of a new qualified alternative fuel vehicle described in subsection (e)(6), December 31, 2014.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles placed in service after December 31, 2008, in taxable years ending after such date.

By Mr. DODD (for himself, Ms. COLLINS, Mr. REED, Mr. LIEBERMAN, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 1352. A bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to join my fellow New Englander, Senator SUSAN COLLINS of Maine, in introducing the Lyme and Tick-Borne Disease Prevention, Education, and Research Act of 2009.

As families in New England look forward to outdoor fun this summer—and as families around the country look forward to vacationing in New England—they might not be thinking about the risks and dangers associated with hiking, camping, and other outdoor activities.

But every year, tens of thousands of Americans working or playing outdoors are bitten by ticks.

For most, a tick bite is nothing more than a minor annoyance. But approximately 20,000 Americans contract Lyme disease each year, and the numbers are rising. And because Lyme disease is difficult to diagnose, many experts believe the true number of cases each year could be as much as 10 or 12 times the reported number. Worst of all, it is our children who are most at risk.

Lyme disease was first described in my home State of Connecticut, and we still have the unfortunate distinction of being ten times more likely to contract Lyme disease than the rest of the Nation. But the Centers for Disease Control and Prevention has received reports of new cases from 46 States and the District of Columbia. According to some estimates, Lyme disease costs our Nation more than $2 billion in medical costs each year.

Lyme disease can affect every part of the body. Tens of thousands of Americans suffer through pain, severe fatigue, sleep disturbance, and cognitive difficulties, among many other symptoms. Some of these victims are able to lead normal lives, finding ways to cope with the disease. But many more find the disease significantly disrupts their lives, preventing them from everyday experiences that we all take for granted.

The legislation we offer today directs the Secretary of Health and Human Services to establish a Tick-Borne Diseases Advisory Committee at HHS to coordinate efforts and improve communication between the federal government, medical experts, physicians, and the public.

It will improve diagnostic efforts, establish a national clearinghouse for research and reporting, and require that scientific viewpoints on this often-frustrating disease be disseminated in a balanced way.

It contains tools for researchers, physicians, and the public to improve awareness and treatment.

Finally, it requires the Secretary to prepare and submit to Congress an annual report tracking developments related to Lyme disease, its spread, its treatment, and its impact on families in Connecticut and around the country.

Lyme disease is a frustrating puzzle for physicians, a burden on our Nation's health care system, and most importantly, a threat to American families enjoying our beautiful outdoor spaces.

I want to specifically mention and thank the organization from my home State of Connecticut that worked closely with me to develop this legislation, Time for Lyme. The co-presidents and founders of Time for Lyme, Diane Blanchard and Debbie Siciliano, are tireless advocates for the patients struggling with chronic Lyme disease. This is not their job. They are parents whose children suffer from this disease. They work to find time in their busy schedules to make a difference. This is their mission and they give me hope that we can get this done.

I also want to thank my good friend, Senator COLLINS, for her leadership on this issue. I want to thank Senators REED, LIEBERMAN, CARDIN, and WHITEHOUSE for their support for this bill. Whether it is fishing on the Housatonic River or exploring Gillette Castle State Park near my home in East Haddam, Connecticut families enjoy a variety of outdoor activities.

But Lyme disease remains a persistent and dangerous risk for my constituents, for Senator COLLINS's constituents, and for those across the country. With leadership from this body and better coordination from federal agencies, we can more effectively combat this disease, better protect our children and families, and make our outdoor spaces safer places to work and play.

I urge my colleagues to join Senator COLLINS and myself in support of this legislation and thank them kindly for their consideration.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 1353. A bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I rise today to introduce legislation that will correct an inequality in the Department of Justice's Public Safety Officers Benefits, PSOB, Program by extending benefits to non-profit EMS providers who die or are disabled in the line of duty. I am pleased to be joined in this effort by Senator SANDERS.

Vermonters were deeply saddened earlier this week when we received word that veteran EMT specialist Dale Long died in a tragic, on-duty accident in Bennington. Dale Long had a superb 25-year career as a Vermont EMT, and I extend our deepest condolences to his family, to the Bennington Rescue Squad, and to the entire Vermont EMT community.

First responders nationwide literally put their lives at risk every day for the people of their communities. They represent the best of our nation's dedicated service to others, and Dale Long was a solid example of that tradition. He was Bennington Rescue Squad's 2008 EMT of the Year, and a 2009 recipient of the American Ambulance Association's Star of Life Award. I had the pleasure of meeting Dale just last month when he visited my office during the Star of Life festivities.

This tragedy highlights a major shortcoming in the current PSOB program, which Congress established over 30 years ago to provide assistance to police, fire and medics who lose their lives or are disabled in the line of duty. The benefit, though, only applies to public safety officers employed by a federal, state, and local government entity. With many communities around the United States choosing to have their emergency medical services provided by non-profit agencies, medics working for non-profit services unfortunately are not eligible for benefits under the PSOB program.

Non-profit public safety officers provide identical services to governmental officers and do so daily in the same dangerous environments. With a renewed appreciation for the important community service of first responders since the national tragedy of September 11, 2001, more people are answering the call to serve their communities. At the same time, more rescue workers are falling through the cracks of the PSOB program.

The Dale Long Emergency Medical Service Provider Protection Act would correct this inequality by extending the PSOB program to cover non-profit EMS officers who provide emergency medical and ground or air ambulance service. These emergency professionals protect and promote the public good of the communities they serve, and we should not unfairly penalize them and their families simply because they work or volunteer for a non-profit organization.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dale Long Emergency Medical Service Providers Protection Act''.

SEC. 2. BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS.

Section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended—

(1) in paragraph (7), by striking ''public employee member of a rescue squad or ambulance crew'' and inserting ''employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

''(A) is a public agency; or

''(B) is (or is a part of) a nonprofit entity serving the public that is officially authorized or licensed—

''(i) to engage in rescue activity or to provide emergency medical services; and

''(ii) to respond to an emergency situation;''; and

(2) in paragraph (9)—

(A) in subparagraph (A), by striking ''as a chaplain'' and all that follows through the semicolon, and inserting ''or as a chaplain;'';

(B) in subparagraph (B)(ii), by striking ''or'' after the semicolon;

(C) in subparagraph (C)(ii), by striking the period and inserting ''; or''; and

(D) by adding at the end the following:

''(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2(1) of this Act shall apply only to injuries sustained on or after January 1, 2009.

By Mr. BARRASSO (for himself and Mr. WYDEN):

S. 1355. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, along with my friend, Senator BARRASSO, I am introducing legislation to keep rural America from becoming a health care sacrifice zone. Our legislation, the Rural Health Clinic Patient Access and Improvement Act, will make it more financially attractive for doctors and other providers to treat patients in rural areas. Both Senator BARRASSO and I have heard from the folks back home about how hard it is to get doctors and mid-level practitioners in rural areas. My constituents have had to travel hours to get treatment when they need it. This bill takes major strides to ensure access to health care by building on the successes of the rural health clinic program. When it comes to health care, rural residents should not have to accept second-class status.

As the Senate takes up comprehensive healthcare reform, this Congress must not lose focus on the health needs of folks in rural areas. Too many Oregonians cannot get the kind of affordable and comprehensive coverage or access to care their Members of Congress receive. In addition, many patients in rural Oregon, even those with good health benefits, do not have access to providers or have to travel long distances to get medical care.

Meanwhile, providers lack incentives to go to—or stay in—rural areas. It is a lot more lucrative for them to work in big cities where they can work in state-of-the art facilities and earn top dollar. According to the Oregon State Office of Rural Health, a major obstacle facing Oregon's rural health clinics is the severe shortage of health care providers willing or able to work in a rural area. One out of three Oregon rural health clinics was recruiting in 2008.

That is why Senator BARRASSO and I come here to introduce the Rural Health Clinic Patient Access and Improvement Act. Simply put, our bill would help improve access for patients in rural areas, while increasing reimbursement rates and giving incentives to providers in rural areas.

The Rural Health Clinic Patient Access and Improvement Act increases the all-inclusive Medicare payment rate for rural health clinics by more than 20 percent per visit from an average of $76 to $92. This bill would provide an additional $2 bonus for rural health clinics that participate in a quality improvement program. Quality of care should be a focus for all providers.

The bill will allow for better collaboration between community health centers and rural health clinics. It also creates a 5-state demonstration project to recruit and retain providers in rural communities by subsidizing a portion of the provider's medical liability costs if they practice in a rural health clinic. These reforms will help ensure rural residents have access to the same level of quality care as those in other parts of the country.

This bill builds upon the success of Oregon's 54 rural health clinics that serve 26 out of 36 counties across the state. These rural health clinics help to ensure access to primary care for the underserved elderly and low-income populations. Ninety-eight percent of Oregon's rural health clinics are willing to see Medicare and Medicaid patients as well as patients with no insurance. Not only are they willing to see these patients, but 96 percent are currently accepting new patients. Many rural residents—whether they are uninsured, publically insured or have private insurance—would have nowhere to go to receive primary care without rural health clinics.

When it comes to health care, people want to go to a provider they know and trust. One of the reasons rural health clinics have been so successful is that they have become an integral part of their communities. A great example of this is Gilliam County Medical Center. Gilliam County hosted a succession of short-term physicians placed in the community through the National Health Service Corps. In the 1970s, the community, in conjunction with the State, sought a more permanent, stable health care provider situation. The Oregon legislature appropriated $20,000 as seed money to attract a team of health professionals to the community and the residents of Gilliam County created the South Gilliam Health District to support Gilliam County Medical Center, a certified rural health clinic.

Two physician assistants, David Jones and Dennis Bruneau who were on the faculty at the University of Washington PA program at the time they heard about the opportunity with the clinic were hired. Dave, Dennis, their spouses, who also work at the clinic, and supervising physician Dr. Bruce Carlson created a team that continues to sustain one of the most stable and long-term small rural primary care clinics in the state.

Dr. Carlson visits the clinic one day every 2 weeks to see those patients in need of his services and provide overall medical direction. Otherwise, the clinic is staffed full-time by physician assistants Jones and Bruneau. David's wife is a medical technician who works in the clinic and Dennis' wife serves as the clinic manager. When Dr. Carlson is not in Condon, he has his own medical practice 70 miles away in Hermiston, OR, which is also the location of the nearest hospital to Condon.

Not all rural areas are alike and the rural health clinic program gives these providers the flexibility they need to be the regular source of care of primary care in their communities. Regular access to primary care, as you know, is one of the key tests of whether or not you will receive the preventive health screenings that can mean the difference that could save your life. They allow for health problems to be caught early on so that they can be headed off for just a little money, instead of at later stages, which require costly specialty care that runs up the bill for the patient and the taxpayer.

Oregonians in rural areas have the same right to quality, affordable medical care as those living in urban areas, but they do not have it under our current system. This bill will expand access to health care for folks in rural areas and level the playing field for rural health clinics by giving them the tools they need to attract and retain quality medical providers.

I want to thank Senator BARRASSO and his staff for their hard work in bringing this important bipartisan legislation before the Senate.

I hope my colleagues will join Senator BARRASSO and me, and support this much needed and bipartisan bill.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1356. A bill to amend the National Trails System Act to provide for the study of the Western States Trail; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I rise on behalf of myself and Senator FEINSTEIN to speak on the introduction of the Western States Trail Study Act of 2009. This legislation would provide for a study by the Department of the Interior on the possible designation of the Western States Trail as a National Historic Trail.

The National Trails System Act specifies that to qualify for listing as a National Historic Trail, a trail must be historically significant and must have significant potential for public recreational use or historical interpretation and appreciation. The Western States Trail absolutely meets these criteria.

From the beginning of California's recorded history, the Western States Trail has played an important role in the development of our state and nation. Originally a Native American trail used by the Paiute and Washoe Indians, it later became the most direct link between the gold camps of California and silver mines of Nevada. Professor William Brewer also followed part of this trail in his 1863 expedition as part of State Geologist Josiah Whitney's survey of California.

In 1955, the Western States Trail became the site of the world's first and leading 100-mile trail ride, and in 1974 became the world's first and leading ultramarathon run. These recreational events are of tremendous importance to the local community as well as equestrians and runners throughout the nation. Western States volunteers dedicate hundreds of hours each year to the U.S. Forest Service and California Department of Parks and Recreation to maintain the trail, exemplifying citizen action at its best.

Most of the trail remains in the same state as in the 19th century, passing through scenic wilderness ranging from the Sierra Crest, to magnificent forests and mountain streams, to the grasses and oaks of the Sierra foothills.

The citizen-government partnership that our bill represents continues the tradition of the Western States Run to protect and preserve the Western States Trail, and to ensure that the public has access to its rich history and scenery.

By Mr. ROCKEFELLER:

S. 1357. A bill to amend the Internal Revenue Code of 1986 to provide a tax incentive to individuals teaching in elementary and secondary schools located in rural or high unemployment areas and to individuals who achieve certification from the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I believe that perhaps the most effective way to improve the education of our children is to invest in their teachers, and make certain that quality teachers have the incentive to stay in the classroom.

Unfortunately, without new investments, our disadvantaged and rural schools may not be able to attract the qualified teachers needed to prepare our children for the 21st Century workplace. Isolated and impoverished, too many West Virginia schools must compete against higher paying, well-funded schools for scarce classroom talent. As a result, they face a shortage of qualified teachers, particularly in math, science and foreign languages.

Today, I am introducing a bill designed to invest in bringing dedicated and qualified teaching professionals to West Virginia and America's disadvantaged and rural schools. This bill will help give students the opportunity to learn and flourish, an opportunity that every child deserves. The Incentives To Educate American Children Act—or I Teach Act—will provide teachers with a refundable tax credit every year they teach in the public schools with the most need. And it will give every public school teacher—regardless of the school they choose—a refundable tax credit for earning their certification by the National Board for Professional

Teaching Standards. Together, these two tax credits will give economically depressed areas a better ability to recruit and retain skilled teachers.

There are over 16,000 rural school districts in the U.S., and these schools face real challenges in recruiting and retaining teachers, as well as dealing with other issues related to their rural location. Disadvantaged urban schools must overcome similar difficulties. My I Teach Act will reward teachers willing to work in rural or disadvantaged schools with an annual $1,000 refundable tax credit. Additionally, teachers that obtain certification by the National Board for Professional Teaching Standards will receive an annual $1,000 refundable tax credit. Therefore, teachers who work in rural or disadvantaged schools and get certified will earn a $2000 credit. Schools that desperately need help attracting teachers will get a boost, and children educated in disadvantaged and rural schools will benefit most.

In my state of West Virginia, as in over 30 other states, there is already a state fiscal incentive for teachers who earn National Board certification. My legislation builds upon the West Virginia program. Together, they will create a powerful tax incentive for teachers to remain in the classroom and to use their skills where they are most needed.

Education is among our top national priorities. It is essential for all children and it is vital for our economic and national security. Teachers are a critical component of quality education, and they deserve the incentives to stay in the classroom.

By Mr. LEAHY (for himself and Mr. BOND):

S. 1361. A bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes; to the Committee on Armed Services.

Mr. LEAHY. Mr. President, today I am pleased to join with Senator BOND in introducing the National Guard Empowerment and State-National Defense Integration Act of 2009. This is a clearly needed piece of legislation that will enable the Nation to tap more of the tremendous experience and expertise that exists within the National Guard.

This legislation—known as Empowerment II—ensures that the Department of Defense takes advantage of the Guard's unique strengths and focuses on the critical mission of domestic operations and military support to civilian authorities. This bill is about focusing attention on the military's response to emergencies at home and fleshing out the structure of that response. Doing that will ensure our National Guard, Reserves and active forces can bring their specialized capabilities to bear, all while safely under the control of democratically elected officials and civilian authorities.

The bill will specifically make the Chief of the National Guard a full member of the Joint Chiefs of Staff, while creating a new three-star deputy to the Bureau Chief to reflect the Bureau Chief's increased responsibilities. Additionally, the 2009 Empowerment Act provides the National Guard Bureau with limited budget authority to be able to acquire specially designed equipment for domestic operations, and it requires the Department of Defense to establish procedures to formalize arrangements to allow National Guard forces to have tactical control over active forces that operate in a domestic setting.

Today Senator BOND and I seek to build on some of the major improvements to the Guard that we, together, made in the Fiscal Year 2008 Defense Authorization Bill. That landmark bill enacted large portions of the first version of the Guard Empowerment Bill which elevated the Chief of the National Guard from three-star general to full General. The goal of all the changes enacted was to begin to ensure that the Guard has a seat at the table in major budget and policy decisions.

We need to pick up where we left off early last year and sharpen the focus on the National Guard's role as a homeland defense and defense support to civilian authorities force. In fact, we are trying, in the realm of domestic operations and military support to civilian authorities, to do exactly what Secretary of Defense Robert Gates is trying to do in the realm of irregular warfare. The Secretary is working to ensure that at least a good portion of the Department of Defense's equipment has utility in counterinsurgency situations. The Secretary has recently testified that he foresees about 10 percent of procured equipment to be dedicated solely for counterinsurgencies. I strongly support the Secretary's initiative.

There also is a need to carve out a small wedge of the defense budget to develop technologies and systems that will help the National Guard, serving in a Title 32 capacity under the control of the Governors. Much of all Guard equipment is considered and should be ''dual use,'' but a sliver should be specially designed and used solely for domestic situations.

The Guard Empowerment bill we are introducing today will also reduce the confusion that sometimes exists when there is a domestic emergency about how National Guard forces, serving under a Governor during an emergency, will interact with active duty forces that serve under the President's command. United States Northern Command in Colorado has unfortunately only exacerbated those concerns through attempts to override Governors and take command-and-control of National Guard assets in a State even though they are in their so-called Title 32 status.

There is nothing in this bill that the National Guard is not already undertaking. The President and the Secretary of Defense look to the Guard Bureau Chief on matters related to defense at home. The Guard works to purchase homeland defense-oriented equipment through the so-called Guard and Reserve Equipment Account, and the Governors already wield active duty personnel during so-called National Security Events. The chain of command arrangements made during last year's political conventions in Minnesota and Colorado are a good example.

The President recognizes that this legislation makes sense. In his ''Blueprint for Change,'' his new Administration's national security plan, President Obama endorsed the idea of making the Guard Bureau Chief a full member of the Joint Chiefs of Staff, a move that Vice President BIDEN also has endorsed. In developing the bill, we worked closely with The National Guard Association of the United States, the Adjutants General Association of the United States and the Enlisted National Guard Association of the United States—organizations that we expect to formally endorse the bill after its introduction.

Everyone recognizes that if there is an emergency like Katrina and our civilian resources at all levels get overwhelmed, the military is going to have to come in to assist. The American people expect no less than a swift, coordinated and effective response. And it is the National Guard that knows how to do this mission right. Providing support to civilian authorities at the State level is what the Guard has done since its inception more than two centuries ago, and it is a mission that the National Guard continues to take seriously.

This legislation solidifies and codifies sensible approaches to improving the Guard's ability to support civil authorities in an emergency. Enactment of this legislation is the very least we owe our proud citizen soldiers and airmen for their efforts.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Guard Empowerment and State-National Defense Integration Act of 2009''.

SEC. 2. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) The Chief of the National Guard Bureau.''.

(2) CONFORMING AMENDMENT.—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.''.

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

''(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

''(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

''(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.''.

SEC. 3. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

''§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

''(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

''(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the 'National Guard Bureau Strategic Integrated Planning Process'.

''(2)(A) Under the integrated planning process established under paragraph (1)—

''(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

''(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

''(B) The planning committee described in this subparagraph is a planning committee (to be known as the 'State Strategic Integrated Planning Committee') composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

''(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the 'Federal Strategic Integrated Planning Directorate') composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

''(i) A major general of the Army National Guard.

''(ii) A major general of the Air National Guard.

''(iii) A major general of the regular Army.

''(iv) A major general of the regular Air Force.

''(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

''(vi) The Vice Chief of the National Guard Bureau.

''(vii) Seven adjutants general from the planning committee under paragraph (B).''.

(b) BUDGETING FOR TRAINING AND EQUIPMENT AND MILITARY CONSTRUCTION FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

''§ 10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations

''(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year as follows:

''(1) Amounts for training and equipment, including critical dual-use equipment.

''(2) Amounts for military construction, including critical dual-use capital construction.

''(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

''(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

''(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

''10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations.''.

SEC. 4. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

''§ 10505. Vice Chief of the National Guard Bureau

''(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

''(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

''(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

''(C) are in a grade above the grade of colonel.

''(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

''(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

''(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

''(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

''(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

''(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

''10505. Vice Chief of the National Guard Bureau.

''10505a. Director of the Joint Staff of the National Guard Bureau.''.

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking ''and the Director of the Joint Staff of the National Guard Bureau'' and inserting '', the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau''.

SEC. 5. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

"CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

''Sec.

''341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

"§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

''(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in a domestic operation, including emergency response, within such State or possession.

''(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

''(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a) of this title, in this section, the term 'possessions' means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.''.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

"16. Control of the Armed Forces in Activities Within the States and Possessions ..... 341".

SEC. 6. FISCAL YEAR 2010 FUNDING FOR THE NATIONAL GUARD FOR CERTAIN DOMESTIC ACTIVITIES.

(a) CONTINUITY OF OPERATIONS, CONTINUITY OF GOVERNMENT, AND CONSEQUENCE MANAGEMENT.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, $11,000,000.

(B) For National Guard Personnel, Air Force, $3,500,000.

(C) For Operation and Maintenance, Army National Guard, $11,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in training and operations with respect to continuity of operations, continuity of government, and consequence management in connection with response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(b) DOMESTIC OPERATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense, $300,000,000 for Operation and Maintenance, Defense-wide.

(2) AVAILABILITY.—The amount authorized to be appropriated by paragraph (1) shall be available for the Army National Guard and the Air National Guard for emergency preparedness and response activities of the National Guard while in State status under title 32, United States Code.

(3) TRANSFER.—Amounts under the amount authorized to be appropriated by paragraph (1) shall be available for transfer to accounts for National Guard Personnel, Army, and National Guard Personnel, Air Force, for purposes of the pay and allowances of members of the National Guard in conducting activities described in paragraph (2).

(c) JOINT OPERATIONS COORDINATION CENTERS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, $28,000,000.

(B) For National Guard Personnel, Air Force, $7,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in continuously staffing a Joint Operations Coordination Center (JOCC) in the Joint Forces Headquarters of the National Guard in each State and Territory for command and control and activation of forces in response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(d) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by subsections (a), (b), and (c) for the purposes set forth in such subsections are in addition to any other amounts authorized to be appropriated for fiscal year 2010 for the Department of Defense for such purposes.

SEC. 7. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 8. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

By Mr. REED (for himself, Ms. KLOBUCHAR, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG):

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the Success in the Middle Act, which will help provide new support for raising student achievement in the middle grades. I thank Senators KLOBUCHAR, STABENOW, WHITEHOUSE, and LAUTENBERG for joining me as original cosponsors.

We know that the middle grades are an important and unique transition period for young people, and a critical

time in a student's educational and social development. The middle grades are the key to ensuring students remain on track to college and career-readiness. International comparisons indicate that students in the United States do not start out behind other nations in math and science, but they fall significantly behind in these subjects by the end of the middle grades. According to the 2007 National Assessment on Educational Progress, only one-third of eighth grade students in the United States can read at proficiency or above. For math proficiency, this number falls to 31 percent of all American eighth grade students.

There has been significant focus during K–12 reform discussions regarding high school reform, and while there is no doubt that this is an essential component of improving our education system, addressing dropout prevention must begin earlier. It must begin at the middle schools that feed into the thousands of ''dropout factories'' across the country. Dropout factories are high schools in which fewer than 60 percent of students graduate. As one of the leading experts in the area of middle and high school reform, Robert Balfanz, has stated, middle schools are the ''first line of defense'' in identifying at-risk students and then effectively intervening to prevent them from dropping out. Balfanz's research has shown that sixth-graders who failed math or English, attended school less than 80 percent of the time, or received an unsatisfactory behavior grade in a core course had only a 10 to 20 percent chance of graduating on time. Without successful intervention, these behaviors lead students to course failure, non-promotion, and eventually dropping out.

That is why I am reintroducing the Success in the Middle Act. This bill will help strengthen that first line of defense by authorizing grants to states and school districts to improve and turnaround low-performing middle schools. It would concentrate new resources on the middle grades by requiring districts to develop an early warning indicator system for indentifying students at risk of dropping out, and tailoring research-based interventions to get these students back on track to graduating college and career-ready. These interventions would include high-quality professional development for teachers; personal academic plans such as the Individual Learning Plans required in Rhode Island; mentoring and counseling; and extended learning time.

When he was in the Senate, President Obama was the lead sponsor of this legislation. I am pleased that the President has continued to recognize the need for increased investment in middle and high school reform, including earlier this year, his action to encourage states and school districts to spend a significant portion of their American Recovery and Reinvestment Act education funds on improving student achievement in the middle and high school grades.

I was pleased to work with the Rhode Island Middle Level Educators, Rhode Island Association of School Principals, ACT, Alliance for Excellent Education, The College Board, International Reading Association, National Association of Secondary School Principals, National Council of Teachers of English, National Forum to Accelerate Middle Grades Reform, and National Middle Schools Association, and a host of other education organizations on this bill. I urge my colleagues to cosponsor the Success in the Middle Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Success in the Middle Act of 2009''.

SEC. 2. FINDINGS.

In this Act:

(1) International comparisons indicate that students in the United States do not start out behind students of other nations in mathematics and science, but that they fall behind by the end of the middle grades.

(2) Only ⅓ of eighth grade students in the United States, and only 4 percent of such students who are English language learners, can read with proficiency, according to the 2007 National Assessment on Educational Progress (NAEP). The percentage of eighth grade students proficient at reading has not increased since 1998, and the NAEP average reading score for eighth grade students has remained static. In contrast, NAEP reading scores and achievement levels for fourth grade students have increased significantly.

(3) In mathematics, less than ⅓ of students in eighth grade show skills at the NAEP proficient level, and nearly 30 percent score below the basic level. The percentage of eighth grade students scoring above the basic level was 8 points higher in 2007 than in 2000, but for fourth grade students, the percentage increased 17 points, more than double the increase for middle grades students. In eighth grade, the gaps between the average mathematics scores of white and black students and between white and Hispanic students were as wide in 2007 as in 1990.

(4) Fewer than 2 in 10 of the students who graduated from high school in 2005 or 2006 met, as eighth graders, all 4 of ACT's EXPLORE College Readiness Benchmarks, the minimum level of achievement that ACT has shown is necessary if students are to be college- and career-ready upon their high school graduation.

(5) Lack of basic skills at the end of middle grades has serious implications for students. Students who enter high school 2 or more years behind grade level in mathematics and literacy have only a 50 percent chance of progressing on time to the tenth grade; those not progressing are at significant risk of dropping out of high school.

(6) Middle grades students are hopeful about their future, with 93 percent believing that they will complete high school and 92 percent anticipating that they will attend college.

(7) Sixth grade students who do not attend school regularly, who are subjected to frequent disciplinary actions, or who fail mathematics or English have less than a 15 percent chance of graduating high school on time and a 20 percent chance of graduating 1 year late. Without effective interventions and proper supports, these students are at risk of subsequent failure in high school, or of dropping out.

(8) Student transitions from elementary school to the middle grades and to high school are often complicated by poor curriculum alignment, inadequate counseling services, and unsatisfactory sharing of student performance and academic achievement data between grades.

(9) According to ACT, the level of academic achievement that students attain by eighth grade has a larger impact on the students' college and career readiness upon graduation from high school than anything that happens academically in high school.

(10) Middle schools are almost twice as likely as elementary schools to be identified for improvement, corrective action, or restructuring (22 percent as compared to 13 percent) under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 63116).

(11) Middle grades improvement strategies should be tailored based on a variety of performance indicators and data, so that educators can create and implement successful school improvement strategies to address the needs of the middle grades, and so that teachers can provide effective instruction and adequate assistance to meet the needs of at-risk students.

(12) To stem a dropout rate nearly twice that of students without disabilities, students with disabilities in the critical middle grades must receive appropriate academic accommodations and access to assistive technology, high-risk behaviors such as absenteeism and course failure must be monitored, and problem-solving skills with broad application must be taught.

(13) Local educational agencies and State educational agencies often do not have the capacity to provide support for school improvement strategies. Successful models do exist for turning around low-performing middle grades, and Federal support should be provided to increase the capacity to apply promising practices based on evidence from successful schools.

SEC. 3. DEFINITIONS.

In this Act:

(1) ESEA DEFINITIONS.—The terms ''elementary school'', ''local educational agency'', ''secondary school'', and ''State educational agency'' 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 ENTITY.—The term ''eligible entity'' means a partnership that includes—

(A) not less than 1 eligible local educational agency; and

(B)(i) an institution of higher education;

(ii) an educational service agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); or

(iii) a nonprofit organization with demonstrated expertise in high quality middle grades intervention.

(3) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term ''eligible local educational agency'' means a local educational agency that serves not less than 1 eligible school.

(4) ELIGIBLE SCHOOL.—The term ''eligible school'' means an elementary or secondary school that contains not less than 2 or more successive grades beginning with grade 5 and ending with grade 8 and for which—

(A) a high proportion of the middle grades students attending such school go on to attend a high school with a graduation rate of less than 65 percent;

(B) more than 25 percent of the students who finish grade 6 at such school, or the earliest middle grade level at the school, exhibit 1 or more of the key risk factors and early risk identification signs, including—

(i) student attendance below 90 percent;

(ii) a failing grade in a mathematics or reading or language arts course;

(iii) 2 failing grades in any courses; and

(iv) out-of-school suspension or other evidence of at-risk behavior; or

(C) more than 50 percent of the middle grades students attending such school do not perform at a proficient level on State student academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) in mathematics or reading or language arts.

(5) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) MIDDLE GRADES.—The term ''middle grades'' means any of grades 5 through 8.

(7) SCIENTIFICALLY VALID.—The term ''scientifically valid'' means the rationale, design, and interpretation are soundly developed in accordance with accepted principles of scientific research.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(9) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(10) STUDENT WITH A DISABILITY.—The term ''student with a disability'' means a student who is a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

TITLE I—MIDDLE GRADES IMPROVEMENT

SEC. 101. PURPOSES.

The purposes of this title are to—

(1) improve middle grades student academic achievement and prepare students for rigorous high school course work, postsecondary education, independent living, and employment;

(2) ensure that curricula and student supports for middle grades education align with the curricula and student supports provided for elementary and high school grades;

(3) provide resources to State educational agencies and local educational agencies to collaboratively develop school improvement plans in order to deliver support and technical assistance to schools serving students in the middle grades; and

(4) increase the capacity of States and local educational agencies to develop effective, sustainable, and replicable school improvement programs and models and evidence-based or, when available, scientifically valid student interventions for implementation by schools serving students in the middle grades.

SEC. 102. FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES FOR MIDDLE GRADES IMPROVEMENT.

(a) IN GENERAL.—From amounts appropriated under section 107, the Secretary shall make grants under this title for a fiscal year to each State educational agency for which the Secretary has approved an application under subsection (f) in an amount equal to the allotment determined for such agency under subsection (c) for such fiscal year.

(b) RESERVATIONS.—From the total amount made available to carry out this title for a fiscal year, the Secretary—

(1) shall reserve not more than 1 percent for the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities carried out in accordance with this section;

(2) shall reserve 1 percent to evaluate the effectiveness of this title in achieving the purposes of this title and ensuring that results are peer-reviewed and widely disseminated, which may include hiring an outside evaluator; and

(3) shall reserve 5 percent for technical assistance and dissemination of best practices in middle grades education to States and local educational agencies.

(c) AMOUNT OF STATE ALLOTMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), of the total amount made available to carry out this title for a fiscal year and not reserved under subsection (b), the Secretary shall allot such amount among the States in proportion to the number of children, aged 5 to 17, who reside within the State and are from families with incomes below the poverty line for the most recent fiscal year for which satisfactory data are available, compared to the number of such individuals who reside in all such States for that fiscal year, determined in accordance with section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965(20 U.S.C. 6333(c)(1)(A)).

(2) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this subsection for a fiscal year that is less than ½ of 1 percent of the amount made available to carry out this title for such fiscal year.

(d) SPECIAL RULE.—For any fiscal year for which the funds appropriated to carry out this title are less that $500,000,000, the Secretary is authorized to award grants to State educational agencies, on a competitive basis, rather than as allotments described in this section, to enable such agencies to award subgrants under section 104 on a competitive basis.

(e) REALLOTMENT.—

(1) FAILURE TO APPLY; APPLICATION NOT APPROVED.—If any State educational agency does not apply for an allotment under this title for a fiscal year, or if the application from the State educational agency is not approved, the Secretary shall reallot the amount of the State's allotment to the remaining States in accordance with this section.

(2) UNUSED FUNDS.—The Secretary may reallot any amount of an allotment to a State if the Secretary determines that the State will be unable to use such amount within 2 years of such allotment. Such reallotments shall be made on the same basis as allotments are made under subsection (c).

(f) APPLICATION.—In order to receive a grant under this title, a State educational agency shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, including a State middle grades improvement plan described in section 103(a)(4).

(g) PEER REVIEW AND SELECTION.—The Secretary—

(1) shall establish a peer-review process to assist in the review and approval of proposed State applications;

(2) shall appoint individuals to participate in the peer-review process who are educators and experts in identifying, evaluating, and implementing effective education programs and practices (including the areas of teaching and learning, educational standards and assessments, school improvement, and academic and behavioral supports for middle grades students), which individuals may include recognized exemplary middle grades teachers and middle grades principals who have been recognized at the State or national level for exemplary work or contributions to the field;

(3) shall ensure that States are given the opportunity to receive timely feedback, and to interact with peer-review panels, in person or via electronic communication, on issues that need clarification during the peer-review process;

(4) shall approve a State application submitted under this title not later than 120 days after the date of submission of the application unless the Secretary determines that the application does not meet the requirements of this title;

(5) may not decline to approve a State's application before—

(A) offering the State an opportunity to revise the State's application;

(B) providing the State with technical assistance in order to submit a successful application; and

(C) providing a hearing to the State; and

(6) shall direct the Inspector General of the Department of Education to—

(A) review final determinations reached by the Secretary to approve or deny State applications;

(B) analyze the consistency of the process used by peer-review panels in reviewing and recommending to the Secretary approval or denial of such State applications; and

(C) report the findings of this review and analysis to Congress.

SEC. 103. STATE PLAN; AUTHORIZED ACTIVITIES.

(a) MANDATORY ACTIVITIES.—

(1) IN GENERAL.—A State educational agency that receives a grant under this title shall use the grant funds—

(A) to prepare and implement the needs analysis and middle grades improvement plan, as described in paragraphs (3) and (4), of such agency;

(B) to make subgrants to eligible local educational agencies or eligible entities under section 104; and

(C) to assist eligible local educational agencies and eligible entities, when determined necessary by the State educational agency or at the request of an eligible local educational agency or eligible entity, in designing a comprehensive schoolwide improvement plan and carrying out the activities under section 104.

(2) FUNDS FOR SUBGRANTS.—A State educational agency that receives a grant under this title shall use not less than 80 percent of the grant funds to make subgrants to eligible local educational agencies or eligible entities under section 104.

(3) MIDDLE GRADES NEEDS ANALYSIS.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title shall enter into a contract, or similar formal agreement, to work with entities such as national and regional comprehensive centers (as described in section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 9602)), institutions of higher education, or nonprofit organizations with demonstrated expertise in high-quality middle grades reform, to prepare a plan that analyzes how to strengthen the programs, practices, and policies of the State in supporting students in the middle grades, including the factors, such as local implementation, that influence variation in the effectiveness of such programs, practices, and policies.

(B) PREPARATION OF PLAN.—In preparing the plan under subparagraph (A), the State educational agency shall examine policies and practices of the State, and of local educational agencies within the State, affecting—

(i) middle grades curriculum instruction and assessment;

(ii) education accountability and data systems;

(iii) teacher quality and equitable distribution; and

(iv) interventions that support learning in school.

(4) MIDDLE GRADES IMPROVEMENT PLAN.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title

shall develop a middle grades improvement plan that—

(i) shall be a statewide plan to improve student academic achievement in the middle grades, based on the needs analysis described in paragraph (3); and

(ii) describes what students are required to know and do to successfully—

(I) complete the middle grades; and

(II) make the transition to succeed in academically rigorous high school coursework that prepares students for college, independent living, and employment.

(B) PLAN COMPONENTS.—A middle grades improvement plan described in subparagraph (A) shall also describe how the State educational agency will do each of the following:

(i)(I) Ensure that the curricula and assessments for middle grades education are aligned with high school curricula and assessments and prepare students to take challenging high school courses and successfully engage in postsecondary education; and

(II) ensure coordination, where applicable, with the activities carried out through grants for P–16 education alignment under section 6401(c)(1) of the America COMPETES Act (20 U.S.C. 9871(c)(1)).

(ii) Ensure that professional development is provided to school leaders, teachers, and other school personnel in—

(I) addressing the needs of diverse learners, including students with disabilities and English language learners;

(II) using challenging and relevant research-based best practices and curricula; and

(III) using data to inform instruction.

(iii) Identify and disseminate information on effective schools and instructional strategies for middle grades students based on high-quality research.

(iv) Include specific provisions for students most at risk of not graduating from secondary school, including English language learners and students with disabilities.

(v) Provide technical assistance to eligible entities to develop and implement their early warning indicator and intervention systems, as described in section 104(d)(2)(D).

(vi) Define a set of comprehensive school performance indicators that shall be used, in addition to the indicators used to determine adequate yearly progress, as defined in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)), to evaluate school performance, and guide the school improvement process, such as—

(I) student attendance and absenteeism;

(II) earned on-time promotion rates from grade to grade;

(III) percentage of students failing a mathematics, reading or language arts, or science course, or failing 2 or more of any courses;

(IV) teacher quality and attendance measures;

(V) in-school and out-of-school suspension or other measurable evidence of at-risk behavior; and

(VI) additional indicators proposed by the State educational agency, and approved by the Secretary pursuant to the peer-review process described in section 102(g).

(vii) Ensure that such plan is coordinated with State activities to turn around other schools in need of improvement, including State activities to improve high schools and elementary schools.

(b) PERMISSIBLE ACTIVITIES.—A State educational agency that receives a grant under this title may use the grant funds to—

(1) develop and encourage collaborations among researchers at institutions of higher education, State educational agencies, educational service agencies (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), local educational agencies, and nonprofit organizations with demonstrated expertise in high quality middle grades interventions, to expand the use of effective practices in the middle grades and to improve middle grades education;

(2) support local educational agencies in implementing effective middle grades practices, models, and programs that—

(A) are evidence-based or, when available, scientifically valid; and

(B) lead to improved student academic achievement;

(3) support collaborative communities of middle grades teachers, administrators, and researchers in creating and sustaining informational databases to disseminate results from rigorous research on effective practices and programs for middle grades education; and

(4) increase middle grades student support services, such as school counseling on the transition to high school and planning for entry into postsecondary education and the workforce.

SEC. 104. COMPETITIVE SUBGRANTS TO IMPROVE LOW-PERFORMING MIDDLE GRADES.

(a) IN GENERAL.—A State educational agency that receives a grant under this title shall make competitive subgrants to eligible local educational agencies and eligible entities to enable the eligible local educational agencies and eligible entities to improve low-performing middle grades in schools served by the agencies or entities.

(b) PRIORITIES.—In making subgrants under subsection (a), a State educational agency shall give priority to eligible local educational agencies or eligible entities based on—

(1) the respective populations of children described in section 102(c)(1) served by the eligible local educational agencies participating in the subgrant application process; and

(2) the respective populations of children served by the participating eligible local educational agencies who attend eligible schools.

(c) APPLICATION.—An eligible local educational agency or eligible entity that desires to receive a subgrant under subsection (a) shall submit an application to the State educational agency at such time, in such manner, and accompanied by such information as the State educational agency may reasonably require, including—

(1) a comprehensive schoolwide improvement plan described in subsection (d);

(2) a description of how activities described in such plan will be coordinated with activities specified in plans for schoolwide programs under section 1114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6314) and school improvement plans required under section 1116(b)(3) of such Act (20 U.S.C. 6316(b)(3)); and

(3) a description of how activities described in such plan will be complementary to, and coordinated with, school improvement activities for elementary schools and high schools in need of improvement that serve the same students within the participating local educational agency.

(d) COMPREHENSIVE SCHOOLWIDE IMPROVEMENT PLAN.—An eligible local educational agency or eligible entity that desires to receive a subgrant under subsection (a) shall develop a comprehensive schoolwide improvement plan for the middle grades that shall—

(1) include the information described in subsection (c)(2);

(2) describe how the eligible local educational agency or eligible entity will—

(A) identify eligible schools;

(B) ensure that funds go to the highest priority eligible schools first, based on the eligible schools' populations of children described in section 102(c)(1);

(C) use funds to improve the academic achievement of all students, including English language learners and students with disabilities, in eligible schools;

(D) implement an early warning indicator and intervention system to alert schools when students begin to exhibit outcomes or behaviors that indicate the student is at increased risk for low academic achievement or is unlikely to progress to secondary school graduation, and to create a system of evidence-based interventions to be used by schools to effectively intervene, by—

(i) identifying and analyzing, such as through the use of longitudinal data of past cohorts of students, the academic and behavioral indicators in the middle grades that most reliably predict dropping out of high school, such as attendance, behavior measures (including suspensions, officer referrals, or conduct marks), academic performance in core courses, and earned on-time promotion from grade-to-grade;

(ii) analyzing student progress and performance on the indicators identified under clause (i) to guide decisionmaking;

(iii) analyzing academic indicators to determine whether students are on track to graduate on time, and developing appropriate evidence-based intervention; and

(iv) identifying or developing a mechanism for regularly collecting and reporting—

(I) student-level data on the indicators identified under clause (i);

(II) student-level progress and performance, as described in clause (ii);

(III) student-level data on the indicators described in clause (iii); and

(IV) information about the impact of interventions on student outcomes and progress;

(E) increase academic rigor and foster student engagement to ensure students are entering high school prepared for success in a rigorous college-ready curriculum, including a description of how such readiness will be measured;

(F) implement a systemic transition plan for all students and encourage collaboration among elementary grades, middle grades, and high school grades; and

(G) provide evidence that the strategies, programs, supports, and instructional practices proposed under the schoolwide improvement plan are new and have not been implemented before by the eligible local educational agency or eligible entity; and

(3) provide evidence of an ongoing commitment to sustain the plan for a period of not less than 4 years.

(e) REVIEW AND SELECTION OF SUBGRANTS.—In making subgrants under subsection (a), the State educational agency shall—

(1) establish a peer-review process to assist in the review and approval of applications under subsection (c); and

(2) appoint individuals to participate in the peer-review process who are educators and experts in identifying, evaluating, and implementing effective education programs and practices, including areas of teaching and learning, educational standards and assessments, school improvement, and academic and behavioral supports for middle grades students, including recognized exemplary middle grades teachers and principals who have been recognized at the State or national level for exemplary work or contributions to the field.

(f) REVISION OF SUBGRANTS.—If a State educational agency, using the peer-review process described in subsection (e), determines that an application for a grant under subsection (a) does not meet the requirements of this title, the State educational agency shall

notify the eligible local educational agency or eligible entity of such determination and the reasons for such determination, and offer—

(1) the eligible local educational agency or eligible entity an opportunity to revise and resubmit the application; and

(2) technical assistance to the eligible local educational agency or eligible entity, by the State educational agency or a nonprofit organization with demonstrated expertise in high quality middle grades interventions, to revise the application.

(g) MANDATORY USES OF FUNDS.—An eligible local educational agency or eligible entity that receives a subgrant under subsection (a) shall carry out the following:

(1) Align the curricula for grades kindergarten through 12 for schools within the local educational agency to improve transitions from elementary grades to middle grades to high school grades.

(2) In each eligible school served by the eligible local educational agency receiving or participating in the subgrant:

(A) Align the curricula for all grade levels within eligible schools to improve grade to grade transitions.

(B) Implement evidence-based or, when available, scientifically valid instructional strategies, programs, and learning environments that meet the needs of all students and ensure that school leaders and teachers receive professional development on the use of these strategies.

(C) Ensure that school leaders, teachers, pupil service personnel, and other school staff understand the developmental stages of adolescents in the middle grades and how to deal with those stages appropriately in an educational setting.

(D) Implement organizational practices and school schedules that allow for effective leadership, collaborative staff participation, effective teacher teaming, and parent and community involvement.

(E) Create a more personalized and engaging learning environment for middle grades students by developing a personal academic plan for each student and assigning not less than 1 adult to help monitor student progress.

(F) Provide all students with information and assistance about the requirements for high school graduation, college admission, and career success.

(G) Utilize data from an early warning indicator and intervention system described in subsection (d)(2)(D) to identify struggling students and assist the students as the students transition from elementary school to middle grades to high school.

(H) Implement academic supports and effective and coordinated additional assistance programs to ensure that students have a strong foundation in reading, writing, mathematics, and science skills.

(I) Implement evidence-based or, when available, scientifically valid schoolwide programs and targeted supports to promote positive academic outcomes, such as increased attendance rates and the promotion of physical, personal, and social development.

(J) Develop and use effective formative assessments to inform instruction.

(h) PERMISSIBLE USES OF FUNDS.—An eligible local educational agency or eligible entity that receives a subgrant under subsection (a) may use the subgrant funds to carry out the following:

(1) Implement extended learning opportunities in core academic areas including more instructional time in literacy, mathematics, science, history, and civics in addition to opportunities for language instruction and understanding other cultures and the arts.

(2) Provide evidence-based professional development activities with specific benchmarks to enable teachers and other school staff to appropriately monitor academic and behavioral progress of, and modify curricula and implement accommodations and assistive technology services for, students with disabilities, consistent with the students' individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)).

(3) Employ and use instructional coaches, including literacy, mathematics, and English language learner coaches.

(4) Provide professional development for content-area teachers on working effectively with English language learners and students with disabilities, as well as professional development for English as a second language educators, bilingual educators, and special education personnel.

(5) Encourage and facilitate the sharing of data among elementary grades, middle grades, high school grades, and postsecondary educational institutions.

(6) Create collaborative study groups composed of principals or middle grades teachers, or both, among eligible schools within the eligible local educational agency receiving or participating in the subgrant, or between such eligible local educational agency and another local educational agency, with a focus on developing and sharing methods to increase student learning and academic achievement.

(i) PLANNING SUBGRANTS.—

(1) IN GENERAL.—In addition to the subgrants described in subsection (a), a State educational agency may (without regard to the preceding provisions of this section) make planning subgrants, and provide technical assistance, to eligible local educational agencies and eligible entities that have not received a subgrant under subsection (a) to assist the local educational agencies and eligible entities in meeting the requirements of subsections (c) and (d).

(2) AMOUNT AND DURATION.—Each subgrant under this subsection shall be in an amount of not more than $100,000 and shall be for a period of not more than 1 year in duration.

SEC. 105. DURATION OF GRANTS; SUPPLEMENT NOT SUPPLANT.

(a) DURATION OF GRANTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), grants under this title and subgrants under section 104(a) may not exceed 3 years in duration.

(2) RENEWALS.—

(A) IN GENERAL.—Grants and subgrants under this title may be renewed in 2-year increments.

(B) CONDITIONS.—In order to be eligible to have a grant or subgrant renewed under this paragraph, the grant or subgrant recipient shall demonstrate, to the satisfaction of the granting entity, that—

(i) the recipient has complied with the terms of the grant or subgrant, including by undertaking all required activities; and

(ii) during the period of the grant or subgrant, there has been significant progress in—

(I) student academic achievement, as measured by the annual measurable objectives established pursuant to section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act (20 U.S.C. 6311(b)(2)(C)(v)); and

(II) other key risk factors such as attendance and on-time promotion.

(b) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

(1) IN GENERAL.—A State educational agency, eligible local educational agency, or eligible entity shall use Federal funds received under this title only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this title, and not to supplant such funds.

(2) SPECIAL RULE.—Nothing in this title shall be construed to authorize an officer, employee, or contractor of the Federal Government to mandate, direct, limit, or control a State, local educational agency, or school's specific instructional content, academic achievement standards and assessments, curriculum, or program of instruction.

SEC. 106. EVALUATION AND REPORTING.

(a) EVALUATION.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for the period of the grant, each State receiving a grant under this title shall—

(1) conduct an evaluation of the State's progress regarding the impact of the changes made to the policies and practices of the State in accordance with this title, including—

(A) a description of the specific changes made, or in the process of being made, to policies and practices as a result of the grant;

(B) a discussion of any barriers hindering the identified changes in policies and practices, and implementations strategies to overcome such barriers;

(C) evidence of the impact of changes to policies and practices on behavior and actions at the local educational agency and school level; and

(D) evidence of the impact of the changes to State and local policies and practices on improving measurable learning gains by middle grades students;

(2) use the results of the evaluation conducted under paragraph (1) to adjust the policies and practices of the State as necessary to achieve the purposes of this title; and

(3) submit the results of the evaluation to the Secretary.

(b) AVAILABILITY.—The Secretary shall make the results of each State's evaluation under subsection (a) available to other States and local educational agencies.

(c) LOCAL EDUCATIONAL AGENCY REPORTING.—On an annual basis, each eligible local educational agency and eligible entity receiving a subgrant under section 104(a) shall report to the State educational agency and to the public on—

(1) the performance on the school performance indicators (as described in section 103(a)(4)(B)(vi)) for each eligible school served by the eligible local educational agency or eligible entity, in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of funds by the eligible local educational agency or eligible entity and each such school.

(d) STATE EDUCATIONAL AGENCY REPORTING.—On an annual basis, each State educational agency receiving grant funds under this title shall report to the Secretary and to the public on—

(1) the performance of eligible schools in the State, based on the school performance indicators described in section 103(a)(4)(B)(vi), in the aggregate and disaggregated by the subgroups described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)); and

(2) the use of the funds by each eligible local educational agency in the State and by each eligible school.

(e) REPORT TO CONGRESS.—Every 2 years, the Secretary shall report to the public and to Congress—

(1) a summary of the State reports under subsection (d); and

(2) the use of funds by each State under this title.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $1,000,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 5 succeeding fiscal years.

TITLE II—RESEARCH RECOMMENDATIONS

SEC. 201. PURPOSE.

The purpose of this title is to facilitate the generation, dissemination, and application of research needed to identify and implement effective practices that lead to continual student learning and high academic achievement in the middle grades.

SEC. 202. RESEARCH RECOMMENDATIONS.

(a) STUDY ON PROMISING PRACTICES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to study and identify promising practices for the improvement of middle grades education.

(2) CONTENT OF STUDY.—The study described in paragraph (1) shall identify promising practices currently being implemented for the improvement of middle grades education. The study shall be conducted in an open and transparent way that provides interim information to the public about criteria being used to identify—

(A) promising practices;

(B) the practices that are being considered; and

(C) the kind of evidence needed to document effectiveness.

(3) REPORT.—The contract entered into pursuant to this subsection shall require that the Center for Education of the National Academies submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report regarding the study conducted under this subsection not later than 1 year after the date of the commencement of the contract.

(4) PUBLICATION.—The Secretary shall make public and post on the website of the Department of Education the findings of the study conducted under this subsection.

(b) SYNTHESIS STUDY OF EFFECTIVE TEACHING AND LEARNING IN MIDDLE GRADES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into a contract with the Center for Education of the National Academies to review existing research on middle grades education, and on factors that might lead to increased effectiveness and enhanced innovation in middle grades education.

(2) CONTENT OF STUDY.—The study described in paragraph (1) shall review research on education programs, practices, and policies, as well as research on the cognitive, social, and emotional development of children in the middle grades age range, in order to provide an enriched understanding of the factors that might lead to the development of innovative and effective middle grades programs, practices, and policies. The study shall focus on—

(A) the areas of curriculum, instruction, and assessment (including additional supports for students who are below grade level in reading, writing, mathematics, and science, and the identification of students with disabilities) to better prepare all students for subsequent success in high school, college, and cognitively challenging employment;

(B) the quality of, and supports for, the teacher workforce;

(C) aspects of student behavioral and social development, and of social interactions within schools that affect the learning of academic content;

(D) the ways in which schools and local educational agencies are organized and operated that may be linked to student outcomes;

(E) how development and use of early warning indicator and intervention systems can reduce risk factors for dropping out of school and low academic achievement; and

(F) identification of areas where further research and evaluation may be needed on these topics to further the development of effective middle grades practices.

(3) REPORT.—The contract entered into pursuant to this subsection shall require that the Center for Education of the National Academies submit to the Secretary, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a final report regarding the study conducted under this subsection not later than 2 years after the date of commencement of the contract.

(4) PUBLICATION.—The Secretary shall make public and post on the website of the Department of Education the findings of the study conducted under this subsection.

(c) OTHER ACTIVITIES.—The Secretary shall carry out each of the following:

(1) Create a national clearinghouse, in coordination with entities such as What Works and the Doing What Works Clearinghouses, for research in best practices in the middle grades and in the approaches that successfully take those best practices to scale in schools and local educational agencies.

(2) Create a national middle grades database accessible to educational researchers, practitioners, and policymakers that identifies school, classroom, and system-level factors that facilitate or impede student academic achievement in the middle grades.

(3) Require the Institute of Education Sciences to develop a strand of field-initiated and scientifically valid research designed to enhance performance of schools serving middle grades students, and of middle grades students who are most at risk of educational failure, which may be coordinated with the regional educational laboratories established under section 174 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9564), institutions of higher education, agencies recognized for their research work that has been published in peer-reviewed journals, and organizations that have such regional educational laboratories. Such research shall target specific issues such as—

(A) effective practices for instruction and assessment in mathematics, science, technology, and literacy;

(B) academic interventions for adolescent English language learners;

(C) school improvement programs and strategies for closing the academic achievement gap;

(D) evidence-based or, when available, scientifically valid professional development planning targeted to improve pedagogy and student academic achievement;

(E) the effects of increased learning or extended school time in the middle grades; and

(F) the effects of decreased class size or increased instructional and support staff.

(4) Strengthen the work of the existing national research and development centers under section 133(c) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(c)), as of the date of enactment of this Act, by adding an educational research and development center dedicated to addressing—

(A) curricular, instructional, and assessment issues pertinent to the middle grades (such as mathematics, science, technological fluency, the needs of English language learners, and students with disabilities);

(B) comprehensive reforms for low-performing middle grades; and

(C) other topics pertinent to improving the academic achievement of middle grades students.

(5) Provide grants to nonprofit organizations, for-profit organizations, institutions of higher education, and others to partner with State educational agencies and local educational agencies to develop, adapt, or replicate effective models for turning around low-performing middle grades.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

(a) AUTHORIZATION.—There are authorized to be appropriated to carry out this title $100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the 5 succeeding fiscal years.

(b) RESERVATIONS.—From the total amount made available to carry out this title, the Secretary shall reserve—

(1) 2.5 percent for the studies described in subsections (a) and (b) of section 202;

(2) 5 percent for the clearinghouse described in section 202(c)(1);

(3) 5 percent for the database described in section 202(c)(2);

(4) 42.5 percent for the activities described in section 202(c)(3);

(5) 15 percent for the activities described in section 202(c)(4); and

(6) 30 percent for the activities described in section 202(c)(5).

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I am introducing a bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River as Wild and Scenic. I am pleased to be introducing this legislation with my colleague from Oregon, Senator MERKLEY. This legislation has already been introduced by Representative SCHRADER in the House, who is a champion for protecting the river. The Molalla River Wild and Scenic Rivers Act of 2009 will designate an approximately 15.1-mile segment of the Molalla River, and an approximately 6.2-mile segment of Table Rock Fork Molalla River as a recreational river under the Wild and Scenic Rivers Act.

The Molalla River Wild and Scenic Rivers Act protects a popular Oregon destination that provides abundant recreational activities all of which take place among the abundant wildlife that call this area home. The scenic beauty of the Molalla River provides a backdrop for hiking, mountain biking, camping, and horseback riding, while the waters of the river are a popular destination for fishing, kayaking, and whitewater rafting enthusiasts. My bill would not only preserve this area as a recreation destination, but would also protect the river habitat of the Chinook salmon and Steelhead trout,

along with the wildlife habitat surrounding the river, home to the northern spotted owl, the pileated woodpecker, golden and bald eagles, deer, elk, the pacific giant salamander, and many others.

The Molalla River is not only an important habitat for wildlife and a popular northwest recreation destination, but it is also the source of clean drinking water for the towns of Molalla and Canby, Oregon. Protecting the approximately 21.3 miles of the Molalla River will provide the residents of these Oregon towns with the assurance that they will continue to receive clean drinking water, and will provide all the people of the Pacific Northwest and beyond the knowledge that this important natural resource will be preserved for continued enjoyment for years to come.

I want to express my thanks to the Molalla River Alliance—a coalition of more than 45 organizations that recognize that this river is a jewel. Michael Moody, the President of this Alliance, made sure that irrigators, city councilors, the mayor, businesses and environmentalists all came together on this. I look forward to working with Senator MERKLEY, Representative SCHRADER, and the bill's supporters to advance this legislation to the President's desk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Molalla River Wild and Scenic Rivers Act''.

SEC. 2. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS, MOLALLA RIVER, OREGON.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''(208) MOLALLA RIVER, OREGON.—

''(A) IN GENERAL.—The following segments in the State of Oregon, to be administered by the Secretary of the Interior as a recreational river:

''(i) MOLALLA RIVER.—The approximately 15.1-mile segment from the southern boundary line of T. 7 S., R. 4 E., sec. 19, downstream to the edge of the Bureau of Land Management boundary in T. 6 S., R. 3 E., sec. 7.

''(ii) TABLE ROCK FORK MOLALLA RIVER.—The approximately 6.2-mile segment from the easternmost Bureau of Land Management boundary line in the NE¼ sec. 4, T. 7 S., R. 4 E., downstream to the confluence with the Molalla River.

''(B) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by subparagraph (A) is withdrawn from all forms of—

''(i) entry, appropriation, or disposal under the public land laws;

''(ii) location, entry, and patent under the mining laws; and

''(iii) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

''(C) EFFECT OF DESIGNATION.—

''(i) IN GENERAL.—The designation of the river segments under this paragraph shall not affect valid existing rights (including rights-of-way and easements) in, through, and to the land designated as part of the Wild and Scenic River System under this paragraph.

''(ii) PRIVATE LAND.— Nothing in this paragraph requires management of private land within the basins of the river segments designated under this paragraph in a manner different than that required under State law, including Chapter 527 of the Oregon Revised Statutes.''.

By Mr. NELSON, of Florida (for himself, Mr. ENSIGN, and Mr. MARTINEZ):

S. 1371. A bill to amend the Internal Revenue Code of 1986 to provide for clean renewable water supply bonds; to the Committee on Finance.

Mr. NELSON of Florida. Mr. President, I rise today to introduce, with my colleagues Senators ENSIGN and MARTINEZ, the Clean Renewable Water Supply Bond Act of 2009.

While many of us do not think twice when we turn on the faucet, State and local authorities anticipate widespread water shortages in the near future, and the consequences may be severe, if not catastrophic. Rising demand and dwindling sources of fresh water raise serious questions about our ability to ensure every community has access to a clean, safe, and affordable water supply. The U.S. population has grown more than 50 percent in the last 30 years. At the same time, the amount of water used by each of us has tripled. In many States, particularly fast-growing States, water consumption nears or exceeds the renewable water supply.

Several parts of the country have experienced drought or near-drought conditions requiring authorities to impose water user strictions. According to a comprehensive Government Accountability Office study, even under normal conditions, 36 States expect water shortages by 2013. Compounding the problem, the Environmental Protection Agency estimates a shortfall of $224 billion in funding for water projects over the next 20 years.

Water shortages also have implications for the environment. The Everglades is a prime example. Over the years, diminished flows into the Everglades have reduced the ecosystem to half its original size. As a result of less water, the Everglades experienced a 90 percent reduction in the population of wading birds. The effects of climate change—including salt water intrusion and higher sea levels—mean our recent experiences will only intensify over the next couple decades.

There is a growing consensus on the need for new investments in water supply and treatment projects. Advanced technologies offer extraordinary promise and can provide new sources of clean water, but the cost of the initial capital investment is often prohibitive. States are primarily responsible for managing the development, allocation, and use of freshwater supplies. A single advanced water project can cost as much as $400 million, an amount difficult to finance with conventional tax-exempt bonds, which require principal and interest payments by the issuer.

The bipartisan legislation we are introducing today would authorize public water agencies at the State and local level to issue tax credit bonds as a financing vehicle for innovative new water supply technologies. The legislation would create a new category of Clean Renewable Water Supply Bonds, to finance innovative projects such as water recycling, desalination, and groundwater contamination clean-up. Tax credit bonds such as CREWS provide a deeper and more efficient subsidy than tax-exempt bonds. The Federal Government provides a tax credit to the bondholder in lieu of an interest payment. As a result, a public agency financing a $100 million project with CREWS would save an estimated $62 million in interest payments over the life of the bond. The issuer remains responsible for repayment of the principal. The bonds would be issued by public agencies in the same way that they issue conventional tax-exempt bonds.

A project would not be eligible for CREWS unless the issuer has received all Federal and State regulatory approvals necessary to construct the project. Qualifying projects must be designed to comply with regulations that minimize negative environmental impacts. In order to limit the revenue loss to $1 billion over ten years, the bill caps the amount of annual CREWS bonding authority.

Tax credit bonds are a proven and effective financing mechanism. Congress has authorized the issuance of tax credit bonds for the construction of inner city schools, renewable energy projects, energy conservation measures, forestry conservation programs, and post-Katrina and Rita reconstruction. According to an analysis prepared for the New Water Supply Coalition, an investment of $6.2 billion in construction for desalination, recycling and groundwater recovery would generate a national economic impact of $19.5 billion and approximately 143,000 jobs. Most importantly, if enacted and fully funded, the Coalition projects that over 1.8 billion gallons of water per day would be created by the new investment resulting from the Clean Renewable Water Supply Bond Act—enough new water to meet the needs of over four million families of four.

Addressing the challenges of our growing water needs will require a concerted effort that involves all levels of government—Federal, State, and local. The Clean Renewable Water Supply Bond Act would create an effective tool for the shared Federal-State financing of advanced, innovative clean water supply projects. I encourage my colleagues to support the legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Clean Renewable Water Supply Bond Act of 2009''.

SEC. 2. CLEAN RENEWABLE WATER SUPPLY BONDS.

(a) IN GENERAL.—Subpart I of Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 54G. CLEAN RENEWABLE WATER SUPPLY BONDS.

''(a) CLEAN RENEWABLE WATER SUPPLY BONDS.—For purposes of this subpart, the term 'clean renewable water supply bond' means any bond issued as part of an issue if—

''(1) 100 percent of the available project proceeds of such issue are to be used for capital expenditures incurred by qualified borrowers for 1 or more qualified projects,

''(2) the bond is issued by a qualified issuer,

''(3) the issuer designates such bond for purposes of this section, and

''(4) in the case of a bond issued by a qualified issuer before 2019, the bond is issued—

''(A) pursuant to an allocation by the Secretary to such issuer of a portion of the national clean renewable water supply bond limitation under subsection (b), and

''(B) not later than 6 months after the date that such qualified issuer receives an allocation under subsection (b).

''Any allocation under subsection (b) not used within the 6-month period described in paragraph (4)(B) shall be applied to increase the national clean renewable water supply bond limitation for the next succeeding application period under subsection (b)(2)(B).

''(b) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) IN GENERAL.—There is a national clean renewable water supply bond limitation for each calendar year before 2019. Such limitation is—

''(A) $0 for 2009,

''(B) $100,000,000 for 2010,

''(C) $150,000,000 for 2011,

''(D) $200,000,000 for 2012,

''(E) $250,000,000 for 2013,

''(F) $500,000,000 for 2014,

''(G) $750,000,000 for 2015,

''(H) $1,000,000,000 for 2016,

''(I) $1,500,000,000 for 2017, and

''(J) $1,750,000,000 for 2018.

''(2) ALLOCATION OF LIMITATION.—

''(A) IN GENERAL.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified projects as provided in this paragraph.

''(B) METHOD OF ALLOCATION.—For each calendar year after 2009 for which there is a national clean renewable water supply bond limitation, the Secretary shall publish a notice soliciting applications by qualified issuers for allocations of such limitation to qualified projects. Such notice shall specify a 3-month application period in the calendar year during which the Secretary will accept such applications. Within 30 days after the end of such application period, and subject to the requirements of subparagraph (C), the Secretary shall allocate such limitation to qualified projects on a first-come, first-served basis, based on the order in which such applications are received from qualified issuers.

''(C) ALLOCATION REQUIREMENTS.—

''(i) CERTIFICATIONS REGARDING REGULATORY APPROVALS.—No portion of the national clean renewable water supply bond limitation shall be allocated to a qualified project unless the qualified issuer has certified in its application for such allocation that as of the date of such application the qualified issuer or qualified borrower has received all Federal and State regulatory approvals necessary to construct the qualified project.

''(ii) RESTRICTION ON ALLOCATIONS TO LARGE PROJECTS OR TO INDIVIDUAL PROJECTS.—

''(I) IN GENERAL.—Except as provided in subclause (III), for any calendar year the Secretary shall not allocate more than 60 percent of the national clean renewable water supply bond limitation to 1 or more large projects, more than 18 percent of such limitation to any single project that is a large project, or more than 12 percent of such limitation to any single project that is not a large project.

''(II) DEFINITION OF LARGE PROJECT.—For purposes of subclause (I), the term 'large project' means a qualified project that is designed to deliver more than 10,000,000 gallons of water per day.

''(III) EXCEPTION TO RESTRICTION.—Subclause (I) shall not apply to the extent its application would cause any portion of the national clean renewable water supply bond limitation for the calendar year to remain unallocated, based on applications for allocations of such limitation received by the Secretary during the application period referred to in subparagraph (B).

''(3) CARRYOVER OF UNUSED LIMITATION.—If the clean renewable water supply bond limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

''(c) MATURITY LIMITATION.—

''(1) IN GENERAL.—A bond shall not be treated as a clean renewable water supply bond if the maturity of such bond exceeds 20 years.

''(2) COORDINATION WITH SECTION 54A.—The maturity limitation in section 54A(d)(5) shall not apply to any clean renewable water supply bond.

''(d) REFINANCING RULES.—For purposes of paragraph (a)(1), a qualified project may be refinanced with proceeds of a clean renewable water supply bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

''(e) DEFINITIONS.—For purposes of this section—

''(1) GOVERNMENTAL BODY.—The term 'governmental body' means any State or Indian tribal government, or any political subdivision thereof.

''(2) LOCAL WATER COMPANY.—The term 'local water company' means any entity responsible for providing water service to the general public (including electric utility, industrial, agricultural, commercial, or residential users) pursuant to State or tribal law.

''(3) QUALIFIED BORROWER.—The term 'qualified borrower' means a governmental body or a local water company.

''(4) QUALIFIED DESALINATION FACILITY.—The term 'qualified desalination facility' means any facility that is used to produce new water supplies by desalinating seawater, groundwater, or surface water if the facility's source water includes chlorides or total dissolved solids that, either continuously or seasonally, exceed maximum permitted levels for primary or secondary drinking water under Federal or State law (as in effect on the date of issuance of the issue).

''(5) QUALIFIED GROUNDWATER REMEDIATION FACILITY.—The term 'qualified groundwater remediation facility' means any facility that is used to reclaim contaminated or naturally impaired groundwater for direct delivery for potable use if the facility's source water includes constituents that exceed maximum contaminant levels regulated under the Safe Drinking Water Act (as in effect on the date of the enactment of this section).

''(6) QUALIFIED ISSUER.—The term 'qualified issuer' means—

''(A) a governmental body, or

''(B) in the case of a State or political subdivision thereof (as defined for purposes of section 103), any entity qualified to issue tax-exempt bonds under section 103 on behalf of such State or political subdivision.

''(7) QUALIFIED PROJECT.—

''(A) IN GENERAL.—The term 'qualified project' means any facility owned by a qualified borrower which is a—

''(i) qualified desalination facility,

''(ii) qualified recycled water facility,

''(iii) qualified groundwater remediation facility, or

''(iv) facility that is functionally related or subordinate to a facility described in clause (i), (ii), or (iii).

''(B) ENVIRONMENTAL IMPACT.—A project shall not be treated as a qualified project under subparagraph (A) unless such project is designed to comply with regulations issued under subsection (f) relating to the minimization of the environmental impact of the project.

''(8) QUALIFIED RECYCLED WATER FACILITY.—

''(A) IN GENERAL.—The term 'qualified recycled water facility' means any wastewater treatment or distribution facility which—

''(i) exceeds the requirements for the treatment and disposal of wastewater under the Clean Water Act and any other Federal or State water pollution control standards for the discharge and disposal of wastewater to surface water, land, or groundwater (as such requirements and standards are in effect on the date of issuance of the issue), and

''(ii) except as provided in subparagraph (B), is used to reclaim wastewater produced by the general public (including electric utility, industrial, agricultural, commercial, or residential users) to the extent such reclaimed wastewater is used for a beneficial use that the issuer reasonably expects as of the date of issuance of the issue otherwise would have been satisfied with potable water supplies.

''(B) IMPERMISSIBLE USES.—Reclaimed wastewater is not used for a use described in subparagraph (A)(ii) to the extent such reclaimed wastewater is—

''(i) discharged into a waterway or used to meet waterway discharge permit requirements and not used to supplement potable water supplies,

''(ii) used to restore habitat,

''(iii) used to provide once-through cooling for an electric generation facility, or

''(iv) intentionally introduced into the groundwater and not used to supplement potable water supplies.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations promulgated in consultation with the Administrator of the Environmental Protection Agency to ensure the environmental impact of qualified facilities is minimized.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (D), by inserting ''or'' at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

''(F) a clean renewable water supply bond,''.

(2) Subparagraph (C) of section 54A(d)(2) of such Code is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding at the end the following new clause:

''(vi) in the case of a clean renewable water supply bond, a purpose specified in section 54G(a)(1).''.

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 54G. Clean renewable water supply bonds.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

By Mr. LEAHY (for himself, Mr. COCHRAN, and Mr. DODD):

S. 1372. A bill to provide a vehicle maintenance building to house the Smithsonian Institution's Vehicle Maintenance Branch at the Suitland Collections Center in Suitland, Maryland; to the Committee on Rules and Administration.

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VEHICLE MAINTENANCE BUILDING.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, and construct a vehicle maintenance building at its Vehicle Maintenance Branch in Suitland, Maryland, to house, maintain, and repair Smithsonian vehicles and transportation equipment.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $4,000,000 for fiscal year 2010 for the purposes described in section 1.

By Mr. LIEBERMAN (for himself and Mr. CORNYN):

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted by employees of that agency; or from funds administered by that agency to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I rise to introduce the Federal Research Public Access Act. I am very pleased to be joined again by my good friend and colleague, Senator JOE LIEBERMAN, who has remained dedicated to seeing this important legislation passed. This bipartisan bill is the same legislation we introduced in the 109th Congress. The purpose of this legislation is to ensure American taxpayers' dollars are spent wisely, which is even more important now in this time of fiscal tension.

To put things in perspective, the Federal Government spends upwards of $55 billion on investments for basic and applied research every year. There are approximately 11 departments/agencies that are the recipients of these investments, including: the National Institutes of Health, National Science Foundation, NASA, the Department of Energy, the Department of Defense, and the Department of Agriculture. These departments/agencies then distribute the taxpayers' money to fund research which is typically conducted by outside researchers working for universities, health care systems, and other groups.

While this research is undoubtedly necessary and is beneficial to America, it remains the case that not all Americans are capable of experiencing these benefits firsthand. Usually the results of the researchers are published in academic journals. Despite the fact that the research was paid for by Americans' tax dollars, most citizens are unable to attain timely access to the wealth of information that the research provides.

Some Federal agencies, most notably the NIH, have recognized this lack of availability and have proceeded to take positive steps in the right direction by requiring that those articles based on government-funded research be easily accessible to the public in a timely manner. I am proud to report that the NIH's public access policy has been a success over the past few years. By the NIH implementing a groundbreaking public access policy, there has been strong progress in making the NIH's federally funded research available to the public, and has helped to energize this debate.

Although this has surely been an encouraging and important step forward, Senator LIEBERMAN and I believe there is more that can and must be done, as this is just a small part of the research funded by the Federal Government.

With that in mind, Senator LIEBERMAN and I find it necessary to reintroduce the Federal Research Public Access Act that will build on and refine the work done by the NIH and require that the Federal Government's leading underwriters of research adopt meaningful public access policies. Our legislation provides a simple and practical solution to giving the public access to the research it funds.

Our bill will ask all Federal departments and agencies that invest $100 million or more annually in research to develop a public access policy. Our goal is to have the results of all government-funded research to be disseminated and made available to the largest possible audience. By speeding access to this research, we can help promote the advancement of science, accelerate the pace of new discoveries and innovations, and improve the lives and welfare of people at home and abroad.

Each policy that these departments and agencies develop will require that articles resulting from federal funding must be presented in some publicly accessible archive within six months of publication. In doing so, the American taxpayers will have guaranteed access to the latest research, ensuring that they do not have to pay for the same research twice—first to conduct it and then again to view the results.

This simple legislation will provide our government with an opportunity to better leverage our investment in research and in turn ensure a greater return on that investment. All Americans stand to benefit from this bill, including patients diagnosed with a disease who will have the ability to use the Internet to read the latest articles in their entirety concerning their prognosis, students who will be able to find full abundant research as they further their education, or researchers who will have their findings more broadly evaluated which will lead to further discovery and innovation.

While a comprehensive competitiveness agenda is still a work-in-progress, this legislation is good step forward. Providing public access to cutting-edge scientific information is one way we can encourage public interest in these fields and help accelerate the pace of discovery and innovation. In promoting this legislation, I hope to guarantee that students, researchers, and every American can access the published results of the research they funded.

By Mr. ROCKEFELLER:

S. 1377. A bill provide for an automatic increase in the federal matching rate for the Medicaid program during periods of national economic downturn to help States cope with increases in Medicaid costs; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce legislation that will guarantee that Medicaid remains available as a critical safety-net for working families in the event of another economic downturn. Medicaid is consistently the first program slated for cuts during a State budget crisis. My legislation would establish an automatic trigger for a temporary FMAP increase so that state Medicaid assistance becomes available in a timely and targeted manner during significant economic challenges.

State cutbacks during the 2001–2003 recession eliminated public health coverage for more than one million Americans. According to the Kaiser Commission on Medicaid and the Uninsured, between fiscal years 2002 and 2005, the loss of revenue led all 50 States to reduce Medicaid provider payment rates and implement prescription drug cost controls, 38 States to reduce Medicaid eligibility and 34 States to reduce benefits. Many more Americans would have lost coverage if Congress had not provided states with $20 billion in Federal aid in 2003.

Now, once again, the country is facing economic challenges unlike anything else we have faced since the Great Depression. Fortunately, the American Recovery and Reinvestment Act, ARRA, included $87 billion in Federal Medicaid relief for States. It is estimated that through this temporary FMAP increase, my State of West Virginia will receive nearly $450 million in

Federal funding over the next 2 years to help meet the existing and growing enrollment needs in Medicaid. This temporary FMAP increase will protect the health care coverage of nearly 400,000 West Virginians, and approximately 58 million Americans, as this country works to pull itself out of the current economic recession.

After the last economic downturn, I joined a bipartisan group of my colleagues in requesting that the Government Accountability Office, GAO, study and report on options to protect Medicaid during future recessions. In response to this request, the GAO issued a report GAO–07–97, entitled Medicaid: Strategies to Help States Address Increased Expenditures during Economic Downturn and developed a State and local government model that can simulate the fiscal outcomes for this sector in the aggregate for several decades into the future.

The legislation I am introducing today is based on the findings of this GAO study. As we have seen in the past two recessions, waiting for Congress to act to provide necessary Federal Medicaid relief results in harmful delays in families getting the assistance they need. I believe that there should be an automatic economic trigger for State fiscal relief—independent of Congressional intervention—during future recessions. My legislation would create such a trigger for a temporary FMAP increase.

State fiscal relief would become available when the average unemployment rate has increased by at least 10 percent in at least 23 States. This type of automatic trigger would provide states with the timely, targeted, and temporary Federal Medicaid assistance that they need in the face of a significant economic downturn. More importantly, it would help Americans maintain access to health care in tough times.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the first sentence—

(i) by striking ''and (4)'' and inserting ''(4)''; and

(ii) by inserting ''and (5) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (y)(1), the Federal medical assistance percentage for any State described in subsection (y)(2) shall be equal to the national economic downturn assistance FMAP determined for the State for the quarter under subsection (y)(3)'' before the period; and

(B) by adding at the end the following:

''(y) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—For purposes of clause (5) of the first sentence of subsection (b):

''(1) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in this paragraph—

''(A) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (in this subsection referred to as the 'trigger quarter'); and

''(B) ends with the first succeeding fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter with an increase of at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(2) ELIGIBLE STATE.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

''(3) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

''(A) IN GENERAL.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

''(i) dividing—

''(I) the Medicaid additional unemployed increased cost amount determined under subparagraph (B) for the quarter; by

''(II) the State's total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

''(ii) multiplying the quotient determined under clause (i) by 100.

''(B) MEDICAID ADDITIONAL UNEMPLOYED INCREASED COST AMOUNT.—For purposes of subparagraph (A)(i)(I), the Medicaid additional unemployed increased cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

''(i) STATE INCREASE IN ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS FROM THE BASE QUARTER OF UNEMPLOYMENT.—

''(I) IN GENERAL.—The amount determined by subtracting the rolling average number of unemployed individuals in the State for the base unemployment quarter for the State determined under subclause (II) from the rolling average number of unemployed individuals in the State for the quarter.

''(II) BASE UNEMPLOYMENT QUARTER DEFINED.—

''(aa) IN GENERAL.—For purposes of subclause (I), except as provided in item (bb), the base quarter for a State is the quarter with the lowest rolling average number of unemployed individuals in the State in the 12-month period preceding the trigger quarter for a national economic downturn assistance period described in paragraph (1).

''(bb) EXCEPTION.—If the rolling average number of unemployed individuals in a State for a quarter occurring during a national economic downturn assistance period described in paragraph (1) is less than the rolling average number of unemployed individuals in the State for the base quarter determined under item (aa), that quarter shall be treated as the base quarter for the State for such national economic downturn assistance period.

''(ii) NATIONAL AVERAGE AMOUNT OF ADDITIONAL FEDERAL MEDICAID SPENDING PER ADDITIONAL UNEMPLOYED INDIVIDUAL.—In the case of—

''(I) a calendar quarter occurring in fiscal year 2012, $350; and

''(II) a calendar quarter occurring in any succeeding fiscal year, the amount applicable under this clause for calendar quarters occurring during the preceding fiscal year, increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average), as rounded up in an appropriate manner.

''(iii) STATE NONDISABLED, NONELDERLY ADULTS AND CHILDREN MEDICAID SPENDING INDEX.—

''(I) IN GENERAL.—With respect to a State, the quotient (not to exceed 1.00) of—

''(aa) the State expenditure per person in poverty amount determined under subclause (II); divided by—

''(bb) the National expenditure per person in poverty amount determined under subclause (III).

''(II) STATE EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(aa), the State expenditure per person in poverty amount is the quotient of—

''(aa) the total amount of annual expenditures by the State for providing medical assistance under the State plan to nondisabled, nonelderly adults and children; divided by

''(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

''(III) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

''(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

''(bb) the sum of the total amounts determined under subclause (II)(bb) for all States.

''(C) STATE'S TOTAL MEDICAID QUARTERLY SPENDING AMOUNT.—For purposes of subparagraph (A)(i)(II), the State's total Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

''(i) the total amount of expenditures by the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year for which data is available; divided by

''(ii) 4.

''(4) DATA.—In making the determinations required under this subsection, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State referred to in paragraph (5), the most recently available—

''(A) data from the Bureau of the Census with respect to the number of nonelderly adults and children who reside in a State described in paragraph (2) with family income below the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved, (or, if the Secretary determines it appropriate, a multiyear average of such data);

''(B) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan under this title for nondisabled, nonelderly adults and children; and

''(C) econometric studies of the responsiveness of Medicaid enrollments and spending to changes in rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.

''(5) DEFINITION OF 'ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS', 'ROLLING AVERAGE UNEMPLOYMENT RATE'.—In this subsection, the term—

''(A) 'rolling average number of unemployed individuals' means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment data for each State;

''(B) 'rolling average unemployment rate' means, with respect to a calendar quarter and a State, the average of the 12 most recent monthly unemployment rates for the State; and

''(C) 'monthly unemployment rate' means, with respect to a State, the quotient of—

''(i) the monthly seasonally adjusted number of unemployed individuals for the State; divided by

''(ii) the monthly seasonally adjusted number of the labor force for the State,

using the most recent data available from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State.

''(6) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—With respect to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, the amounts otherwise determined for such commonwealth or territory under subsections (f) and (g) of section 1108 shall be increased by such percentage of such amounts as the Secretary determines is equal to twice the average increase in the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

''(7) SCOPE OF APPLICATION.—The national economic downturn assistance FMAP shall only apply for purposes of payments under section 1903 for a quarter and shall not apply with respect to—

''(A) disproportionate share hospital payments described in section 1923;

''(B) payments under title IV or XXI; or

''(C) any payments under this title that are based on the enhanced FMAP described in section 2105(b).

''(8) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2) that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures required under section 1902(a)(2), the State shall not require that such political subdivisions pay for any fiscal year quarters occurring during a national economic downturn assistance period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under State law in effect on the first day of the fiscal year quarter occurring immediately prior to the trigger quarter for the period.''.

(2) EFFECTIVE DATE; NO RETROACTIVE APPLICATION.—The amendments made by paragraph (1) take effect on January 1, 2012. In no event may a State receive a payment on the basis of the national economic downturn assistance Federal medical assistance percentage determined for the State under section 1905(y)(3) of the Social Security Act for amounts expended by the State prior to January 1, 2012.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall analyze the previous periods of national economic downturn, including the most recent such period in effect as of the date of enactment of this Act, and the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(2) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to Congress on the results of the analysis conducted under paragraph (1). Such report shall include such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP established under section 1905(y) of the Social Security Act (as added by subsection (a)) to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that begin and end the application of such percentage;

(B) how the determination of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods, as well as to the effects of any other specific economic indicators that the Comptroller General determines appropriate.

By Mr. GRASSLEY:

S. 1381. A bill to amend the Internal Revenue Code of 1986 to provide additional tax relief for small businesses, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, President Obama, in his press briefing this past Tuesday, June 23, 2009, made the following statement regarding his assessment of the first four months of the American Recovery and Reinvestment Act: ''I am not satisfied with the progress that we've made.'' I could not agree more with President Obama's assessment. Thus far, the $787 billion American Recovery and Reinvestment Act has fallen short on virtually every one of its advertised effects.

In the abbreviated debate leading up to the consideration of this bill, we constantly heard the mantra from my friends on the other side: JOBS, JOBS, JOBS! This stimulus bill was supposed to create jobs, jobs, jobs, but in the four months since the bill's passage, there are still no jobs in sight.

The architects of this bill made several bold claims in projecting the job effects of the $787 billion stimulus bill. First, they said that its passage would keep the unemployment rate from exceeding 8 percent. Second, they said it was going to create or save 3 to 4 million jobs. And third, they said that 90 percent of the new jobs created would be in the private sector.

So far, in all three of these areas, the actual effects of the stimulus bill have not lived up to the hype. Let us examine each of these areas one by one.

First, the stimulus bill was supposed to keep unemployment at or below 8 percent. In fact, the administration projected that in the absence of stimulus, the unemployment rate would peak at around 8.8 percent. However, four months into this program, the unemployment rate stands at 9.4 percent and rising—higher than the administration projected it would be in the absence of stimulus.

Just listen to President Obama's comments from his June 23rd press briefing to see which direction the unemployment rate is headed: ''I think it's pretty clear now that unemployment will end up going over 10 percent, if you just look at the pattern, because of the fact that even after employers and businesses start investing again and start hiring again, typically it takes a while for that employment number to catch up with economic recovery. And we're still not at actual recovery yet. So I anticipate that this is going to be a difficult, difficult year, a difficult period.''

When asked how high he thought the unemployment rate would go, President Obama responded, ''I am not suggesting that I have a crystal ball. Since you just threw back at us our last prognosis, let's not engage in another one.'' Once again, I have to agree with President Obama's assessment.

As the unemployment rate continues to go up, that means job numbers continue to go down, which brings me to my next point: The administration projected that the stimulus bill would create—or save—between 3 and 4 million jobs by the end of 2010. While we've got a long way to go before the end of 2010, the prospects of the stimulus bill living up to this job creation estimate seem very unlikely. Before we look at the actual job numbers for the past few months from the Department of Labor, let me discuss the source of the administration's projections.

In January, Christina Romer, who is now Chair of the Council of Economic Advisers, and Jared Bernstein, who is now the Chief Economist for the Vice President, released a 14-page paper titled ''The Job Impact of the American Recovery and Reinvestment Act.''

In this document, Romer and Bernstein repeatedly asserted that a package of the size discussed by the President-Elect would be expected to create between three and four million jobs by the end of 2010, which would more than meet the President-Elect's goal of creating or saving 3 million jobs by the end of 2010. In a follow-up report in May, the Council of Economic Advisers attempted to explain how the administration planned on measuring the number of jobs created or saved by the stimulus. This document articulated that all recipients of stimulus funds for government investment will be required to provide ''recipient reports'' estimating the number of jobs retained or created directly by the funds.

Then, to arrive at the total estimate of jobs created or saved by the stimulus, the job numbers from the recipient reports will be added to the administration's estimate of jobs created or saved through tax cuts, State fiscal relief and transfer payments. These estimates will be derived from administration-produced multipliers and macroeconomic modeling.

Sounds pretty simple, don't you think? Unfortunately, there are some problems.

The first problem is that the most accurate part of these job estimates will be from the recipient reports, and since the stimulus bill included approximately $271 billion in government investment spending, these reporting requirements cover just over a third of the $787 billion of stimulus funding.

While the job estimates from these recipient reports should be an accurate representation of actual jobs created by the stimulus, the administration even admits that ''there will likely be inconsistencies and measurement error across the individual reports.''

This leads us to the second problem: for the other ⅔ of the bill, in the administration's own words, ''There is no mechanism available for collecting data on actual job creation from these parts of the Act.'' So, for ⅔ of the bill, the job estimates are basically going to be guesswork from the administration based on mathematical formulas.

Since President Obama's ''First 100 Days'' address on April 29, 2009, we have heard plenty about the 150,000 jobs that have been created or saved so far by the stimulus.

As I have pointed out, it is impossible to verify these numbers with any degree of certainty, and the administration can not even give an estimate of how many of the 150,000 jobs were created and how many were saved.

What we can verify are the actual job numbers produced on a monthly basis by the Department of Labor. According to the Department of Labor, in the 3 full months March, April, and May, following the enactment of the stimulus bill, the U.S. economy has lost over 1.5 million jobs. In the first 5 months of 2009, the U.S. economy has lost 2.9 million jobs. These are the painful numbers that really matter.

As Jared Bernstein, Chief Economist for the Vice President, said on June 8, 2009, ''Most importantly from the perspective of American families, the nation's employers are still shedding jobs on net.''

So, the advertised effect of the stimulus on unemployment was clearly wrong, and the job claims resulting from the stimulus are unverifiable. Now, how about the claim suggesting that 90 percent of the jobs created by the stimulus will be in the private sector?

To be clear, this claim was first made in Romer and Bernstein's January report, and the President himself has repeated this assertion. Unfortunately, this projection—like the first two—is missing the mark by a long shot.

Let's look at the actual data from the Department of Labor once again. In the first three months since the stimulus bill has been the law of the land, the private sector has lost nearly 1.6 million jobs. In those same 3 months, government payrolls have actually expanded by 81,000 jobs. Similarly, in the first 5 months of 2009, while the private sector has lost over 3 million jobs, the government has gained 96,000 jobs.

While I am encouraged to see at least one sector of the economy experiencing job gains, I don't expect that the administration's projection of 90 percent of stimulus jobs being in the private sector will be realized. The administration has promised that 600,000 additional public sector jobs will be created or saved this summer. While an increase of 600,000 government jobs would certainly be a positive development if it comes to pass, it does raise concerns as to whether the government will be the only winner from the stimulus bill.

My point today, Mr. President, is not to berate the administration or those who voted for this bill.

My point is, first, to note the conspicuous absence of job gains in our economy following the stimulus, and second, to bring our focus back to the source of 70 percent of net new jobs over the past decade—the engine that drives the U.S. economy. Of course, I am talking about America's small businesses.

America's small businesses have been suffering during this recession. If you go back to your States frequently, like I do, you'll hear about it directly. A few months ago, Senators LANDRIEU and SNOWE held a hearing on the credit crunch hitting small business. They found that big banks have been cracking down on lending to small businesses.

Another very good source of answers about the environment of small business is found in the monthly survey of small business. This survey is published by the National Federation of Independent Business ''NFIB''.

NFIB is the largest small business organization. NFIB has been conducting these surveys for 35 years.

NFIB's membership includes hundreds of thousands of small businesses all across America. You can find the survey on NFIB's website at http://www.nfib.com/Portals/0/PDF/sbet/sbet200906.pdf. I would encourage every member to check out the June 2009 survey.

The survey shows some extremely disturbing trends. On credit availability, small businesses are getting squeezed very hard. The availability of loans has fallen off a cliff since late 2007 and is at its lowest point since the recession period of 1980 to 1982.

This credit crunch and other factors have contributed to NFIB's index of small business optimism falling well below average. According to the survey, small business owners have become extremely pessimistic in the last couple of years. What you see here is the attitude of the decision makers in small business America.

Those are the decision makers for businesses that President Obama and Congress agree are the businesses most likely to grow or contract jobs. This data should concern every policy maker in this town.

While those two sets of data are bad, it doesn't get any better when you look at small business hiring plans. Another question on the survey asks the small business owner whether he or she plans to expand or contract employment over the next three months. The survey results show small business activity contracting tremendously, and the overall small business employment numbers tell the same story.

I must say that the President's recent efforts to increase lending to the small business sector are commendable. The center piece of his small business plan will allow the federal government to spend up to $25 billion to purchase the small-business loans that are now hindering community banks and lenders. Unfortunately, that is a drop in a very empty bucket.

Remember, colleagues, that small business accounts for about half of the private sector.

Moreover, the positives that will come to small businesses from this relatively small package of loans—which will ultimately have to be paid back—will be heavily outweighed by the negative impact of the President's proposed tax increases. Helping small businesses get loans just to take that money back in the form of tax hikes is not wise.

I now want to turn to those aforementioned tax hikes on small businesses that President Obama and my colleagues on the other side of the aisle have proposed. I certainly understand that small business is vital to the health of our economy. The President and I agree that 70 percent of new private sector jobs are created by small businesses.

However, where we differ is that I believe small businesses' taxes should be lowered, not raised, to get our economy back on track. In 2001 and 2003, Congress enacted bipartisan tax relief designed to trigger economic growth and create jobs by reducing the tax burden on individuals and small businesses. This included an across-the-board income tax reduction, which reduced marginal tax rates for income earners of all levels, a reduction of the top dividends and capital gains tax rate to 15 percent, and a gradual phaseout of the estate tax.

Unfortunately, like many of the other provisions enacted in 2001 and 2003, these tax relief measures are scheduled to expire at the end of 2010.

Some have referred to this bipartisan tax relief as ''the Bush tax cuts for the wealthy'' and have suggested that the tax relief provided for higher-income earners should be allowed to expire. However, this tax relief was bipartisan and provides tax relief for all taxpayers. The President and my colleagues on the other side of the aisle have proposed increasing the top two marginal tax rates from 33 percent and 35 percent to 36 percent and 39.6 percent, respectively.

They have also proposed increasing the tax rates on capital gains and dividends to 20 percent, and providing for an estate tax rate as high as 45 percent and an exemption amount of $3.5 million.

Also, the President has called for fully reinstating the personal exemption phaseout, or PEP for short, and

the limitation on itemized deductions, which is known as Pease. Under the 2001 tax law, PEP and Pease are scheduled to be completely phased out in 2010. However, like other provisions in the law, PEP and Pease are scheduled to come back in full force in 2011 should Congress fail to take further action.

With PEP and Pease fully reinstated, individuals in the top two rates could see their marginal effective tax rate increased by 20 percent or more. For example, a family of four that is in the 33 percent tax bracket in 2010 could pay a marginal effective tax-rate of 41 percent after 2010—or even more if they had more children—because of PEP and Pease.

Some of my colleagues on the other side of the aisle have defended this proposal by claiming they will only raise taxes on ''wealthy'' taxpayers who make over $200,000 a year. For the vast majority of people who earn less than $200,000, raising taxes on higher earners might not sound so bad.

However, this means that many small businesses will be hit with a higher tax bill. These small businesses happen to at least 70 percent of all new private sector jobs in the U.S.

These small businesses that are taxed as sole proprietorships, S corporations, and partnerships—including LLCs—whose owners make over $200,000, or $250,000 if married, would get hit with the President's proposal to raise the top two marginal tax rates.

In addition, there are just under 2 million C corporations that are not publicly traded, and all C corporations are subject to double taxation. To the extent these C corporations' owners that make over $200,000, or $250,000 if married, pay themselves a salary, they would get hit with the tax increase on the top two marginal tax rates proposed by the President.

Also, any owners of C corporations that receive dividends or realize capital gains and make over $200,000, or $250,000 if married, would pay a 20 percent rate on these dividends and capital gains after 2010 under the President's tax hike proposals, instead of paying the current law rate of 15 percent.

According to NFIB survey data, 50 percent of owners of small businesses that employ 20–249 workers would fall in the top two brackets. According to the Small Business Administration, about ⅔ of the Nation's small business workers are employed by small businesses with 20–500 employees.

Do we really want to raise taxes on these small businesses that create new jobs and employ ⅔ of all small business workers?

With these small businesses already suffering from the credit crunch, do we really think it's wise to hit them with the double-whammy of a 20 percent increase in their marginal tax rates?

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with income over $250,000. This is a conservative number, because it doesn't include flow-through business owners making between $200,000 and $250,000 that will also be hit with the Budget's proposed tax hikes.

If the proponents of the marginal rate increase on small business owners agree that a 20 percent tax increase for half of the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases, or present data that show a different result.

I will also fight for a lower estate tax rate and a higher estate tax exemption amount to protect successful small businesses and farmers. In a time when many businesses are struggling to stay afloat, it does not make sense to impose additional burdens on them by raising their taxes.

Odds are, they will cut spending. They will cancel orders for new equipment, cut health insurance for their employees, stop hiring, and lay people off. Instead of seeking to raise taxes on those who create jobs in our economy, policies need to focus on reducing excessive tax and regulatory barriers that stand in the way of small businesses and the private sector making investments, expanding production, and creating sustainable jobs.

As the current ranking member of the tax writing Finance Committee, you can be sure that I will continue to fight to prevent a dramatic tax increase on our nation's job engine—the small businesses of America. This includes working to protect small businesses from higher marginal tax rates, an increase in the capital gains and dividends tax rate, and an increase in the unfair estate tax rate that will penalize the success of small businesses and farmers who would like to pass on their gains to the next generation.

In fact, today I have introduced a bill to lower taxes on these job-creating small businesses.

My bill contains a number of provisions that will leave more money in the hands of these small businesses so that these businesses can hire more workers, continue to pay the salaries of their current employees, and make additional investments in these businesses.

For instance, my bill would increase the amount of capital expenditures that small businesses can expense from $250,000 to $500,000. Also, my bill would allow more small C corporations to benefit from the lower graduated tax rates for smaller C corporations.

Another provision takes the general business credits, which are listed in section 38, out of the Alternative Minimum Tax, AMT, for those sole proprietorships, flow-throughs and non-publicly traded C-corps with 50 million or less in annual gross receipts. This provision amends section 39 to extend the 1-year carryback for general business credits to a 5-year carryback. This applies to general business credits for those sole proprietorships, flow-through entities and non-publicly traded C-corps with 50 million or less in annual gross receipts.

Another provision in my bill amends section 199 of the Internal Revenue Code, which contains the deduction for manufacturing, to provide a 20 percent deduction for flow-through business income for all small businesses, which are defined as flow-through entities with 50 million or less in annual gross receipts. Another provision in my bill deals with the situation where a C corporation becomes an S corporation. Under current law, there is no tax on built-in gains of assets within a C corporation that converts to an S corporation if those assets with built-in gain are held for 10 years by the S corporation. The stimulus bill reduced this 10-year period down to 7 years for sales of assets with built-in gain that occur within 2009 and 2010.

My provision reduces this time period down to 5 years for all S corporations that have converted from a C corporation.

Another provision in my bill expands the net operating loss provision contained in the stimulus bill. Current law provides that net operating losses from any size business may be carried back 2 taxable years before the year that the loss arises and carried forward 20 years. The stimulus bill amended the carryback provision by expanding the carryback from 2 years to 5 years if a small business had gross receipts of $15 million or less.

This provision expands that $15 million gross receipt requirement to $50 million in gross receipts so that more small businesses can qualify for this benefit.

Another provision in my bill amends section 1202 of the Internal Revenue Code to eliminate the tax on capital gains for certain start-up C corporations. The stimulus bill reduced the capital gains tax to approximately 7 percent on stock qualifying under 1202. However, President Obama has called for eliminating, not simply reducing, the tax on capital gains for these start-up businesses, and that is exactly what my provision would do.

The final provision in my bill permits a deduction for payments made under the Self-Employment Contribution Act, or SECA, at one-hundred percent of health insurance premiums that are paid by those who are self-employed.

We all want to see the job numbers from the Department of Labor moving in a positive direction. We all want to see the unemployment rate plummet. I firmly believe that the best way for us to do that is to prime the job-creating engine of our economy, which is small businesses. Furthermore, increasing taxes on small businesses as President Obama has proposed will destroy even more jobs.

My small business bill, if enacted, will lead to many new jobs. As opposed

to the jobs President Obama argues that the stimulus bill has saved while our economy has been hemorrhaging jobs, my bill will create countable, verifiable, private sector jobs that will put people to work and get the economy moving in the right direction again.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Tax Relief Act of 2009''.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. PERMANENT INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Subsection (b) of section 179 (relating to limitations) is amended—

(1) by striking ''$25,000'' and all that follows in paragraph (1) and inserting ''$500,000.'',

(2) by striking''$200,000'' and all that follows in paragraph (2) and inserting ''$2,000,000'',

(3) by striking ''after 2007 and before 2011, the $120,000 and $500,000'' in paragraph (5)(A) and inserting ''after 2009, the $500,000 and the $2,000,000'',

(4) by striking ''2006'' in paragraph (5)(A)(ii) and inserting ''2008'', and

(5) by striking paragraph (7).

(b) PERMANENT EXPENSING OF COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 (defining section 179 property) is amended by striking ''and before 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 3. MODIFICATION OF CORPORATE INCOME TAX RATES.

(a) IN GENERAL.—Paragraph (1) of section 11(b) (relating to amount of tax) is amended to read as follows:

''(1) IN GENERAL.—The amount of the tax imposed by subsection (a) shall be the sum of—

''(A) 15 percent of so much of the taxable income as does not exceed $1,000,000,

''(B) 25 percent of so much of the taxable income as exceeds $1,000,000 but does not exceed $1,500,000,

''(C) 34 percent of so much of the taxable income as exceeds $1,500,000 but does not exceed $10,000,000, and

''(D) 35 percent of so much of the taxable income as exceeds $10,000,000.

In the case of a corporation which has taxable income in excess of $2,000,000 for any taxable year, the amount of tax determined under the preceding sentence for such taxable year shall be increased by the lesser of (i) 5 percent of such excess, or (ii) $235,000. In the case of a corporation which has taxable income in excess of $15,000,000, the amount of the tax determined under the foregoing provisions of this paragraph shall be increased by an additional amount equal to the lesser of (i) 3 percent of such excess, or (ii) $100,000.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 4. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES NOT SUBJECT TO ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Section 38(c) (relating to limitation based on amount of tax) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) SPECIAL RULES FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—In the case of eligible small business credits—

''(i) this section and section 39 shall be applied separately with respect to such credits, and

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the eligible small business credits).

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' means the sum of the credits listed in subsection (b) which are determined for the taxable year with respect to an eligible small business. Such credits shall not be taken into account under paragraph (2), (3), or (4).

''(C) ELIGIBLE SMALL BUSINESS.—For purposes of this subsection, the term 'eligible small business' means, with respect to any taxable year__

''(i) a corporation the stock of which is not publicly traded, or

''(ii) a partnership,

which meets the gross receipts test of section 448(c) (by substituting '$50,000,000' for '$5,000,000' each place it appears) for the taxable year (or, in the case of a sole proprietorship, which would meet the test if such proprietorship were a corporation).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined in taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 5. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 39(a) (relating to carryback and carryforward of unused credits) is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK FOR ELIGIBLE SMALL BUSINESS CREDITS.—

''(A) IN GENERAL.—Notwithstanding subsection (d), in the case of eligible small business credits—

''(i) this section shall be applied separately from the business credit (other than the eligible small business credits) or the marginal oil and gas well production credit,

''(ii) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and

''(iii) paragraph (2) shall be applied—

''(I) by substituting '25 taxable years' for '21 taxable years' in subparagraph (A) thereof, and

''(II) by substituting '24 taxable years' for '20 taxable years' in subparagraph (B) thereof.

''(B) ELIGIBLE SMALL BUSINESS CREDITS.—For purposes of this subsection, the term 'eligible small business credits' has the meaning given such term by section 38(c)(5)(B).''.

(b) CONFORMING AMENDMENT.—Section 39(a)(3)(A) is amended by inserting ''or the eligible small business credits'' after ''credit)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to credits arising in taxable years beginning after December 31, 2009.

SEC. 6. DEDUCTION FOR ELIGIBLE SMALL BUSINESS INCOME.

(a) IN GENERAL.—Paragraph (1) of section 199(a) is amended to read as follows:

''(1) IN GENERAL.—There shall be allowed as a deduction an amount equal to the sum of—

''(A) 9 percent of the lesser of—

''(i) the qualified production activities income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year, and

''(B) in the case of an eligible small business for any taxable year beginning after 2009, 20 percent of the lesser of—

''(i) the eligible small business income of the taxpayer for the taxable year, or

''(ii) taxable income (determined without regard to this section) for the taxable year.''.

(b) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—Section 199 is amended by adding at the end the following new subsection:

''(e) ELIGIBLE SMALL BUSINESS; ELIGIBLE SMALL BUSINESS INCOME.—

''(1) ELIGIBLE SMALL BUSINESS.—For purposes of this section, the term 'eligible small business' has the meaning given such term by section 38(c)(5)(C).

''(2) ELIGIBLE SMALL BUSINESS INCOME.—

''(A) IN GENERAL.—For purposes of this section, the term 'eligible small business income' means the excess of—

''(i) the income of the eligible small business which—

''(I) is attributable to the actual conduct of a trade or business,

''(II) is income from sources within the United States (within the meaning of section 861), and

''(III) is not passive income (as defined in section 904(d)(2)(B)), over

''(ii) the sum of—

''(I) the cost of goods sold that are allocable to such income, and

''(II) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such income.

''(B) EXCEPTIONS.—The following shall not be treated as income of an eligible small business for purposes of subparagraph (A):

''(i) Any income which is attributable to any property described in section 1400N(p)(3).

''(ii) Any income which is attributable to the ownership or management of any professional sports team.

''(iii) Any income which is attributable to a trade or business described in subparagraph (B) of section 1202(e)(3).

''(iv) Any income which is attributable to any property with respect to which records are required to be maintained under section 2257 of title 18, United States Code.

''(C) ALLOCATION RULES, ETC.—Rules similar to the rules of paragraphs (2), (3), (4)(D), and (7) of subsection (c) shall apply for purposes of this paragraph.

''(3) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (d) shall apply for purposes of this subsection.''.

(c) CONFORMING AMENDMENT.—Section 199(a)(2) is amended by striking ''paragraph (1)'' and inserting ''paragraph (1)(A)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 7. REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

''(7) RECOGNITION PERIOD.—

''(A) IN GENERAL.—The term 'recognition period' means the 5-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

''(B) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e), subparagraph (A) shall be applied without regard to the phrase '10-year'.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 8. CARRYBACK OF NET OPERATING LOSSES OF CERTAIN SMALL BUSINESSES ALLOWED FOR 5 YEARS.

Subparagraph (H) of section 172(b)(1) is amended to read as follows:

''(H) 5-YEAR CARRYBACK OF LOSSES OF CERTAIN SMALL BUSINESSES.—

''(i) IN GENERAL.—In the case of a net operating loss with respect to any eligible small business for any taxable year ending after 2008, or, if applicable, following the taxable year with respect to which an election was made by such eligible small business under this subparagraph (as in effect before the date of the enactment of the Small Business Tax Relief Act of 2009)—

''(I) subparagraph (A)(i) shall be applied by substituting '5' for '2',

''(II) subparagraph (E)(ii) shall be applied by substituting '4' for '2', and

''(III) subparagraph (F) shall not apply.

''(ii) ELIGIBLE SMALL BUSINESS.—For purposes of clause (i), the term 'eligible small business' has the meaning given such term by section 38(c)(5)(C).''.

SEC. 9. MODIFICATIONS TO EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) TEMPORARY INCREASE IN EXCLUSION.—Paragraph (3) of section 1202(a) (relating to exclusion) is amended to read as follows:

''(3) SPECIAL RULES FOR STOCK ACQUIRED BEFORE 2011.—In the case of qualified small business stock—

''(A) acquired after the date of the American Recovery and Reinvestment Tax Act of 2009 and on or before the date of the enactment of the Small Business Tax Relief Act of 2009—

''(i) paragraph (1) shall be applied by substituting '75 percent' for '50 percent', and

''(ii) paragraph (2) shall not apply, and

''(B) acquired after the date of the enactment of the Small Business Tax Relief Act of 2009 and before January 1, 2011—

''(i) paragraph (1) shall be applied by substituting '100 percent' for '50 percent',

''(ii) paragraph (2) shall not apply, and

''(iii) section 57(a)(7) shall not apply.''.

(b) INCREASE IN LIMITATION.—

(1) IN GENERAL.—Subparagraph (A) of section 1202(b)(1) (relating to per-issuer limitation on taxpayer's eligible gain) is amended by striking ''$10,000,000'' and inserting ''$15,000,000''.

(2) MARRIED INDIVIDUALS.—Subparagraph (A) of section 1202(b)(3) (relating to treatment of married individuals) is amended by striking ''paragraph (1)(A) shall be applied by substituting '$5,000,000' for '$10,000,000' '' and inserting ''the amount under paragraph (1)(A) shall be half of the amount otherwise in effect''.

(c) MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.—Section 1202(d)(1) (defining qualified small business) is amended by striking ''$50,000,000'' each place it appears and inserting ''$75,000,000''.

(d) INFLATION ADJUSTMENTS.—Section 1202 (relating to partial exclusion for gain from certain small business stock) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2009, the $15,000,000 amount in subsection (b)(1)(A), the $75,000,000 amount in subsection (d)(1)(A), and the $75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $1,000,000 such amount shall be rounded to the next lowest multiple of $1,000,000.''.

(e) EFFECTIVE DATES.—

(1) EXCLUSION; QUALIFIED SMALL BUSINESS.—The amendments made by subsections (a) and (c) shall apply to stock acquired after the date of the enactment of this Act.

(2) LIMITATION; INFLATION ADJUSTMENT.—The amendments made by subsections (b) and (d) shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 10. DEDUCTION FOR HEALTH INSURANCE COSTS IN COMPUTING SELF-EMPLOYMENT TAXES.

(a) IN GENERAL.—Section 162(l) (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. DODD:

S. 1382. A bill to improve and expand the Peace Corps. for the 21st century, and for other purposes; to the Committee on Foreign Relations.

Mr. DODD. Mr. President, I rise today to introduce a piece of legislation—and not just any old piece of legislation, I might add, because this organization I am about to talk about had as much to do with the formation of who I am as my family did: the Peace Corps Improvement and Expansion Act of 2009.

I would point out that some 35 years ago a young man from Massachusetts and an equally young man from Connecticut were elected to the House of Representatives. A fellow by the name of Paul Tsongas and myself were the first two former Peace Corps volunteers to be elected to the Congress. Paul Tsongas went on to be elected to the Senate, I think, in 1978. He is no longer with us. He died tragically a number of years ago. His wife Niki is now a Member of the House of Representatives from Massachusetts.

Paul Tsongas and I were great friends and enjoyed sharing stories with each other for many years about our respective Peace Corps experiences.

Paul Tsongas served in Ethiopia—one of the earliest programs, if not the earliest program, in that country. I served in the Dominican Republic from 1966 through 1968 as a Peace Corps volunteer up in the mountains of that country, not far from the Haitian border. The Peace Corps experience for me was as formative, as I said at the outset of these remarks, as anything else in my life, with the exception of my own family; growing up with wonderful five brothers and sisters in Connecticut and a family who was deeply involved in public service.

The Peace Corps experience was formative, and so over the years, I have expressed a great deal of interest in the organization and the various administrations that have served in Washington since the late 1970s through the 1980s and 1990s and this decade. So my interest in the organization is strong.

The contribution of the Peace Corps has been remarkable over the years. It is one of the few Federal agencies that enjoys almost universal support from the American public. It has had greater moments of celebration and public awareness than at others, but it has been consistent in the minds of most Americans. This organization sends mostly younger Americans, but not always younger Americans, to serve in underprivileged nations, nations that are struggling, including Third World nations, to make a difference in the lives of others. It has been a unique contribution to the world.

There are many other volunteer organizations—some in our own country, some in other nations—but I think the Peace Corps holds a special place in the minds not only of our own fellow citizenry but also millions of people around the world who have come to know those Peace Corps volunteers—as I said, mostly younger people but not always younger people—who serve and spend 2 years working with them in their villages or urban areas, not only making a difference in their daily lives but also getting to know them, getting to know us. People who would never have the chance to come to America got to know America because they got to know that young American who was learning their language and spending time with them and making a contribution to improve their lives.

Well, for 48 years, the Peace Corps has stood as a uniquely American institution. I know other nations make contributions. This is not a unique idea for ourselves. But what other great nation would send its people abroad not to extend its power or intimidate its adversaries, not to kill or be killed, but to dig, to teach, to empower, and ask for nothing in return. For 48 years, those men and women—180,000 of us—have returned, as stronger, wiser, and more inspired people prepared to live our American lives of service.

For a half century, the Peace Corps has shaped our lives and the identity of all Americans; who we are as a people and what we hope to achieve, not only for our own Nation but also for others who share this planet with us.

Today I rise to offer a piece of legislation for one simple reason, Mr. President: I want the Peace Corps to continue playing that role that it has for the last half century for another half century to come. But before we consider how the Peace Corps can grow going forward, I think it might be worth remembering just how it came into being. Where did it all start? How was it created?

Like an awful lot of groundbreaking ideas, Mr. President, the Peace Corps might not have survived a board meeting or a subcommittee hearing where the idea was first proposed. It was a wild notion in many ways, so breathtakingly outrageous that it could only have been born out of idealism, youthful energy, and—perhaps a key element—too much caffeine. For you see, the Peace Corps was born at 2 in the morning.

It was October 4, 1960, and a then young Senator from Massachusetts by the name of John F. Kennedy was running for the Presidency. He was running hours late, as candidates often do, for a campaign stop at the University of Michigan in Ann Arbor. John Kennedy assumed that most of the crowd would have gone home by that late hour. But when he arrived at the student union, at the campus in Ann Arbor, he found 10,000 students waiting outside in the frigid dark to greet him. As public officials and holders of elective office, I think we can sympathize with then-Senator Kennedy at that hour, having endured months of late nights on a campaign trail, uncomfortable beds, and a bad diet along the way. I suspect he might have been sorely tempted at that late hour—as all of us have been from time to time—to offer a perfunctory thank-you to the Michigan students for hanging around all that long, recite a memorized stump speech—having given it on countless occasions, he would know it from memory—and send them home and retire himself.

But something besides a chill was in the air that night in Ann Arbor. Floodlit and shivering, the crowd began to chant his name as he climbed the steps to the student union, and Senator John Kennedy realized this was something special. He realized he owed these students more than just that perfunctory set of remarks. So at 1:30 or 2:00 in the morning, on a frigid night in Michigan, he challenged them as a candidate, as a United States Senator, and he asked:

> How many of you, who are going to be doctors, are willing to spend your days in Ghana? Technicians or engineers, how many of you are willing to work in the Foreign Service and spend your lives traveling around the world?

I believe, Mr. President, that challenge is the Peace Corps' founding document. It didn't begin with a white paper or a TV ad. It began with a simple question.

In the days that followed the Kennedy rally at the student union in Michigan, students drafted a petition, circulating it to colleges all across the State, and within a couple of weeks across the country, presenting several scrolls ultimately to John Fitzgerald Kennedy containing thousands upon thousands upon thousands of names. Some 30,000 letters flooded his office asking him to continue with this idea.

So I think it is fair to say, Mr. President, the answer to that question—are you willing to serve your country by serving the world?—was an overwhelming yes by a generation almost 50 years ago. Of course, several other pressing questions also followed: How do you build an organization around that raw energy? How do you pay for that? What do you even call that idea or organization?

John Kennedy's top advisers were already working on those issues. After all, they had decided, if we don't start doing our part for the developing world, they were concerned—and rightfully so—the Communists around the world would. At a time much like today, when our Nation faced conflicts with people who knew as little of America as we knew of them, this case for a Peace Corps could be made not only in the lofty rhetoric of idealism but in the cold hard language of realpolitik.

The notion that service could be a part of our foreign policy—indeed that it could be a powerful weapon in the Cold War—was truly a radical idea. It suggested that there could be more measures of strength than caliber or tonnage. It argued that the world needed to see our ideals not just in ink but incarnate in the person of Americans with dirty hands working under a hot foreign sun. It said: You cannot hate America if you know Americans.

The skeptics quickly descended upon John Kennedy's idea. Richard Nixon called the Peace Corps ''a haven for draft-dodgers.'' Former President Dwight Eisenhower called it ''a juvenile experiment.'' Even those old foreign policy hands who supported Kennedy's idea thought it was a fine idea, as long as it was kept small. Academics and State Department officials agreed: Proceed with caution, they urged. Start with just a few hundred volunteers. Don't create a fiasco, they said. Don't let this experiment get out of hand.

If they had gotten their way, I suspect the Peace Corps might not even exist today. But just as a late-night burst of exuberance gave birth to the Peace Corps in Ann Arbor, a similar bolt of sleepless inspiration kept it alive. In a hotel room in downtown Washington—not far from where I am on the floor of the Senate—with only a few typewriters and a stack of blank papers, two aides—only two of them; one named Sergeant Shriver and the other named Harris Wofford, who turned out many years later to be a colleague of ours in the Senate—comprised the entirety of the Peace Corps staff that had been tasked with figuring out how to put this outrageous idea into practice.

The one thing the two of these men knew, Sergeant Shriver later told us, was that the conventional approach then in vogue wouldn't work. America would only have one chance to get it right. So it was that Sergeant Shriver happened to be in the office at 3 o'clock in the morning—not unlike the hour at Ann Arbor—reading a paper prepared by a State Department employee who had sent along some ideas. His name was Warren Wiggins.

Warren Wiggins called his paper ''The Towering Task,'' a reference to JFK's first State of the Union Address, where the young President said:

> The problems are towering and unprecedented and the response must be towering and unprecedented as well.

Warren Wiggins called for a towering and unprecedented Peace Corps. He wrote:

> One hundred youths engaged in agricultural work of some sort in Brazil might pass by unnoticed, but 5,000 American youths helping to build Brasilia might warrant the full attention and support of the President of Brazil himself.

Where a handful of young people might present a nuisance to a foreign ambassador, an army of motivated young Americans could make a real difference. Besides, wasn't it a moment for great ambition?

At 3 o'clock in the morning, Sergeant Shriver read Warren Wiggins's conclusion: The Peace Corps needed to begin with a ''quantum jump,'' and it needed to begin immediately, by Executive order, with as many as 5,000 to 10,000 volunteers right away. By 9 o'clock that same morning, Warren Wiggins himself was sitting alongside Sergeant Shriver in that very hotel room drafting a report for the President of the United States.

Within a month of that date, President John Kennedy had created the Peace Corps by Executive order. Within 2 years, more than 7,000 young Americans were serving across the globe, and that number had more than doubled by 1966, the year that I joined the Peace Corps.

One of those young Americans—as I mentioned, the person speaking to you this afternoon—was a 22-year-old English major at Providence College who arrived in the small village of Moncion in the Dominican Republic. As a young person, I spoke barely any Spanish. I had little idea I was doing, and I certainly didn't have a clue that more than 40 years later I would be standing on the floor of the United States Senate explaining that the Peace Corps gave me the richest 2 years of my life.

I owe those 2 years, and the impact they had on all of my years since, to John Kennedy's 2 a.m. question and Warren Wiggins paper that Sergeant Shriver read at 3 in the morning.

From the story of the Peace Corps, and my own story, we can learn three things: First, the Peace Corps works,

Mr. President. Besides simple labor and goodwill, every American we send abroad brings with him or her another chance to make America known to a world that often fears and suspects us and our motives. Every American who returns to our country from that service comes home as a citizen strengthened with the knowledge of the world in which he or she has just lived.

As Sargent Shriver said, ''Peace Corps Volunteers come home to the USA realizing that there are billions—yes, billions—of human beings not enraptured by our pretensions, or our practices, or even our standards of conduct.''

Second: size matters. The perils of a small, timid Peace Corps are just as clear today as they were in 1961. Just as then, advocates of a stripped-down mission make the same arguments: sending untrained, untested students only aggravates our host countries and raises the chance of a mishap—so let's send a few experts instead. And just as in 1961, our response is fundamentally the same, and still fundamentally correct: of course we need volunteers of the highest quality. But we need the highest quantities, too.

Third: size comes at a cost. The bigger any organism grows, the slower it gets. The Peace Corps that charted its course in a hotel room with a staff of two now enjoys a staff of over a thousand and a fine office building close to the White House. But even the most groundbreaking ideas must all make, in good time, what the philosopher Gramsci called ''the long march through the institutions.'' And where President Kennedy once predicted that, within a few decades, our Nation would have more than one million returned volunteers, today fewer than 200,000 have had the opportunity to serve.

The legislation I offer today is designed to help the Peace Corps not only grow—and I have joined the many voices calling for it to grow dramatically—but also reform.

To those who know and love the Peace Corps, reform is an uncomfortable subject. After all, we don't want to destroy what has made this institution so remarkable and unique. There wouldn't be a Peace Corps if JFK had stuck to the script in Ann Arbor. There wouldn't be a Peace Corps if thousands of students, acting on their own initiative, hadn't caught his attention with their movement. There might not be a Peace Corps if Sargent Shriver had listened to the respectable voices of caution in the early days of 1961.

The Peace Corps is unlike any other organ of our government because of its uniquely grassroots origin. And we can't treat it like any other organ of our government for those reasons.

So the Peace Corps Improvement and Expansion Act of 2009 does not include a list of mandates. It does not micromanage.

Instead, it asks those who have written this remarkable success story—from the Director to managers and country directors to current and returned volunteers—to serve once more by undertaking a thorough assessment of the Peace Corps and developing a comprehensive strategic plan for reforming and revitalizing the organization.

Just as JFK's question to those Michigan students sparked the Peace Corps, asking questions today, some 50 years later, I believe will strengthen it. How can volunteers be better managed? How can they be better trained? Can we improve recruiting? Are we sending our volunteers to the right countries? Why do we have volunteers in Samoa and Tonga, but not in Indonesia, Egypt, or Brazil? Are we still achieving the broader goals of the Peace Corps and helping our country meet 21st century challenges?

Most of all: How can we strengthen and grow this remarkable organization without losing the spark—the ambitious sense of the possible that led JFK to stay up late dreaming with those students in Ann Arbor and Sargent Shriver to stay up even later reading Warren Wiggins's paper?

Warren Wiggins died 2 years ago at the age of 84. His obituary quoted Harris Wofford: ''I think he embodied the watchwords that were once given to me: We must be more inventive if we're going to do our duty.''

Inventiveness and duty: two qualities that don't often go together. But the Peace Corps is the result of just such a combination. It has strengthened our Nation, improved the world, and stands today as one of the signal accomplishments of the 20th century. It has been supported by Republican and Democratic administrations over the last 50 years.

As I said at the outset of these remarks, except for my own family, nothing has meant more in my life—or in the lives of so many others—than the experience I enjoyed so many years ago.

Today we honor the accomplishment of this organization. But let us commit to strengthening and expanding the Peace Corps by passing this legislation which I will send to the desk momentarily. Let us strive to inspire future generations to walk the path of service and exploration, the one that led me and thousands of our Nation's citizens to nations such as the Dominican Republic or Ethiopia, where Paul Tsongas served, and then years later to arrive at this institution, which I cherish and love as well. And let us never lose that spirit, that idealism, that ambition that led a young President of a young nation to ask a generation to serve.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1383. A bill to amend the Controlled Substances Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. I rise to introduce the Dextromethorphan Abuse Reduction Act of 2009. This legislation will help prevent the dangerous abuse by minors of cough medicines containing the ingredient dextromethorphan, and will also help education and prevention efforts regarding teen abuse of prescription and nonprescription drugs. I am pleased to be joined by my colleague Senator GRASSLEY of Iowa in sponsoring this legislation, and I look forward to working with him to see it enacted into law.

Dextromethorphan, or DXM, is a cough suppressant commonly found in over-the-counter cold medicines. These medicines are safe and effective when taken in their recommended dosage, but when consumed in large amounts, medicines containing DXM can produce a hallucinogenic high. Teens who abuse cough medicines often refer to the practice as ''Robotripping,'' a term derived from the cough medicine Robitussin which contains DXM. When abused, cold medicines containing DXM can cause a variety of harmful physical effects, including disorientation, impaired physical coordination, abdominal pain, nausea, rapid heartbeat, and seizures. However, medicines containing DXM are legal, inexpensive, and sold at retail stores and over the Internet.

Studies show that teenagers are abusing cough medicines at an alarming rate. A recent study by the Partnership for a Drug-Free America revealed that about 7 percent of teens—or 1.7 million—reported abusing cough medicine in the year 2008. This study also found high rates of teen abuse of other prescription drugs, with 2.5 million teens reporting having abused a prescription pain reliever in 2008. Experts say that cough syrup and prescription drug abuse is significantly underreported.

The Dextromethorphan Abuse Reduction Act would take significant steps to reduce and prevent teen abuse of DXM and other over-the-counter drugs. First, the bill prohibits the sale of products containing DXM to a buyer who is under 18 years old. Several major retailers, including Walgreens, Rite-Aid, and Giant, have already voluntarily agreed not to sell products that contain DXM to purchasers who are under 18, and their retail clerks check IDs to verify the purchaser's age. The legislation would codify these voluntary steps, and would also direct the Justice Department to promulgate regulations ensuring that Internet sales of DXM-containing products comply with these age restrictions. Notably, the legislation prohibits the sale to minors of any product containing DXM, including not just over-the-counter cough medicines but also products containing DXM in its raw, unfinished form. This is important since the abuse of unfinished DXM products has been responsible for several deaths in my home State of Illinois and elsewhere.

Second, this legislation would fund prevention and educational programs

to combat over-the-counter and prescription drug abuse. The bill authorizes the Director of National Drug Control Policy to provide money for the creation of a nationwide education campaign directed at teens and their parents regarding the prevention of abuse of prescription and nonprescription drugs. It also authorizes grants to communities for over-the-counter drug abuse awareness and prevention efforts, and provides increased funding to the National Community Anti-drug Coalition Institute to provide training and technical assistance to boost those community-level efforts.

I am pleased that drug manufacturers and drug prevention groups have joined together in support of this legislation. The bill is supported by the Consumer Healthcare Products Association, the Partnership for a Drug-Free America, and the Community Anti-Drug Coalitions of America.

Restricting access by minors to DXM-containing products and increasing awareness for teens and their parents of the potential harms of cough syrup and other over-the-counter drugs will help combat the high rates of teen abuse of these products. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1383

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dextromethorphan Abuse Reduction Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) When used properly, cough medicines that contain dextromethorphan have a long history of being safe and effective. But abuse of dextromethorphan at doses that exceed the recommended levels can produce hallucinations, rapid heart beat, high blood pressure, loss of consciousness, and seizures. The dangers multiply when dextromethorphan is abused with alcohol, prescription drugs, or narcotics.

(2) Dextromethorphan is inexpensive, legal, and readily accessible, which has contributed to the increased abuse of the drug, particularly among teenagers.

(3) Increasing numbers of teens and others are abusing dextromethorphan by ingesting it in excessive quantities. Prolonged use at high doses can lead to psychological dependence on the drug. Abuse of dextromethorphan can also cause impaired judgment, which can lead to injury or death.

(4) An estimated 1,700,000 teenagers (7 percent of teens) abused over-the-counter cough medicines in 2008.

(5) The Food and Drug Administration has called the abuse of dextromethorphan a ''serious issue'' and has said that while dextromethorphan, ''when formulated properly and used in small amounts, can be safely used in cough suppressant medicines, abuse of the drug can cause death as well as other serious adverse events such as brain damage, seizure, loss of consciousness, and irregular heart beat.''

(6) In recognition of the problem, several retailers have voluntarily implemented age restrictions on purchases of cough and cold medicines containing dextromethorphan, and several manufacturers have placed language on packaging of cough and cold medicines alerting parents to the dangers of medicine abuse.

(7) Prevention is a key component of the effort to address the rise in the abuse of dextromethorphan and other legal medications. Education campaigns teaching teens and parents about the dangers of these drugs are an important part of this effort.

SEC. 3. SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.

(a) SALES OF PRODUCTS CONTAINING DEXTROMETHORPHAN.—

(1) IN GENERAL.—Part D of title II of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

''SEC. 424. CIVIL PENALTIES FOR CERTAIN DEXTROMETHORPHAN SALES.

''(a) IN GENERAL.—

''(1) SALE.—

''(A) IN GENERAL.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly or intentionally sell, cause another to sell, or conspire to sell a product containing dextromethorphan to an individual under 18 years of age, including any such sale using the Internet.

''(B) FAILURE TO CHECK IDENTIFICATION.—If a person fails to request identification from an individual under 18 years of age and sells a product containing dextromethorphan to that individual, that person shall be deemed to have known that the individual was under 18 years of age.

''(C) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to an alleged violation of subparagraph (A) that the person selling a product containing dextromethorphan examined the purchaser's identification card and, based on that examination, that person reasonably concluded that the identification was valid and indicated that the purchaser was not less than 18 years of age.

''(2) EXCEPTION.—This section shall not apply to any sale made pursuant to a validly issued prescription.

''(3) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General shall promulgate regulations for Internet sales of products containing dextromethorphan to ensure compliance with this subsection. The Attorney General may issue interim rules as necessary to ensure that such rules take effect not later than 180 days after the date of enactment of this section.

''(b) CIVIL PENALTY.—

''(1) IN GENERAL.—The Attorney General may file a civil action in an appropriate United States district court to enforce subsection (a).

''(2) MAXIMUM AMOUNT.—Any person who violates subsection (a)(1)(A) shall be subject to a civil penalty in an amount—

''(A) not more than $1,000 for the first violation of subsection (a)(1)(A) by a person;

''(B) not more than $2,000 for the second violation of subsection (a)(1)(A) by a person; and

''(C) not more than $5,000 for the third violation, or a subsequent violation, of subsection (a)(1)(A) by a person.

''(3) EMPLOYEE OR AGENT.—A violation of subsection (a)(1)(A) by an employee or agent of a person shall be deemed a violation by the person as well as a violation by the employee or agent.

''(4) FACTORS.—In determining the amount of a civil penalty under this subsection for a person who is a retailer, a court may consider whether the retailer has taken appropriate steps to prevent subsequent violations, such as—

''(A) the establishment and administration of a documented employee training program to ensure all employees are familiar with and abiding by the provisions of this section; or

''(B) other actions taken by a retailer to ensure compliance with this section.

''(c) DEFINITIONS.—In this section—

''(1) the term 'identification card' means an identification card that—

''(A) includes a photograph and the date of birth of the individual; and

''(B) is—

''(i) issued by a State or the Federal Government; or

''(ii) considered acceptable for purposes of sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B)(1) of title 8, Code of Federal Regulations (as in effect on or after the date of the enactment of the Dextromethorphan Abuse Reduction Act of 2009); and

''(2) the term 'retailer' means a grocery store, general merchandise store, drug store, pharmacy, convenience store, or other entity or person whose activities as a distributor relating to products containing dextromethorphan are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.''.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) manufacturers of products containing dextromethorphan should continue the practice of including language on packages cautioning consumers about the dangers of dextromethorphan abuse; and

(B) retailers selling products containing dextromethorphan should implement appropriate safeguards to protect against the theft of such products.

(b) PREVENTION FUNDING.—

(1) PRESCRIPTION AND NONPRESCRIPTION DRUG ABUSE PREVENTION GRANTS.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall provide grants to one or more eligible entities for the creation and operation of a nationwide education campaign directed at individuals under the age of 18 years and their parents regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) ELIGIBLE ENTITY.—For purposes of subparagraph (A), the term ''eligible entity'' means an organization that—

(i) is a not-for-profit organization;

(ii) has broad national experience and a nationwide presence and capabilities;

(iii) has specific expertise and experience in conducting nationwide education campaigns;

(iv) has experience working directly with parents, teens, people in recovery, addiction scientists, and drug specialists to design drug education programs;

(v) has conducted research upon which to base the campaign specified in subparagraph (A);

(vi) has experience generating news media coverage related to drug prevention;

(vii) is able to secure pro bono media time and space to support the campaign specified in subparagraph (A); and

(viii) has a well-established national Internet presence targeting parents seeking information about drug prevention and intervention.

(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000, for each of fiscal years 2010 through 2012 to carry out this paragraph.

(D) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal

and non-Federal funds available for carrying out the activities described in this subsection.

(2) GRANTS FOR EDUCATION, TRAINING AND TECHNICAL ASSISTANCE TO COMMUNITY COALITIONS.—

(A) IN GENERAL.—The Director of National Drug Control Policy shall award a grant to the entity created by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note), for the development and provision of specially tailored education, training, and technical assistance to community coalitions throughout the nation regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,500,000, for each of fiscal years 2010 through 2012 to carry out this paragraph.

(C) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(c) SUPPLEMENTAL GRANTS FOR COMMUNITIES WITH MAJOR PRESCRIPTION AND NONPRESCRIPTION DRUG ISSUES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Administrator'' means the Administrator of the Substance Abuse and Mental Health Services Administration;

(B) the term ''drug'' has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321);

(C) the term ''eligible entity'' means an organization that—

(i) before the date on which the organization submits an application for a grant under this subsection, has received a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.); and

(ii) has documented, using local data, rates of prescription or nonprescription drug abuse above national averages for comparable time periods, as determined by the Administrator (including appropriate consideration of the Monitoring the Future Survey by the University of Michigan);

(D) the term ''nonprescription drug'' has the meaning given that term in section 760 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379aa); and

(E) the term ''prescription drug'' means a drug described in section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

(2) AUTHORIZATION OF PROGRAM.—From amounts made available to carry out this subsection, the Administrator, in consultation with the Director of the Office of National Drug Control Policy, shall make enhancement grants to eligible entities to implement comprehensive community-wide strategies regarding the prevention of abuse of prescription and nonprescription drugs (including dextromethorphan).

(3) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking an enhancement grant under this subsection shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require.

(B) CRITERIA.—As part of an application for a grant under this subsection, the Administrator shall require an eligible entity to submit a detailed, comprehensive, multisector plan for addressing abuse of prescription and nonprescription drugs (including dextromethorphan).

(4) USES OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the grant funds for implementing a comprehensive, community-wide strategy that addresses abuse of prescription and nonprescription drugs (including dextromethorphan) in that community, in accordance with the plan submitted under paragraph (3)(B).

(5) GRANT TERMS.—A grant under this subsection—

(A) shall be made for a period of not more than 4 years; and

(B) shall not be in an amount of more than $100,000 per year.

(6) SUPPLEMENT NOT SUPPLANT.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal and non-Federal funds available for carrying out the activities described in this subsection.

(7) EVALUATION.—A grant under this subsection shall be subject to the same evaluation requirements and procedures as the evaluation requirements and procedures required of the recipient of a grant under the Drug-Free Communities Act of 1997 (21 U.S.C. 1521 et seq.).

(8) ADMINISTRATIVE EXPENSES.—Not more than 6 percent of a grant under this subsection may be expended for administrative expenses.

(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 for each of fiscal years 2010 through 2012 to carry out this subsection.

(d) DATA COLLECTION.—It is the sense of the Senate that Federal agencies and grantees that collect data on drug use trends should ensure that the survey instruments used by such agencies and grantees include questions to ascertain changes in the trend of abuse of prescription and nonprescription drugs (including dextromethorphan).

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(2) TABLE OF CONTENTS.—The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236) is amended by inserting after the item relating to section 423 the following:

''Sec. 424. Civil penalties for certain dextromethorphan sales.''

By Mr. WYDEN (for himself and Mr. CHAMBLISS):

S. 1387. A bill to enable the Director of National Intelligence to transfer full-time equivalent positions to elements of the intelligence community to replace employees who are temporarily absent to participate in foreign language training, and for other purposes; to the Select Committee on Intelligence.

Mr. WYDEN. Mr. President, today I am introducing legislation that I hope will enable our national intelligence agencies to increase their employees' proficiency in critical foreign languages. I have been a member of the Senate Intelligence Committee for over eight years, and during that time I have sat in a number of briefings and hearings that addressed foreign language capabilities. While specific details regarding the intelligence community's capabilities are generally classified, it is no secret that there is still a great need for more analysts and agents trained in key foreign languages. Over the past few years there have been a number of new initiatives designed to address this problem from different angles, and even newer initiatives are being introduced this year. The legislation that I am introducing today, which I have drafted along with Senator CHAMBLISS of Georgia, is not designed to replace any of those initiatives—rather, we think it will complement those other initiatives by filling a key gap.

Let me explain this gap a little, so it will be clear what problem we are trying to fix. Most efforts to improve the language capabilities of various intelligence agencies focus on recruiting Americans who have a background in critical foreign languages—either from their education, or from their family. But this only attacks the problem from one angle. If you want the national security workforce to have the strongest language skills possible, you also need to improve language training for people who already work for the intelligence agencies. This means both teaching the basics of key languages to more people, and helping people who are already proficient improve their skills further. Unfortunately, language training is time-intensive, and this can mean that personnel are diverted from short-term priorities.

Here is an example of how this problem might crop up in practice. Imagine that you are the supervisor of a group of 10 people somewhere in the intelligence community, working on counterterrorism issues, and that one of those employees decides he wants to go spend several months in intensive language training to improve his Arabic. This would be a good career move for that individual, and a good long-term investment for your agency. But for you, the supervisor, it means that you might be short-handed for several months while one of your employees is off getting language training. Since you have a fixed number of positions available for your office, it is difficult for you to replace someone while they are gone. This means that as the supervisor you actually have an incentive to resist letting that employee head off for language training, since it will leave your team less well-equipped to meet short-term priorities.

I am not saying that all supervisors within the intelligence community are focused solely on short-term priorities, to the detriment of our long-term security interests. But I am saying that if we want our intelligence agencies to effectively balance short- and long-term priorities, we need to give them incentives that encourage them to do so, and not penalize people who try to balance short-term needs and long-term goals.

Here is how the bipartisan legislation that Senator CHAMBLISS and I are introducing today would attempt to address this problem. Our bill would give the Director of National Intelligence the authority to transfer additional positions to offices whose personnel are

temporarily unavailable due to language training. The Director of National Intelligence is uniquely situated to evaluate which offices are most in need of these extra positions, and could transfer them to the places where they would do the most good.

So, to return to my previous example, if you were the supervisor of a young counterterrorism analyst who wants to take 6 months to go learn Arabic, you could go ask the Director of National Intelligence to transfer an extra position to your office for that 6 month period. That way, you could bring someone else in on a temporary basis to do that analyst's work while they are gone for training. The analyst and the agency would get the long-term benefits of additional language training, and you, the supervisor, would not have to sacrifice in the short-term.

Senator CHAMBLISS and I do not claim that this legislation will revolutionize the intelligence community's language capabilities overnight. But it is our hope that it will make it easier than it is today for managers to balance short- and long-term priorities. If we can achieve that it will be good for our national intelligence workforce, and for our national security interests.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 206—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD IMMEDIATELY IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Mr. JOHANNS (for himself, Mrs. HUTCHISON, Mr. BUNNING, Mr. ROBERTS, Mr. MARTINEZ, and Mr. BOND) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 206

Whereas, since his election in 2002, the President of Colombia, Alvaro Uribe, has been overwhelmingly successful in strengthening the institutions of Colombia, fighting terrorism, improving the economy of Colombia, and extending the authority of the central government, the social support network, and security to most of Colombia;

Whereas, during President Uribe's term, the economy of Colombia grew at an average rate of more than 5 percent per year between 2002 and 2007;

Whereas, according to the World Bank, the total gross domestic product of Colombia increased from $93,000,000,000 in 2002 to $207,800,000,000 in 2007;

Whereas, according to the Office of the United States Trade Representative, approximately 10,000,000 people in Colombia have been lifted out of poverty during the past 5 years;

Whereas, according to the Ministry of Defense of Colombia, between 2002 and 2007, kidnappings in Colombia decreased by 83 percent, murders decreased by 40 percent, and terrorist attacks decreased by 76 percent;

Whereas police are now present in all 1,099 municipalities in Colombia, including areas previously held by various criminal and terrorist groups;

Whereas, according to the Department of State, more than 30,000 paramilitaries have been demobilized and disarmed since 2002;

Whereas, in July 2008, the security forces of Colombia successfully rescued 15 prisoners held hostage by the Revolutionary Armed Forces of Colombia (FARC), including French-Colombian Ingrid Betancourt and 3 citizens of the United States, Marc Gonsalves, Keith Stansell, and Thomas Howes;

Whereas, according to the Office of the United States Trade Representative, unemployment in Colombia fell from 16 percent in 2002 to 9.9 percent in 2007;

Whereas, partially in recognition of the impressive economic, political, and diplomatic advances Colombia has made during the past decade, the United States negotiated and signed the United States–Colombia Trade Promotion Agreement on November 22, 2006, and a protocol of amendment to the Agreement on June 28, 2007;

Whereas, according to the Office of the United States Trade Representative, Colombia is currently the 27th largest trading partner of the United States with respect to goods;

Whereas, according to the United States International Trade Commission, goods valued at $11,400,000,000 were exported from the United States to Colombia in 2008, an increase from $3,600,000,000 in 2002;

Whereas, according to the United States International Trade Commission, implementing the United States–Colombia Trade Promotion Agreement would boost exports from the United States by an estimated $1,100,000,000;

Whereas, more than 90 percent of exports from Colombia to the United States already enter the United States duty-free under the Andean Trade Preference Act (19 U.S.C. 3201 et seq.) and the Generalized System of Preferences under title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.);

Whereas, according to the Office of the United States Trade Representative, more than 80 percent of consumer and industrial products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States–Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be eliminated within 10 years after the Agreement enters into force;

Whereas, according to the Office of the United States Trade Representative, the primary exports from the United States to Colombia in 2008 were $2,600,000,000 in machinery, $997,000,000 in mineral fuel, $974,000,000 in organic chemicals, $969,000,000 in corn and wheat cereals, and $950,000,000 in electrical machinery;

Whereas, according to the Office of the United States Trade Representative, Colombia is the 15th largest market for farm products exported from the United States, with the United States exporting almost $1,700,000,000 worth of farm products to Colombia in 2008;

Whereas, since 2006, the quantity of agricultural products exported from the United States to Colombia has increased by approximately 40 percent per year;

Whereas, according to the Department of Agriculture, 99.9 percent of agricultural products imported into the United States from Colombia enter the United States duty-free, but no agricultural products exported from the United States to Colombia currently enter Colombia duty-free;

Whereas, according to the American Farm Bureau Federation, the United States–Colombia Trade Promotion Agreement would increase sales of agricultural products produced in the United States by $910,000,000,000 each year;

Whereas, according to the Department of Agriculture, more than half of agricultural products exported from the United States to Colombia will enter Colombia duty-free as soon as the United States–Colombia Trade Promotion Agreement enters into force and all remaining tariffs on such products will be phased out over time;

Whereas the United States–Colombia Trade Promotion Agreement will level the playing field for workers, businesses, and farmers in the United States by making duty-free treatment a 2-way street between the United States and Colombia for the first time;

Whereas, in the United States–Colombia Trade Promotion Agreement, Colombia agreed to exceed commitments made by Colombia as a member of the World Trade Organization and to dismantle significant barriers to services and investment from the United States; and

Whereas, in the United States–Colombia Trade Promotion Agreement, the United States and Colombia reaffirm their obligations as members of the International Labour Organization: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes the historic successes achieved by the President of Colombia, Alvaro Uribe, in rebuilding the Government of Colombia, strengthening the institutions of Colombia, and solidifying the rule of law in Colombia;

(B) congratulates President Uribe, the Government of Colombia, and the security forces of Colombia for significant successes in fighting the Revolutionary Armed Forces of Colombia (FARC);

(C) recognizes the close ties between the United States and Colombia in the fight against illicit narcotics, terrorism, and transnational crime; and

(D) recognizes that the United States–Colombia Trade Promotion Agreement is enormously advantageous for workers, businesses, and farmers in the United States, who would be able to export goods to Colombia duty-free for the first time; and

(2) it is the sense of that Senate that—

(A) it is in the security, economic, and diplomatic interests of the United States to deepen the relationship between the United States and Colombia; and

(B) the United States should implement the United States–Colombia Trade Promotion Agreement immediately.

Mr. JOHANNS. Mr. President, I rise today to speak about the United States-Colombia Free Trade Agreement which was signed way back in November of 2006. On July 29, President Uribe will be visiting the United States to meet with our President, President Obama. The two have previously met at the Summit of Americas in April, but this will be President Uribe's first time here under the new administration.

Today, as one Senator, I rise to express my hope for a continuing bond in our relationship with Colombia's President Uribe. I also rise to express some concerns that I will talk about. I am happy that President Obama recognizes the importance of our closest ally in South America. I am also pleased President Uribe continues to seek a close relation with the United States, for he is truly a courageous and a visionary leader.

Coming to power in some of the darkest and most vicious days of a Marxist insurgency everywhere in that country, he has pulled Colombia back from

the brink. President Uribe has driven the terrorists from much of their territory in Colombia's cities, boosted the economy, and he has improved Colombia's human rights record.

If an American President had achieved this much, some would be clamoring for him or her to seek a third term. The same is true in Colombia, where despite term limits, Uribe is actually being petitioned to run again.

His achievements are very impressive. During President Uribe's time in office, the economy grew at an average rate of over 5 percent over the past 5 years.

According to the World Bank, Colombia's GDP growth then grew 7.5 percent in 2007, far surpassing the average in Latin America. Ten million Colombians have been lifted out of poverty, unemployment has fallen from double digits—16 percent in 2002—to 9.9 percent in 2007.

Crime has been a historic problem in Colombia. Yet, under President Uribe's stewardship, kidnapings have declined 83 percent, murders are down by 40 percent, terrorist attacks are down by 76 percent. Every single one of Colombia's 1,099 municipalities now have a police presence. Finally, at long last, Colombia appears to be winning the war against the terrorists who have made life miserable for far too many years.

Last summer, the world was treated to the images of smiling U.S., French, and Colombian hostages when a daring Colombian Army raid freed them from the terrorists. These included three U.S. defense contractors and one hostage who had been held since February of 2002.

The U.S. State Department estimates that over 30,000 paramilitaries and terrorists have been disarmed and demobilized—an impressive number.

I look to the future in this relationship, but I will be very candid. I am concerned about the present. I speak of the Colombia trade agreement that is languishing in the executive branch. We should, in my judgment, be embarrassed by this inaction. I recognize the populism of opposing trade, but I cannot understand the opposition to the Colombian Free Trade Agreement. It levels the playing field for U.S. workers and farmers and small businesses. Over 90 percent of Colombia's exports to the United States already enter this country duty free. They have for years, under the Andean Trade Preferences Act and other previous agreements.

Meanwhile, U.S. exports to Colombia face high tariffs. They can be as high as 35 percent, a tax on our goods going into Colombia. In spite of these restrictions, Colombia is America's 27th largest trading partner.

An International Trade Commission study estimated that the United States-Colombia Free Trade Agreement would boost U.S. exports by $1.1 billion. Do my colleagues and others who oppose this deal think the U.S. economy is so robust it does not need another billion-dollar-plus market? Are things that rosy? I suggest not.

I come from a farm State where we are especially eager to open new markets. Virtually 100 percent of Colombia's agricultural products enter the United States duty free. Zero percent of U.S. agricultural exports enter Colombia duty free.

This FTA wipes out those differences. It levels the playing field. Tariffs would immediately disappear for 80 percent of U.S. exports into Colombia and the rest phase out over time. The potential for dramatic increases in our exports, in my judgment, is very clear.

Consider this: Even with the tariff imbalance our agricultural exports to Colombia totaled almost $1.7 billion in 2008. In spite of all of the current tariffs, corn and wheat cereals are one of the major U.S. exports to Colombia. Last year we sold $969 million worth, as well as $2.6 billion in machinery.

By anybody's definition these are very big numbers, and on a level playing field—which is what the FTA will do—they will be even bigger, with a potential to create thousands of jobs in an economy that needs every job.

These statistics clearly show the FTA we have negotiated with Colombia is not a blind leap into the unknown. Colombia already essentially has free trade with us, an open border. This FTA levels the playing field for America's farmers and ranchers and U.S. businesses.

Did you know more than 8,000 small- and medium-size businesses in our country export to Colombia? For them, the elimination of these tariffs would blow open the door of opportunity.

Congress should not be in the business of creating hurdles for the United States overseas, nor should the executive branch. Yet here we have a clear pathway to eliminate a huge hurdle with a simple nod of approval. Yet we have failed to act.

The economic justification speaks for itself, but it is just one of the several compelling reasons to ratify this agreement immediately. Perhaps as persuasive is the political situation in Latin America. Since his rise to power in Venezuela in 1998, Hugo Chavez has reinvigorated the radical Latin-American left. He has formed a block of anti-American countries in South and Central America composed of Cuba, Nicaragua, Bolivia, and, increasingly, Ecuador.

During an audacious raid on the Ecuador border, Colombian military units captured evidence detailing the Venezuelan Government's extensive support for the terrorists. Venezuela has used its petroleum money to buy friends and influence people throughout the hemisphere, and too often they have succeeded. Our friend in Colombia has stoutly resisted this siren song. When too many other nations have drifted into cheap anti-U.S. populism, Colombia has stood strong, and has traveled precisely the opposite way.

So while President Uribe is here in our Nation and is meeting with our President, I hope the President of the United States will do the right thing and stand firmly in support of completing the FTA that has been negotiated. It is time for the administration to show great leadership on this issue, which is at every level, in my judgment, just good common sense.

However, Congress cannot shirk its responsibility for the lack of action on the Colombia FTA. While the administration needs to step to the mound, Congress must step up to the plate and swing for the fences. This agreement was signed and it was sealed and it was delivered two and a half years ago. It is an unbelievable opportunity for our farmers, our ranchers, and our small businesses. It is waiting right here at our doorstep. All it needs is our nod of approval.

That is why today I introduce a resolution recognizing the benefits of the Colombian Free Trade Agreement. I encourage my colleagues to cosponsor this resolution and to implore the leadership to allow it to come to a vote.

Rarely has an initiative with benefits this crystal clear faced such a rocky and uncertain road. The time to level the playing field for farmers and ranchers and small businesses is here. It is upon us.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Nebraska on his resolution to recognize the importance of the United States continuing to trade in the world, especially with our friends in Latin America, especially when they are already taking advantage of low tariffs with us and we are not taking advantage of low tariffs with them. Our principal concern on the Republican side, and I am sure for many Democrats, too, is the cost of living for middle-class families in America. There are many issues that come before us that deal with that—the level of taxes, the level of tuition, that we get Medicaid spending under control so States will be able to fund the Universities of Nebraska and Tennessee better—but another way to do that is to trade with the world.

People walk into stores in America, and they are looking, today, in bad economic times, for low costs. Are we going to erect barriers and raise costs? Are we going to say to families who do not have many extra dollars that it is in our national interest to raise our costs? Are we going to keep out of our country people with products and ideas causing them to keep our products and ideas out of their country? Are we that afraid of competing in the world?

We Tennesseans have been much better off since Federal Express started flying in China and Nissan started building cars in Tennessee. Federal Express employs 30,000 people in the Memphis, TN, area, and Nissan just announced this week it is going to build electric cars, not in Japan but in Smyrna, TN. That is because we trade with the world. So this creeping protectionism that we see is a threat to the middle-class budget of every American.

Senator JOHANNS has made an important step toward change.

SENATE CONCURRENT RESOLUTION 31—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 32—A BILL EXPRESSING THE SENSE OF CONGRESS ON HEALTH CARE REFORM LEGISLATION

Mr. MENENDEZ submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 32

Whereas consumers may continue to confront a variety of problems with a reformed health care system;

Whereas those problems may range from difficulties in choosing an appropriate health plan, problems with calculation of premiums and cost-sharing, the possibility of a denial of benefits, and issues with enrollment and access to providers;

Whereas the Institute of Medicine estimates that as many as 30 percent of people in the United States suffer from health treatment illiteracy;

Whereas the Office of Disease Prevention and Health Promotion of the Department of Health and Human Services reports that only 12 percent of the population can use a table to calculate the share of health insurance costs for an individual;

Whereas a study by RAND Corporation found that increasing the ease of access to information regarding insurance products and simplifying the application process would increase purchase rates of insurance products as much as modest subsidies would;

Whereas the reports from the Institute of Medicine, the Office of Disease Prevention and Health Promotion, and RAND Corporation prove there is a need for a fundamental improvement in the manner in which consumers learn about insurance choices;

Whereas many consumers lack avenues or mechanisms to present grievances both to the managers of health plans and to external reviewers and fail to receive timely decisions with respect to those grievances;

Whereas consumers often need expert guidance to pursue claims for denied health care benefits and other coverage disputes;

Whereas some States have documented a number of cases of improperly rescinded health insurance policies, inappropriate billing for out-of-network services, and fraudulent and deceptive marketing of health plans;

Whereas the Federal Government lacks oversight mechanisms to prevent health care coverage problems from recurring in other States;

Whereas the appropriate resolution of a health coverage complaint may involve multiple Federal and State agencies;

Whereas health plans sometimes make mid-year changes to provider networks, benefit offerings, or other elements of the plan important to enrollees;

Whereas people need assistance enforcing consumer rights in the health care system; and

Whereas Federal laws have created successful models of consumer assistance with health dispute resolution, such as the Long Term Care Ombudsman program that assists nursing home residents in every State and the Senior Health Insurance Assistance Program that assists those eligible for Medicare: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that any health care reform legislation should include, with respect to health plans—

(1) support for consumer education and assistance with enrollment, particularly for vulnerable populations, at both the Federal and State levels;

(2) assistance for people asserting consumer rights;

(3) a strengthened system of consumer protections, including—

(A) an appeal mechanism within a health plan, and an appeal mechanism with an external entity independent of the health plan, which could address a variety of coverage problems;

(B) coverage for emergency care without prior authorization;

AMENDMENTS SUBMITTED AND PROPOSED

SA 1365. Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) proposed an amendment to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

SA 1366. Mr. MCCAIN proposed an amendment to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, supra.

SA 1367. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, supra; which was ordered to lie on the table.

SA 1368. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1365. Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) proposed an amendment to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the legislative branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $178,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,763,000 for each such committee; in all, $3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $70,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $145,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2014.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,145,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $425,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISION

GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS

SECTION 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional $50,000 each.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,375,200,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,881,000, including: Office of the Speaker, $5,077,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,565,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Republican Policy Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,878,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $200,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $32,089,000 of which $4,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $317,840,000, including: supplies, materials, administrative costs and Federal tort claims, $3,948,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $278,278,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $27,698,000, of which $9,000,000 shall remain available until expended; transition activities for new members and staff, $2,907,000; Wounded Warrior Program, $2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111–8; Office of Congressional Ethics, $1,548,000; Energy Demonstration Projects, $2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''House of Representatives—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $96,000.

(2) The allowance for the office of the Minority Whip is increased by $96,000.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,377,000, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 111th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $267,203,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $64,354,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

TRANSFER AUTHORITY

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,418,000, of which $883,990 shall remain available until September 30, 2011: *Provided,* That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) IN GENERAL.—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

''SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY.

''The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended by inserting after section 305 the following:

''Sec. 306. Disposition of surplus or obsolete personal property.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

ADMINISTRATIVE PROVISION

EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110–161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''3'' and inserting ''5''; and

(B) in paragraph (2), by striking ''3'' and inserting ''5'';

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking ''Subject to subsection (d), this'' and inserting ''This''.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $106,587,000, of which $5,400,000 shall remain available until September 30, 2014.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $33,305,000, of which $6,499,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $10,974,000, of which $1,410,000 shall remain available until September 30, 2014.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $74,392,000, of which $15,390,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $100,466,000, of which $53,360,000 shall remain available until September 30, 2014.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $118,597,000, of which $25,074,000 shall remain available until September 30, 2014: *Provided,* That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $40,754,000, of which $14,470,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $26,160,000, of which $7,050,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,898,000, of which $1,280,000 shall remain available until September 30, 2014: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,756,000.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking ''and the Library of Congress'' and inserting ''the Library of Congress, the Architect of the Capitol, and the Botanic Garden''; and

(2) in section 6133(c) by adding at the end the following:

''(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.''.

DISABLED VETERANS; NONCOMPETITIVE APPOINTMENT

SEC. 1303. Section 3112 of title 5, United States Code, is amended—

(1) by inserting ''(a)'' before ''Under''; and

(2) by adding at the end the following:

''(b) For purposes of this section, the term 'agency' shall include the Architect of the Capitol and the Botanic Garden. With respect to the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1304. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

''(e) For purposes of this section the term 'agency' shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.''.

BOTANIC GARDEN VENDOR CONTRACTS

SEC. 1305. Section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146) is amended—

(1) in subsection (b)(1), by striking ''an account entitled 'Botanic Garden, Gifts and Donations'.'' and inserting ''an account entitled 'Botanic Garden, Operations and Maintenance'.'';

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

''(d) CONTRACTS WITH VENDORS.—

''(1) IN GENERAL.—The Architect of the Capitol may enter into a commission-based service contract with a vendor who, notwithstanding section 5104(c) of title 40, United States Code, may sell refreshments at the Botanic Garden and National Garden.

''(2) DEPOSIT AND USE OF COMMISSIONS.—Any amounts paid to the Architect of the Capitol as a commission under paragraph (1) shall be—

''(A) deposited in the account described under subsection (b); and

''(B) available for operation and maintenance in the same manner as provided under subsection (b).''.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $441,033,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $750,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That, $200,000 shall remain available until expended for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $112,836,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,182,000, of which $30,577,000 shall remain available until expended: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2009 may be transferred from that account by all transfers made under subsection (a).

CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

''(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 under standards established by the Office in subsection (a)(2).''.

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' at the end;

(2) in subparagraph (G), by striking the period and inserting ''; or'' and

(3) by adding after subparagraph (G) the following:

''(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.''.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $93,296,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $40,911,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $12,782,000 for information technology development and facilities repair: *Provided*, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $553,658,000: *Provided*, That not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) EVALUATION AND AUDIT OF NATIONAL TRANSPORTATION SAFETY BOARD.—Section

1138 of title 49, United States Code, is repealed.

(c) LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.—Section 1904 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6574) is repealed.

(d) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(e) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(f) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading ''Salaries and Expenses, General Legal Activities'' under the heading ''Legal Activities'' under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100–202; 101 Stat. 1329, 1329–9) is amended by striking ''*Provided further*, That the Comptroller General shall perform semiannual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate:''.

(g) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,456,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

(1) in subparagraph (A), by striking ''members'' and inserting ''Members of the House of Representatives''; and

(2) in subparagraph (B), by striking ''members'' and inserting ''Senators''.

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking ''The Board shall appoint'' and inserting ''On behalf of the Board, the Librarian of Congress shall appoint''.

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to—

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LIMITATION ON TRANSFERS

SEC. 207. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 208. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

COMPLIANCE DATE RELATING TO CERTAIN VIOLATIONS OF OSHA WITHIN THE LEGISLATIVE BRANCH

SEC. 209. Section 215(c) of the Congressional Accountability Act of 1995 (2 U.S.C. 1341(c)) is amended by striking paragraph (6).

This Act may be cited as the ''Legislative Branch Appropriations Act, 2010''.

SA 1366. Mr. MCCAIN proposed an amendment to amendment SA 1365 proposed by Mr. NELSON of Nebraska (for himself and Ms. MURKOWSKI) to the bill H.R. 2918, making appropriations for the Legislation Branch for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 27, strike lines 5 through 10 and insert ''mission.''.

SA 1367. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) IN GENERAL.—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after ''shall audit an agency'' and inserting a period.

(b) AUDIT.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(e) AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.—

''(1) IN GENERAL.—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

''(2) REPORT.—

''(A) REQUIRED.—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed and made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

''(B) CONTENTS.—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.''.

SA 1368. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENGRAVINGS IN THE CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of ''In God We Trust'' in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 9, 2009, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Wilma A. Lewis, to be an Assistant Secretary of the Interior, Richard G. Newell, to be Administrator of the Energy Information Administration, and Robert V. Abbey, to be Director of the Bureau of Land Management.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Amanda_Kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 25, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 25, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''The Matthew Shepard Hate Crimes Prevention Act of 2009.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 25, 2009, at 12 p.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife of the Committee on Environmental and Public Works be authorized to meet during the session of the Senate on Thursday, June 25, 2009, at 3:30 p.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Madam President, on behalf of Senator BINGAMAN, I ask unanimous consent that Caroline McNeill, Sierra Spence, Nathan Keffer, and Stephanie Louis be granted the privilege of the floor for the remainder of the debate on the nomination of Dean Koh to be Legal Adviser to the State Department.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that three individuals from my staff, Caitlin Baalke, Hanna Kim, and Kimberly Stone, be granted the privilege of the floor during debate on this appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2918

Mr. REID. Mr. President, I ask unanimous consent that at 5:30 p.m. on Monday, July 6, the Senate proceed to vote in relation to the McCain amendment No. 1366; that prior to the vote, there be 10 minutes of debate equally divided and controlled between Senators NELSON of Nebraska and MCCAIN or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the information of the Senate, following the disposition of the McCain amendment, the Senate is expected to then vote on final passage of the Legislative Branch appropriations bill, so it is the McCain amendment and then final passage of the Legislative Branch appropriations bill.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2892

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, July 7, following a period of morning business, the Senate proceed to the consideration of H.R. 2892, the Homeland Security appropriations bill, and that once the bill is reported, Senator MURRAY or her designee be recognized to offer a substitute amendment; provided further that this order is only applicable if the bill is available.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, let me say, even though he is not here, I wish to extend my appreciation to the distinguished Republican leader for working for several days to help us get to what we have just announced. I was patient, he was patient, and as a result of that we were able to get this done, and I acknowledge his good work on behalf of the Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 170, 203, 206, 207, 214, 215, 251, 252, 255, 256, and 257; that the nominations be confirmed, en bloc; the motions to reconsider be laid upon the table, en bloc; that no further motions be in order, and any statements relating thereto appear at the appropriate place in the RECORD as if read, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF COMMERCE

Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

CENTRAL INTELLIGENCE AGENCY

Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

DEPARTMENT OF STATE

Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

Kurt M. Campbell, of the District of Columbia, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

FEDERAL COMMUNICATIONS COMMISSION

Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2008.

Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

DEPARTMENT OF LABOR

Kathleen Martinez, of California, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

[NEW REPORTS]

DEPARTMENT OF DEFENSE

Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

NOMINATION OF JULIUS GENACHOWSKI

Mr. DEMINT. Mr. President, I would like to speak for a moment about a pending nomination that is not necessarily the topic of dinner table conversations around the country, but is nonetheless very important in all our daily lives. I am speaking of the Chairman of the Federal Communications Commission, the FCC.

Wireless phones, cable, and satellite television, Internet services, and local television and radio are a part of everyone's daily lives in one way or another. And while we may all have a customer service issue from time to time, for the most part these industries and the products they offer are a showcase of the freedom and innovation that has made America the most dynamic economy and society in the world's history.

We have seen these innovations in dramatic ways in recent days with Twitter reporting, YouTube videos, and mobile updates from the streets of Iran. Of course, the most important element of this new technology is that it gives an unprecedented power to individuals to speak about and share their personal experiences—everyone is empowered and the individual controls the message.

This is very important as it changes the media paradigm we have known for a generation. We often hear the terms ''old'' and ''new'' media. It is more accurate to say ''centralized'' and ''personalized'' media. Not long ago, the average American had access to only a handful of radio and television programming, a local newspaper, no Internet, no mobile telephone service, no texting, and certainly no mobile broadband. In other words, the average person had far less access to information than today, and from far more centralized sources.

The changing communications landscape calls for a knowledgeable and forward-looking FCC; not one looking to regulatory structures of the past that will hamstring future growth and innovation. The President has nominated Julius Genachowski to be Chairman of the FCC. While I believe he is very knowledgeable about today's communications landscape, I am afraid he may have tendencies to direct the development of our private communications industries, particularly broadcast media, with an eye towards the past.

Many of my colleagues have chosen to give Mr. Genachowski the benefit of the doubt, and are supporting his nomination. I believe he has enough votes to be confirmed as FCC Chairman. While I remain concerned that Mr. Genachowski will take us backward, towards more government control of media, more government interference in commerce, and, unfortunately, more government control of media content—I will not prevent his nomination from proceeding.

I will, however, be vigilant in the weeks and months ahead and will fight any effort that even appears to have the effect of limiting or mandating political speech on the airwaves. Mr. Genachowski has said that, under his guidance, any rules that the Commission considers would be through ''processes that are open, transparent, fair, and driven by facts about the industry and the marketplace.'' I hope this is true and promise to hold him to his commitments.

NOMINATION OF ROBERT S. LITT AND STEPHEN W. PRESTON

Mrs. FEINSTEIN. Mr. President, I rise today to support the confirmation of Robert S. Litt to be the second general counsel of the Office of the Director of National Intelligence. I also rise in support of the confirmation of Stephen W. Preston as general counsel of the Central Intelligence Agency, to fill the vacancy in that office that has existed since 2004. President Obama's decision to place these distinguished lawyers at the helms of these vitally important legal offices is an essential step in ensuring that the intelligence community operates within the rule of law.

On June 11, the Select Committee on Intelligence, which I am privileged to chair, favorably reported the nominations by a bipartisan 14–1 vote. The committee's support of the nominees is based on an extensive public record. We questioned them at an open hearing on May 21. That day we also placed on our website their responses to our questionnaire for presidential nominees and to additional prehearing questions about the offices for which they have been nominated.

On June 5, we placed on our website their responses to a further, extensive round of posthearing questions. We also examined financial information that is available to the public through the Office of Government Ethics and confidential communications to the committee from the nominees that supplement their public answers about how they will approach potential conflicts relating to their private law practices.

Mr. Litt is a graduate of Harvard University and Yale Law School. He clerked for Judge Edward Weinfeld of the Southern District of New York and Justice Potter Stewart of the Supreme Court. He served as an assistant U.S. attorney in the Southern District of New York for 6 years. He later became a partner at the law firm of Williams & Connolly. Then from 1993 to 1999, after a year at the State Department, he held two important posts at the Department of Justice. There, after service as a deputy assistant attorney general in the criminal division, he rose to be Principal Associate Deputy Attorney General. At the DOJ, his responsibilities included FISA applications, covert action reviews, computer security, and other national security matters.

He has been a partner with the law firm of Arnold and Porter since 1999 and has been active in intelligence and national security policy matters through bar association and other public activities.

Stephen Preston is a graduate of Yale University and Harvard Law School. He clerked for Judge Phyllis A. Kravitch of the U.S. Court of Appeals for the 11th Circuit, and joined Wilmer, Cutler, and Pickering, where he became a partner. From 1993 to 2000, Mr. Preston served in the Department of

Defense and the Department of Justice. At the Department of Defense, he was a deputy general counsel and then the principal deputy general counsel, which included a period as acting general counsel and later, general counsel for the Department of the Navy. At the Department of Justice, he was a deputy assistant attorney general in the civil division. While at DOD, the chief counsels at the defense intelligence agencies reported to him, and while at the Navy Department he had legal and oversight responsibilities for the Naval Criminal Investigative Service. He has informed the committee that in his DOD and Navy positions, he dealt with other national security agencies, including the CIA.

Mr. Preston has been a partner at the law firm of WilmerHale since 2001, dealing in both his practice and public and private activities with national security matters.

The Director of National Intelligence has the statutory responsibility of ensuring compliance with the Constitution and laws of the United States by the Office of the DNI and the CIA and ensuring that compliance by other elements of the intelligence community through their host executive departments. As the chief legal officer of the Office of Director of National Intelligence, the general counsel has the critically important responsibility of aiding the DNI in fulfilling this mandate.

In providing legal advice to the DNI, the general counsel must have insight into activities throughout the intelligence community including those of the general counsel offices in the various intelligence community elements. As we made clear during this nomination process, the committee expects that the ODNI general counsel will be aware of and have an opportunity to evaluate all of the significant legal decisions made throughout the intelligence community. The general counsel also represents the executive branch in proposing and negotiating legislative provisions for our annual intelligence authorization bill, which is coming up, and for other legislation that affects the equities of the intelligence community. The first ODNI general counsel, Benjamin Powell, played an indispensable role, for which our committee is deeply grateful, in working with the Congress on the FISA Amendments Act of 2008.

The Central Intelligence Agency operates around the world outside of the law of other nations but is required to operate in strict compliance with United States law, including the Constitution, acts of Congress, and treaties made under the authority of the United States. The CIA general counsel serves to ensure that compliance. Because of the independent legal judgment the role requires, the position of CIA general counsel is an extremely challenging one that requires a strong and principled leader. It has been the longstanding position of the Senate, as manifested in the recommendations of the Iran-Contra Committees upon examining the significant failures they exposed, that it is essential that the CIA general counsel be confirmed by the Senate.

The CIA Office of General Counsel played a key role in the creation of the CIA detention and interrogation program. It provided significant information to the Office of Legal Counsel at the Department of Justice. It participated in briefings to the National Security Council and to Congress. And it was in charge of interpreting and implementing the Office of Legal Counsel's guidance to CIA interrogators in the field.

An examination of the role of the general counsel's office in the detention and interrogation program—something that the Intelligence Committee's review of the program will explore—demonstrates how important it is that the office has a strong leader who applies both sound legal analysis and good judgment to the task of providing counsel to the Director.

As I mentioned earlier in these remarks, the nominees answered the committee's many questions both in writing and in testimony before us. Individual members of the committee may have disagreements with individual answers, and some of these were discussed in the committee's consideration of both. To some extent, the nominees are at the disadvantage of not yet knowing the often still classified context of various questions. I am confident that they will quickly learn.

Moreover, a nomination process is a two-way communication. We use it to learn about the nominees, but it is also a process in which they learn about our concerns. Both nominees now have an abundantly clear idea, for example, of the importance we place on the law's requirements for keeping the committee fully and currently informed. Of course, they will also have the responsibility of implementing the clear commitments that Directors Blair and Panetta have made to that cornerstone of accountability and oversight.

For both the ODNI and the CIA, the Nation needs a strong general counsel of unimpeachable integrity and an unwavering commitment to the Constitution and laws of the United States. I cannot say that too strongly. I am pleased that our committee has determined that the two nominees are both highly qualified and well suited to serve the Nation by providing counsel to the Director of National Intelligence and the CIA. I urge my colleagues to confirm them.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of PN587, the nomination of Daniel M. Rooney to be Ambassador to Ireland; that the Senate then proceed to the nomination; that the nomination be confirmed and the motion to reconsider be laid on the table; that no further motions be in order; that the President be immediately notified of the Senate's action, and that any statements relating thereto be printed at the appropriate place in the RECORD, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Daniel M. Rooney, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland. The Financial Report of Contributions of Daniel M. Rooney was printed on page S7776 in the July 21, 2009 Congressional Record.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from PN578, Foreign Service list beginning with Susan Marie Carl and ending with Dale N. Tasharski, nominations received by the Senate and that appeared in the CONGRESSIONAL RECORD on June 10, 2008; that the Senate proceed, en bloc, to their consideration; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Susan Marie Carl, of Alaska

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Landon A. Loomis, of Louisiana
Keenton C. Luong, of California
Megan A. Schildgen, of Maryland

DEPARTMENT OF STATE

Karl Miller Adam, of Texas
Anjum F. Akhtar, of California
Elizabeth Ann Albin, of Texas
Mark K. Antoine, of Virginia
Julia Elizabeth Apgar, of the District of Columbia
Daniel Patrick Aragón, of Vermont
Karla Ascarrunz, of Virginia
Nathan D. Austin, of Washington
Dina A. Badawy, of California
Francoise I. Baramdyka, of California
Ashley Chantél Barriner-Byrd, of Pennsylvania
Matthew Baumgardt, of the District of Columbia
Brian Paul Beckmann, of Minnesota
Fritz Berggren, of Washington
Kathryn W. Bondy, of Georgia
Roxana Botea, of Virginia
A. Stephanie Brancaforte, of Virginia
Jennifer Leigh Bridgers, of Georgia
Theodore Brosius, of the District of Columbia
Annmarie E. Bruen, of Virginia
Michael William Campbell, of Maryland
Jessica Chesbro, of Oregon
Henry K. Clark, of Maryland
Bianca M. Collins, of Virginia
Patricia A. Connelley, of Virginia
Justin John Cook, of Virginia
Anton M. Cooper, of Washington
Edward Kenneth Corrigan IV, of Virginia
Ann Marie Cote, of Michigan
Andrew J. Curiel, of California
Douglas M. Disabello, of Virginia
Jenny R. Donadio, of Virginia
Nick Donadio, of Virginia

Colin C. Dreizin, of California
Jennifer G. Duckworth, of the District of Columbia
Thomas A. Duval, of Massachusetts
Amy E. Eagleburger, of North Carolina
Jeremy Edwards, of Texas
Jeffrey E. Ellis, of Washington
Shannon M. Epps, of Virginia
John C. Etcheverry, of Virginia
Karen J. Fackler, of Virginia
Sarah L Fallon, of Wisconsin
Craig J. Ferguson, of the District of Columbia
Dylan Thomas Fisher, of the District of Columbia
Theodore J. Fisher, of California
Charles Fouts, of California
Calvin C. Francis, of Virginia
Ryan Eastman Gabriel, of Virginia
Robert A. Gautney, of Virginia
Joseph Martin Geraghty, of the District of Columbia
John Drew Giblin, of Georgia
Stephanie Snow Gilbert, of Oklahoma
Mark T. Goldrup, of California
Amit Raghavji Gosar, of Virginia
John Jake Goshert, of New York
Forrest Graham, of Mississippi
Andrea M. Grimste, of Virginia
Andrew Harrop, of Virginia
Jessica A. Hartman, of Virginia
Nickolaus Hauser, of Texas
Stephanie Made Hauser, of Florida
Mark E. Hernandez, of Virginia
Benjamin G. Hess, of North Carolina
Edward T. Hickey, of the District of Columbia
Jean Hiller, of Virginia
Alan Paul Holmes, of Virginia
Marcia Elizabeth House, of Georgia
Brent W. Israelsen, of Utah
William Jamieson, of Virginia
James Taylor Johnson, of Virginia
Linda M. Johnson, of the District of Columbia
Luke Steven Johnson, of Virginia
Emmit A. Jones, of Virginia
Penelope R. Justice, of Virginia
Rachel Y. Kallas, of Wisconsin
Stephanie Kang, of Missouri
Arthur Keating, of Virginia
Wesley C. Kelly, of Virginia
Matthew DeFerreire Kemp, of Virginia
William B. Kincaid, of the District of Columbia
Jerrah M. Kucharski, of Pennsylvania
Athena Kwey, of California
James Lamson, of Virginia
Dawson Edward Law, of Montana
Katherine Maureen Leahy, of New Jersey
Adam J. Leff, of the District of Columbia
Rong Li, of Maine
Michael Lis, of the District of Columbia
Elizabeth Angela Litchfield, of Illinois
Qin P. Lloyd, of Virginia
Paul A. Longo, of the District of Columbia
Louis T. Manarin, of Virginia
Christa Leora Matthews, of Virginia
Jennifer L. McAndrew, of Texas
Daniel Craig McCandless, of Pennsylvania
Vicki H. McDanal, of Virginia
LaYanna K. McLeod, of Virginia
Daniel E. Mehring, of California
Kristen Ann Merritt, of California
Sterling Michols, of Nevada
Rachel I. Mihm, of Virginia
Kenneth W. Miller, of Virginia
Zachary J. Millimet, of Virginia
Scott J. Mills, of North Carolina
Eric Charles Moore, of Minnesota
Kristy M. Mordhorst, of Texas
Michael K. Morton, of Virginia
Timothy P. Murphy, of West Virginia
Timothy M. Newell, of Virginia
Scott A. Norris, of Florida
Sarah Oh, of New York
Mark J. Oliver, of Virginia
James Paul O'Mealia, of New Jersey
Irene Ijeoma Onyeagbako, of Nevada
Erik Graham Page, of South Carolina
Timothy J. Pendarvis, of Kansas
Valerie Petitprez-Horton, of Virginia
Marlene H. Phillips, of Virginia
Michael P. Picariello, of Virginia
Heidi M. Pithier, of Virginia
Archana Poddar, of Massachusetts
Stacey D. Price, of Maryland
A. Larissa Proctor, of Pennsylvania
Erin Ramsey, of North Carolina
Jerarnee C. Rice, of Tennessee
James Thomas Rider, of Michigan
Syed-Khalid Rizvi, of Maryland
Jennifer W. Robertson, of Vrginia
Mark Robertson, of Virginia
Christopher M. Rogers, of Virginia
Delbert A. Roll, of Virginia
Travis D. Rutherford, of Virginia
Lisa A. Salamone, of Arizona
Dustin F. Salveson, of Utah
Lee Eric Schenk, of the District of Columbia
Janelle L. Schwehr, of Virginia
Jonathan C. Scott, of California
Vikrum Sequeira, of Texas
Mihail David Seroha, of Florida
Muhammad Rashid Shahbaz, of New York
George Brandon Sherwood, of North Carolina
Natalya C. Simi, of Virginia
Gwendolynne M. Simmons, of Florida
Nathan R. Simmons, of Idaho
Christopher James Sinay, of Virginia
Nisha DiNp Singh, of the District of Columbia
Matthew Siren, of Virginia
Kimberly L. Skoglund, of Virginia
Jeremy Daniel Siezak, of New Jersey
Eric Anthony Smith, of the District of Columbia
Veronique E. Smith, of California
Abigail Anne Davis Spanberger, of Virginia
Wesley R. St. Onge, of Virginia
Kristen Marie Stott, of Illinois
Anna Amalie Taylor, of Virginia
John Manning Thomas, of the District of Columbia
Elisabeth Spiekemann Thornton, of Virginia
Sarah M. Trustier, of Virginia
Andrea Tully, of Virginia
Marc E. Turner, of Virginia
Timothy J. Uselmann, of Virginia
Annette Vandenbroek, of Wisconsin
Chad R. Wagner, of Virginia
Marisa Corrado Walsh, of Virginia
Michael James Wautlet, of Colorado
Matthew Harris Welch, of Virginia
Geoffrey David Wessel, of North Carolina
Amos A. Wetherbee, of Massachusetts
Garrett E. Wilkerson, of Oregon
Steve J. Wingler, Jr., of Georgia
John Anthony Gerhard Yoder, of Virginia
Margaret Anne Young, of Missouri
Melissa B. Zeliner, of Illinois

Secretary in the Diplomatic Service of the United States of America:
John J. Kim, of the District of Columbia

The following-named Career Members of the Senior Foreign Service of the Department of Commerce for promotion into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor, effective June 22, 2008:

Dale N. Tasharski, of Tennessee

Mr. REID. Mr. President, I rushed through these nominations once we were able to get permission to move them forward. Each one of these that we have just read will change people's lives. Some of these people have been waiting a long time to enter public service. Some have been in public service and are moving to a different spot. It is too bad we can't give more recognition to these outstanding individuals. Their recognition will be based on the job they do while working in this administration. All these people who are approved are not Democrats. They come from both sides. I am thankful and grateful we have been able to get this many done. People have had individual questions about all these nominations, and we worked through them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 190, and that the Senate proceed to that.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 190) Supporting National Men's Health Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas, according to the National Cancer Institute—

(1) despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

(2) 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

(3) between ages 45 and 54, men are 3 times more likely than women to die of heart attacks;

(4) men die of heart disease at 1½ times the rate of women;

(5) men die of cancer at almost 1½ times the rate of women;

(6) testicular cancer is 1 of the most common cancers in men aged 15 to 34, and when detected early, has a 96 percent survival rate;

(7) the number of cases of colon cancer among men will reach almost 75,590 in 2009, and almost ½ of those men will die from the disease;

(8) the likelihood that a man will develop prostate cancer is 1 in 6;

(9) the number of men developing prostate cancer in 2009 will reach more than 192,280, and an estimated 27,360 of them will die from the disease;

(10) African-American men in the United States have the highest incidence in the world of prostate cancer;

(11) significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of such problems was more pervasive;

(12) more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 8 to 1;

(13) educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

(14) appropriate use of tests such as prostate specific antigen exams, blood pressure screenings, and cholesterol screenings, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many problems in their early stages and increase the survival rates to nearly 100 percent;

(15) women are twice as likely as men to visit the doctor for annual examinations and preventive services; and

(16) men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in 1994 and urges men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the governors of more than 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas, June 15 through June 21, 2009, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week in 2009; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

RECOGNIZING CONTRIBUTIONS OF THE RECREATIONAL BOATING COMMUNITY

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further action on S. Res. 199.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 199) recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KOHL. Mr. President, I rise today to applaud the Senate's passage of a resolution I submitted earlier this week with the cochair of the Senate Boating Caucus, Senator BURR. Our resolution recognizes July 1 as National Boating Day, and more importantly, recognizes the importance of boating and fishing to our economy and our constituents.

I believe this resolution comes at a critical time. Like so many other industries, the boating industry has suffered during these tough economic times. Last summer's high gas prices and this past year's credit crisis has put many manufacturers and their dealers at risk. And that endangers the hundreds of thousands of well-paying jobs that the boating industry provides.

Wisconsin is a microcosm of boating and fishing in America. With access to the Great Lakes and thousands of acres of internal lakes and rivers, Wisconsin is home to more than 1.4 million anglers and a destination for both boating and fishing related tourists. Beyond the tourism jobs generated by recreational boating, the boating industry has a strong foothold in my State. Whether it's Mercury Marine in Fond du Lac to SkipperLiner in La Crosse, boating manufacturers, suppliers, dealers and marinas account for thousands of jobs. In 2001, approximately $1 billion was spent in the State on fishing related activities, according to a study conducted by the Fish and Wildlife Service. Recreational boating is an equal partner to the sport fishing industry, with more than $526 million being spent in 2003 on powerboats and accessories.

The importance of boating, however, extends well beyond its economic impact. More than 59 million people spend time each year on our rivers, lakes, and coastlines. These are families spending time together and they are people learning more about the natural resources our country has to offer. The true impact of boating is immeasurable.

And that is why I am so pleased to join my colleagues in supporting the resolution passed earlier today. I hope that on July 1—National Boating Day—both Members of Congress and the American people will reflect on the true importance of boating to our country.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that if there are any statements relating to this resolution, they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 199) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 199

Whereas the recreational boating community in the United States includes over 59,000,000 individuals;

Whereas the boating industry contributes more than $33,000,000,000 annually to the United States economy, and provides jobs for 337,000 citizens of the United States who earn wages totaling $10,400,000,000 annually;

Whereas recreational boaters often serve as stewards of the marine environment of the United States, educating others of the value of marine resources, and preserving the resources for the enjoyment of future generations;

Whereas there are approximately 1,400 active boat builders in the United States, using materials and services contributed from all 50 States;

Whereas recreational boating provides opportunities for families to be together, appeals to all age groups, and benefits the physical fitness and scholastic performance of those who participate; and

Whereas, July 1, 2009, would be an appropriate day to establish as National Boating Day: Now, therefore, be it

Resolved, That the Senate—

(1) commends the recreational boating community and the boating industry of the United States for contributing to the economy of the United States, benefitting the well-being of United States citizens, and providing responsible environmental stewardship of the marine resources of the United States; and

(2) encourages the United States to observe National Boating Day with appropriate programs and activities that emphasize family involvement and provide an opportunity to promote the boating industry.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Con. Res. 31.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 31) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 31) was agreed to, as follows:

S. CON. RES. 31

Resolved by the Senate (the House of Representatives concurring),

That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee,

it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, Senate committees may file reported legislative and executive calendar business on Thursday, July 2, 2009, from 2 p.m. to 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JUNE 29, 2009, AND/OR MONDAY, JULY 6, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, July 6, unless the House fails to adopt S. Con. Res. 31, the adjournment resolution; that if the House fails to act, the Senate convene at 2 p.m. on Monday, June 29; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each; that following morning business on July 6, the Senate resume consideration of H.R. 2918, the Legislative Branch appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as I announced earlier, Senators should expect a series of rollcall votes in relation to the Legislative Branch appropriations bill at about 5:30 on Monday, July 6.

ADJOURNMENT UNTIL MONDAY, JUNE 29, 2009, AT 2 P.M. OR MONDAY, JULY 6, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Monday, June 29, 2009, at 2 p.m., or Monday, July 6, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL COMMUNICATIONS COMMISSION

MEREDITH ATTWELL BAKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2011, VICE KEVIN J. MARTIN, RESIGNED.

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2007, VICE DEBORAH TAYLOR TATE, TERM EXPIRED.

NATIONAL TRANSPORTATION SAFETY BOARD

CHRISTOPHER A. HART, OF COLORADO, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2012, VICE STEVEN R. CHEALANDER, RESIGNED.

DEPARTMENT OF STATE

JUDITH GAIL GARBER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

KERRI-ANN JONES, OF MAINE, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE CLAUDIA A. MCMURRAY, RESIGNED.

SAMUEL LOUIS KAPLAN, OF MINNESOTA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

DAVID KILLION, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS THE UNITED STATES PERMANENT REPRESENTATIVE TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION.

JAMES KNIGHT, OF ALABAMA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

KAREN KORNBLUH, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

BRUCE J. ORECK, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

CHARLES AARON RAY, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

THE JUDICIARY

CHARLENE EDWARDS HONEYWELL, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE SUSAN C. BUCKLEW, RETIRED.

JEFFREY L. VIKEN, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA, VICE LAWRENCE L. PIERSOL, RETIRING.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CHRISTOPHER L. ANDINO, OF THE DISTRICT OF COLUMBIA
KAREN QUINN ANDRUS, OF TEXAS
KARA ELIZABETH AYLWARD, OF NEW JERSEY
MEGAN SCHILL BARTHOLOMEW, OF NORTH CAROLINA
CHRIS YI BEENHOUWER, OF WASHINGTON
CARLTON L. BENSON, OF WASHINGTON
ALEX MICHAEL BERENBERG, OF HAWAII
DIANE N. BRANDT, OF WASHINGTON
LEE A. CALKINS, OF WASHINGTON
PAMELA CAPLIS, OF NEW YORK
MARK P. CARR, OF THE DISTRICT OF COLUMBIA
ANTONIA ELIZABETH CASSARINO, OF VERMONT
NANCY NIM-CHEE CHEN, OF FLORIDA
DIANNA CHIANIS, OF TEXAS
AMY S. COX, OF TEXAS
RACHEL BOREK CRAWFORD, OF VIRGINIA
ELIZABETH F.M. CROSSON, OF VIRGINIA
EDWARD ANDREW DUNN, OF MINNESOTA
HEATHER GRACE EATON, OF CALIFORNIA
TIMOTHY JOHN ENRIGHT, OF VIRGINIA
MATTHEW ALEXANDER FERENCE, OF WASHINGTON
BRIAN FERINDEN, OF FLORIDA
STEVEN GUY MATTHEW GILLEN, OF VIRGINIA
JOSHUA WERNER GOLDBERG, OF VIRGINIA
ALDEN S. GREENE, OF VIRGINIA
SARAH KATHRYN GROW, OF WASHINGTON
JUSTIN HEUNG, OF THE DISTRICT OF COLUMBIA
VIVEK V. JOSHI, OF MASSACHUSETTS
PETER H. LEE, OF CALIFORNIA
KATHERINE MARIE WIEHAGEN LEONARD, OF THE DISTRICT OF COLUMBIA
JEFFREY T. LODERMEIER, OF MINNESOTA
JIMMY RAY MAULDIN, OF ALABAMA
LESLIE ANNE MOELLER, OF ILLINOIS
JOHN MOOR, OF TEXAS
STEPHANIE FORMAN MORIMURA, OF NEW YORK
KATRINA SARAH MOSSER, OF MINNESOTA
BRENDAN PATRICK MULLARKEY, OF WASHINGTON
CARLA THERESA NADEAU, OF NEW HAMPSHIRE
WENDY PARKER NASSMACHER, OF COLORADO
CHERYL L. NEELY, OF TENNESSEE
KEVIN HARRIS O'CONNOR, OF CALIFORNIA
ANTHONY R. PAGLIAI, OF FLORIDA
SANDEEP K. PAUL, OF MASSACHUSETTS
ROBERT W. PIEHEL, OF PENNSYLVANIA
MICHAEL D. QUINLAN, OF HAWAII
AROOSHA ZOQ RANA, OF NEW YORK
BRIAN AARON RANDALL, OF IOWA
NELL ELIZABETH ROBINSON, OF NORTH CAROLINA
GARY E. SCHAEFER, OF COLORADO
SARAH FAKHRI SHABBIR, OF GEORGIA
TYLER K. SPARKS, OF CALIFORNIA
BROOKE PATIENCE SPELMAN, OF VIRGINIA
WENDY R. STANCER, OF CALIFORNIA
VIKI D. THOMSON, OF ILLINOIS
JAMES A. WATERMAN, OF WISCONSIN
BROOKE L. WILLIAMS, OF CALIFORNIA
MATTHEW BRANDT YOUNGER, OF OREGON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ANDREW C. GATELY, OF THE DISTRICT OF COLUMBIA
MIGUEL A. HERNANDEZ, OF VIRGINIA
MARSHA MCDANIEL, OF VIRGINIA

DEPARTMENT OF STATE

ANTONIO GABRIELE AGNONE, OF THE DISTRICT OF COLUMBIA
EMILY ARMITAGE, OF VIRGINIA
CHRISTOPHER MARK AUSDENMOORE, OF TENNESSEE
AARON S. BENESH, OF FLORIDA
BION N. BLISS, OF THE DISTRICT OF COLUMBIA
CYNTHIA T. BURLEIGH, OF FLORIDA
BLAKE EDWARD BUTLER, OF VIRGINIA
NOAH T. CLARK, OF WASHINGTON
EUGENIA W. DAVIS, OF OHIO
GABRIEL DEL BOSQUE, OF TEXAS
STUART R. DENYER, OF THE DISTRICT OF COLUMBIA
NATHAN TENNEY DOYEL, OF VIRGINIA
DAVID DREILINGER, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER MICHAEL DUMM, OF THE DISTRICT OF COLUMBIA
THOMAS E. EDWARDSEN, OF WASHINGTON
RACHEL EHRENDREICH, OF NEW YORK
CHRISTOPHER MICHAEL FANCHER, OF TENNESSEE
PETER R. FASNACHT, OF MARYLAND
JOHN P. FER, OF THE DISTRICT OF COLUMBIA
JAMES PATRICK FINAN, OF THE DISTRICT OF COLUMBIA
DOUGLAS L. FLITTER, OF PENNSYLVANIA
MICHAEL K. FOGO, OF GEORGIA
JOSEPH P. GIBLIN, OF NEW YORK
EMILY ANNE GODFREY, OF CALIFORNIA
LYDIA S. HALL, OF THE DISTRICT OF COLUMBIA
JESSICA A. HARTZFELD, OF OHIO
HOLLY MICHELLE HECKMAN, OF ALABAMA
ANTHONY JAMES HENDON, OF MICHIGAN
MARK HERRUP, OF MARYLAND
AMY S. HIRSCH, OF VIRGINIA
DAVID NOYES JEPPESEN, OF WASHINGTON
NAHAL KAZEMI, OF CALIFORNIA
KELLI KETOVER, OF FLORIDA
PAEBO KURIAN, OF CALIFORNIA
JEFFREY L. LADENSON, OF NEW HAMPSHIRE
CHRISTINA T. LE, OF THE DISTRICT OF COLUMBIA
ERIK LIEDERBACH, OF THE DISTRICT OF COLUMBIA

PETER CHARLES LOHMAN, OF VIRGINIA
SARAH A. LOSS, OF VIRGINIA
PETER CHARLES LYON, OF THE DISTRICT OF COLUMBIA
STEPHEN C. MACLEOD, OF MARYLAND
AMIT MATHUR, OF VIRGINIA
CASH MCCRACKEN, OF TENNESSEE
PETER J. MCSHARRY, OF MASSACHUSETTS
RACHEL SUZANNAH MIKESKA, OF TEXAS
VERONICA MILLARES, OF FLORIDA
GEORGE M. MILLER, OF OKLAHOMA
FARID MOHAMED, OF MAINE
CATHERINE ELIZABETH MULLER, OF FLORIDA
STEPHEN J. MURPHY, OF MASSACHUSETTS
MAUREEN D. MURRAY, OF OREGON
COURTNEY C. MUSSER, OF NEW YORK
ANDREW H. NGUYEN, OF WASHINGTON
CHINWE OBIANWU, OF TEXAS
WILLIAM J. O'CONNOR, OF CALIFORNIA
LUKE D. ORTEGA, OF ARIZONA
KATHERINE IVES ORTIZ, OF CALIFORNIA
PAUL DAVID PALMER, OF TEXAS
DEAN R. PETERSON, OF NORTH CAROLINA
TIMOTHY M. PIERGALSKI, OF ILLINOIS
ELIZABETH POWERS, OF MINNESOTA
ROSELYN YVONNE RAMOS, OF MARYLAND
PENNY RECHKEMMER, OF VIRGINIA
KATRINA R. REICHWEIN, OF TEXAS
WENDY A. REJAN, OF NEW JERSEY
MICHAEL RICHARDS, OF FLORIDA
JEREMY RICHART, OF VIRGINIA
ERIN S. ROBERTSON, OF THE DISTRICT OF COLUMBIA
JESSICA ALEAH ROWLAND, OF MARYLAND
LURA ELIZABETH RUDISILL, OF NORTH CAROLINA
AMELIA R. RUNYON, OF VIRGINIA
PRESTON RAPHAEL SAVARESE, OF WYOMING
EMILY ANNE SCHUBERT, OF VIRGINIA
KRISTEN JEANE SCHULTE, OF MICHIGAN
MONICA SHIE, OF NEW YORK
TIMOTHY J. SMITH, OF WASHINGTON
DANIEL E. SPOKOJNY, OF MICHIGAN
KATHRYN M. STUHLDREHER, OF VIRGINIA
SONIA SMYTHE TARANTOLO, OF THE DISTRICT OF COLUMBIA
JUSTINE OVEN TREADWELL, OF NORTH CAROLINA
CARLY N. VAN ORMAN, OF THE DISTRICT OF COLUMBIA
DAVID M. WALTER, OF TEXAS
CHRISTOPHER WALTON, OF CALIFORNIA
JONATHAN M. WEADON, OF MARYLAND
MARGARET CATHERINE WHITE, OF VIRGINIA
SETH AARON WIKAS, OF THE DISTRICT OF COLUMBIA
MATTHEW JAMES WILSON, OF UTAH
KIMBERLY D. ZAPFEL, OF MINNESOTA
HOLLY HOPE ZARDUS, OF THE DISTRICT OF COLUMBIA

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. SEAN R. FILIPOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD D. BERKEY
CAPT. DAVID H. LEWIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. DENNIS J. MOYNIHAN
CAPT. HAROLD E. PITTMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PAUL B. BECKER
CAPT. ELIZABETH L. TRAIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. GRETCHEN S. HERBERT
CAPT. DIANE E. H. WEBBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RANDOLPH L. MAHR
CAPT. TIMOTHY S. MATTHEWS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN RICHARD P. BRECKENRIDGE
CAPTAIN THOMAS L. BROWN II
CAPTAIN THOMAS F. CARNEY, JR.
CAPTAIN WALTER E. CARTER, JR.
CAPTAIN SCOTT T. CRAIG
CAPTAIN CRAIG S. FALLER
CAPTAIN JAMES G. FOGGO III
CAPTAIN ANTHONY E. GAIANI
CAPTAIN PETER A. GUMATAOTAO
CAPTAIN JOHN R. HALEY
CAPTAIN JEFFREY HARBESON
CAPTAIN RANDALL M. HENDRICKSON
CAPTAIN ROBERT HENNEGAN
CAPTAIN MICHAEL W. HEWITT
CAPTAIN GERARD P. HUEBER
CAPTAIN JEFFERY S. JONES
CAPTAIN MATTHEW L. KLUNDER
CAPTAIN WILLIAM K. LESCHER
CAPTAIN MICHAEL C. MANAZIR
CAPTAIN FRANK A. MORNEAU
CAPTAIN JAMES A. MURDOCH
CAPTAIN GREGORY M. NOSAL
CAPTAIN ANN C. PHILLIPS
CAPTAIN JOSEPH W. RIXEY
CAPTAIN JOHN E. ROBERTI
CAPTAIN KEVIN D. SCOTT
CAPTAIN THOMAS K. SHANNON
CAPTAIN HERMAN A. SHELANSKI
CAPTAIN WILLIAM G. SIZEMORE II
CAPTAIN THOMAS G. WEARS
CAPTAIN DAVID B. WOODS

CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, June 25, 2009:

DEPARTMENT OF STATE

HAROLD HONGJU KOH, OF CONNECTICUT, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE.

DEPARTMENT OF COMMERCE

LAWRENCE E. STRICKLING, OF ILLINOIS, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MERCEDES MARQUEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

ROBERT S. LITT, OF MARYLAND, TO BE GENERAL COUNSEL OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

CENTRAL INTELLIGENCE AGENCY

STEPHEN WOOLMAN PRESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

DEPARTMENT OF STATE

ELLEN O. TAUSCHER, OF CALIFORNIA, TO BE UNDER SECRETARY OF STATE FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

KURT M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS).

FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2008.

ROBERT MALCOLM MCDOWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2009.

DEPARTMENT OF DEFENSE

DENNIS M. MCCARTHY, OF OHIO, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

DEPARTMENT OF LABOR

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KATHY J. GREENLEE, OF KANSAS, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL AND ENDING WITH DALE N. TASHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 2009.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

DANIEL M. ROONEY, OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL AND ENDING WITH DALE N. TASHARSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 10, 2009.

Daily Digest

HIGHLIGHTS

Senate agreed to S. Con. Res. 31, Adjournment Resolution.

The House passed H.R. 2647, National Defense Authorization Act for Fiscal Year 2010.

Senate

Chamber Action

Routine Proceedings, pages S7025–S7114

Measures Introduced: Forty-two bills and three resolutions were introduced, as follows: S. 1348–1389, S. Res. 206, and S. Con. Res. 31–32. **Pages S7069–71**

Measures Reported:

H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, with an amendment in the nature of a substitute. (S. Rept. No. 111–34)

S. 1107, to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death. **Page S7069**

Measures Passed:

Trademark Act of 1946: Senate passed S. 1358, to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force. **Pages S7044–46**

National Men's Health Week: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 190, supporting National Men's Health Week, and the resolution was then agreed to. **Pages S7111–12**

Recognizing Boating Community and Industry: Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 199, recognizing the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States, and the resolution was then agreed to. **Page S7112**

Adjournment Resolution: Senate agreed to S. Con. Res. 31, providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives. **Pages S7112–13**

Measures Considered:

Legislative Branch Appropriations Act: Senate began consideration of H.R. 2918, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, after agreeing to the motion to proceed, and taking action on the following amendments proposed thereto: **Pages S7051–55, S7056–60**

Pending:

Nelson (NE) Amendment No. 1365, in the nature of a substitute. **Page S7051**

McCain Amendment No. 1366 (to Amendment No. 1365), to strike the earmark for the Durham Museum in Omaha, Nebraska. **Pages S7056–60**

Rejected:

Vitter Motion to commit the bill to the Committee on Appropriations, with instructions. (By 65 yeas to 31 nays (Vote No. 214), Senate tabled the amendment.) **Pages S7053–55**

A unanimous-consent agreement was reached providing that Senate resume consideration of the bill at approximately 3 p.m., on Monday, July 6, 2009, and resume consideration McCain Amendment No. 1366 (listed above), and that there be 10 minutes of debate equally divided and controlled between Senators Nelson (NE) and McCain, or their designees, and vote on or in relation to the amendment at 5:30 p.m.; provided that the following be the only first-degree amendments in order to the bill: Coburn amendment relative to online disclosure of Senate

spending; DeMint amendment relative to CVC inscription "In God We Trust"; and DeMint amendment relative to audit reform federal reserve; that upon disposition of the amendments, the substitute amendment, as amended, if amended, be agreed to, and Senate vote on passage of the bill; provided that upon passage of the bill, Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate; provided further, that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions, but including any amendments which had been agreed to; provided that no further amendments be in order, and that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute amendment remaining in effect. **Page S7108**

Impeachment Proceedings of Judge Samuel B. Kent: Pursuant to Rule IX of the Rules and Procedures in the Senate when Sitting on Impeachment Trials, the Secretary of the Senate swore the Sergeant at Arms. **Page S7055**

Sergeant at Arms sent to the desk the return of service executed upon service of the summons upon Judge Samuel B. Kent, on Wednesday, June 24, 2009, at 4:30 p.m., at Devens Federal Medical Center, Ayers, Massachusetts, accompanied by a statement of resignation executed by Judge Samuel B. Kent following service of summons, and to be effective June 30, 2009. **Pages S7055–56**

A unanimous-consent agreement was reached providing that the Secretary of the Senate be directed to deliver the original statement of resignation executed by Judge Samuel B. Kent, on Wednesday, June 24, 2009, to the President of the United States and to send a certified copy of the statement of resignation to the House of Representatives; provided further, that a copy of the statement of resignation be referred to the Impeachment Trial Committee on the Articles Against Judge Samuel B. Kent established by the Senate on June 24, 2009. **Page S7056**

Department of Homeland Security Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that following a period of morning business, on Tuesday, July 7, 2009, Senate begin consideration of H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and that once the bill is reported, Senator Murray or designee, be recognized to offer a substitute amendment; provided further, that this order is only applicable if the bill is available. **Page S7108**

Authorizing Leadership to Make Appointments—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate Pro Tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Page S7113**

Authority for Committees—Agreement: A unanimous-consent agreement was reached providing that, notwithstanding the adjournment of the Senate, that Senate Committees may file reported legislative and executive calendar business on Thursday, July 2, 2009, from 2 p.m. until 5 p.m. **Page S7113**

Nominations Confirmed: Senate confirmed the following nominations:

By 62 yeas 35 nays (Vote No. EX. 213), Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State. **Pages S7050–51**

Julius Genachowski, of the District of Columbia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2008.

Lawrence E. Strickling, of Illinois, to be Assistant Secretary of Commerce for Communications and Information.

Kathleen Martinez, of California, to be an Assistant Secretary of Labor.

Kurt M. Campbell, of the District of Columbia, to be an Assistant Secretary of State (East Asian and Pacific Affairs).

Robert S. Litt, of Maryland, to be General Counsel of the Office of the Director of National Intelligence.

Mercedes Marquez, of California, to be an Assistant Secretary of Housing and Urban Development.

Kathy J. Greenlee, of Kansas, to be Assistant Secretary for Aging, Department of Health and Human Services.

Ellen O. Tauscher, of California, to be Under Secretary of State for Arms Control and International Security.

Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.

Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

Robert Malcolm McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2009.

Daniel M. Rooney, of Pennsylvania, to be Ambassador to Ireland. (Prior to this action, Committee on

Foreign Relations was discharged from further consideration.)

A routine list in the Foreign Service. (Prior to this action, Committee on Foreign Relations was discharged from further consideration.) **Page S7114**

Nominations Received: Senate received the following nominations:

Meredith Attwell Baker, of Virginia, to be a Member of the Federal Communications Commission for the remainder of the term expiring June 30, 2011.

Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2007.

Christopher A. Hart, of Colorado, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2012.

Judith Gail Garber, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor to be Ambassador to the Republic of Latvia.

Kerri-Ann Jones, of Maine, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

Samuel Louis Kaplan, of Minnesota, to be Ambassador to the Kingdom of Morocco.

David Killion, of the District of Columbia, for the rank of Ambassador during his tenure of service as the United States Permanent Representative to the United Nations Educational, Scientific, and Cultural Organization.

James Knight, of Alabama, to be Ambassador to the Republic of Benin.

Karen Kornbluh, of New York, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador.

Bruce J. Oreck, of Colorado, to be Ambassador to the Republic of Finland.

Charles Aaron Ray, of Maryland, to be Ambassador to the Republic of Zimbabwe.

Charlene Edwards Honeywell, of Florida, to be United States District Judge for the Middle District of Florida.

Jeffrey L. Viken, of South Dakota, to be United States District Judge for the District of South Dakota.

42 Navy nominations in the rank of admiral.

A routine list in the Foreign Service.

Pages S7113–14

Messages from the House: **Page S7067**

Measures Placed on the Calendar: **Pages S7026, S7067**

Enrolled Bills Presented: **Page S7067**

Executive Communications: **Pages S7067–69**

Executive Reports of Committees: **Page S7069**

Additional Cosponsors: **Pages S7071–73**

Statements on Introduced Bills/Resolutions: **Pages S7073–S7102**

Additional Statements: **Pages S7066–67**

Amendments Submitted: **Pages S7102–08**

Notices of Hearings/Meetings: **Page S7108**

Authorities for Committees to Meet: **Page S7108**

Privileges of the Floor: **Page S7108**

Record Votes: Two record votes were taken today. (Total—214) **Pages S7050–51, S7055**

Adjournment: Senate convened at 9:31 a.m. and adjourned, in accordance with S. Con. Res. 31, at 7:30 p.m., until 2 p.m. on Monday, July 6, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S7113.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES, AND INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Committee on Appropriations: Committee ordered favorably reported the following bills:

H.R. 2847, making appropriations for the Commerce, Justice, Science, and Related Agencies for the fiscal year 2010, with an amendment in the nature of a substitute; and

An original bill making appropriations for the Interior, Environment, and Related Agencies.

AUTHORIZATION: NATIONAL DEFENSE

Committee on Armed Services: Committee ordered favorably reported the following bills:

An original bill entitled "National Defense Authorization Act for Fiscal Year 2010";

An original bill entitled "Department of Defense Authorization Act for Fiscal Year 2010";

An original bill entitled "Military Construction Authorization Act for Fiscal Year 2010"; and

An original bill entitled "Department of Energy National Security Act for Fiscal Year 2010".

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Raphael William Bostic, of California, to be

Assistant Secretary for Policy Development and Research, and David H. Stevens, of Virginia, to be Assistant Secretary for Housing and Federal Housing Commissioner, both of the Department of Housing and Urban Development.

HIGHWAY TRUST FUND

Committee on Environment and Public Works: Committee concluded a hearing to examine impacts of highway trust fund insolvency, after receiving testimony from Ray LaHood, Secretary of Transportation; Kathy Ruffalo, Ruffalo and Associates, LLC, on behalf of National Surface Transportation Infrastructure Financing Commission, and Peter J. Basso, American Association of State Highway and Transportation Officials, both of Washington, DC; and Donald M. James, Vulcan Materials Company, Birmingham, Alabama.

MOUNTAINTOP REMOVAL COAL MINING ON WATER QUALITY

Committee on Environment and Public Works: Subcommittee on Water and Wildlife concluded a hearing to examine the impacts of mountaintop removal coal mining on water quality in Appalachia, after receiving testimony from John Pomponio, Director, Environmental Assessment and Innovation Division, Environmental Protection Agency; Randy Huffman, West Virginia Department of Environmental Protection, Charleston; Maria Gunnoe, Ohio Valley Environmental Coalition, Bob White, West Virginia; Paul L. Sloan, Tennessee Department on Environment and Conservation, Nashville; and Margaret A. Palmer, University of Maryland Center for Environmental Science, Solomons.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Maria Otero, to be Under Secretary for Democracy and Global Affairs, who was introduced by Senator Harkin, and Philip L. Verveer, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary for International Communications and Information Policy in the Bureau of Economic, Energy, and Business Affairs and U.S. Coordinator for International Communications and Information Policy, both of the Department of State, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee continued consideration of Affordable Health Choices Act, but did not complete action thereon.

TRIBAL LAW AND ORDER ACT

Committee on Indian Affairs: Committee concluded a hearing to examine S. 797, to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, after receiving testimony from Thomas J. Perrelli, Associate Attorney General, Department of Justice; Larry EchoHawk, Assistant Secretary for Indian Affairs, and W. Patrick Ragsdale, Deputy Director, Office of Justice Services, both of the Department of the Interior; Anthony Brandenburg, Chief Judge, Intertribal Court of Southern California; Alonzo Coby, Shoshone-Bannock Tribes, Fort Hall, Idaho, on behalf of the Fort Hall Business Council; Troy A. Eid, Greenberg Traurig, LLP, Denver, Colorado; and Theodore R. Quasula, Quasula Consulting, Henderson, Nevada.

THE MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

Committee on the Judiciary: Committee concluded a hearing to examine "The Matthew Shepard Hate Crimes Prevention Act of 2009", after receiving testimony from Eric H. Holder, Jr., Attorney General, Department of Justice; Gail Heriot, Member, United States Commission on Civil Rights; Janet Langhart Cohen, Langhart Communications, LLC, Chevy Chase, Maryland; Mark Achtemeier, University of Dubuque Theological Seminary, Dubuque, Iowa; and Brian W. Walsh, The Heritage Foundation, and Michael Lieberman, Anti-Defamation League, on behalf of the Leadership Conference on Civil Rights, both of Washington, DC.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of B. Todd Jones, to be United States Attorney for the District of Minnesota, and John P. Kacavas, to be United States Attorney for the District of New Hampshire.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: Will appear in the next edition.

Additional Cosponsors: Will appear in next issue.

Reports Filed:

H. Res. 587, providing for consideration of the bill (H.R. 2454) to create clean energy jobs, achieve energy independence, reduce global warming pollution and transition to a clean energy economy (H. Rept. 111–185). **See next issue.**

Speaker: Read a letter from the Speaker wherein she appointed Representative Serrano to act as Speaker pro tempore for today. **Page H7253**

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Richard Fowler, Ninth Street Baptist Church, Covington, Kentucky. **Page H7253**

Committee Elections: The House agreed to H. Res. 580, providing for the election of certain minority members to a standing committee: Committee on Education and Labor: Representative Kline (MN), to rank before Representative Petri, and Representative McKeon, to rank before Representative Hoekstra. **Page H7253**

National Defense Authorization Act for Fiscal Year 2010: The House passed H.R. 2647, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense and to prescribe military personnel strengths for fiscal year 2010, by a recorded vote of 389 ayes to 22 noes with 1 voting ''present'', Roll No. 460. **Pages H7257–7353, H7354–89**

Rejected the Forbes motion to recommit the bill to the Committee on Armed Services with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 170 ayes to 244 noes, Roll No. 459. **Pages H7387–89**

Agreed by unanimous consent that during further consideration of H.R. 2647 pursuant to H. Res. 572, debate on amendments 3 and 9 be extended to 20 minutes each, and that amendment 2 be modified. **Page H7257**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule. **Page H7258**

Agreed to:

Skelton amendment (No. 1 printed in H. Rept. 111–182) that makes technical fixes to the Bright-Hunter amendment adopted at full committee markup, makes a conforming change to statutory limitation of non-dual status technicians, extends the deadline from 30 days to 90 days after the date of enactment for the report on Miranda warning required by SEC 1036, disaggregates NAVY/Marine Corps Procurement in SEC 1505 in line with similar disaggregation for ARMY (SEC 1502) and Air Force (SEC 1506) Procurement, and fixes other technical issues; **Pages H7336–38**

Skelton en bloc amendment consisting of the following amendments printed in H. Rept. 111–182: Hastings (FL) amendment (No. 5) that prohibits the recruitment, enlistment, or retention of individuals associated with groups associated with hate-related violence; Hastings (FL) amendment (No. 6) that provides statutory authority for the International Committee of the Red Cross to have access to detainees at Bagram Air Base; Loretta Sanchez amendment (No. 8) allows the Air Force Secretary to establish the nonprofit Air Force Academy Athletic Association; Turner amendment (No. 12) limits funds for reduction in U.S. strategic nuclear forces pursuant to a treaty with Russia after enactment to situations where the treaty provides methods for verifying compliance; Bright amendment (No. 13) that allows U.S. Special Operations Command to procure special operations-peculiar material and supplies by using certain non-competitive procedures; Bishop (GA) amendment (No. 16) that broadens the potential funding authority of the DoD's Office of Economic Adjustment to include development of public infrastructure; Blumenauer amendment (No. 17) that requires the Secretary of Defense to develop methods to account for the full life-cycle costs of munitions; Brown-Waite (FL) amendment (No. 18) that expands the eligibility for the Army Combat Action Badge to those soldiers who served from December 7, 1941 to September 18, 2001; Cohen amendment (No. 19) that requires the Defense Secretary to report to Congress on the potential effects of expanding the list of persons under 10 U.S.C. section 1482); Connolly (VA) amendment (No. 21) that protects service members and their families from early termination fees on family cellular plans should they be relocated due to deployment; Costa amendment (No. 22) that requires the Secretary of Defense to carry out a study and submit to the Congressional defense committees a report on the distribution of hemostatic agents to ensure each branch of the military is complying with their own policies; DeFazio amendment (No. 26) that requires the DoD to conduct a study on the total number of subcontractors used on the last five major weapons systems in

which acquisition has been completed; Flake amendment (No. 29) that requires the Defense Secretary to report to Congress on the competitive processes used to award earmarks listed in the joint explanatory statement for the FY2008 defense appropriations bill; Smith (NJ) amendment (No. 45) that requires GAO to report to Congress on a cost analysis and audit of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing Complex on Naval Weapons Station, Earle, NJ; Kirk amendment (No. 61) that provides the Secretary of Defense with the authority to provide a bonus to a service member who agrees to serve in Afghanistan for six consecutive years, or until U.S. forces withdraw; Bishop (NY) amendment (No. 63) that requires the Defense Secretary to prohibit the disposal of medical and hazardous waste in open-air burn pits for any period longer than 12 months; and Blumenauer amendment (No. 64) that provides that the Defense Secretary shall, in the Defense budget submission, include funding levels for Military Munitions Response Program and Installation Restoration Program;

Pages H7342–50

McKeon amendment (No. 2 printed in H. Rept. 111–182), as modified, that expresses the sense of Congress that the Honorable John M. McHugh has served the House of Representatives and the American people selflessly and with distinction and that he deserves the gratitude of Congress and the Nation; **Pages H7350–51**

Skelton en bloc amendment consisting of the following amendments printed in H. Rept. 111–182: Kratovil amendment (No. 10) that modifies the report on progress toward security and stability in Afghanistan by requiring information on agreements with NATO ISAF and non-NATO ISAF countries; Kratovil amendment (No. 11) that allows federal facilities to receive financial incentives from statewide agencies, Independent System Operators, or third party entities for energy efficiency and energy management measures; Cummings amendment (No. 23) that expands the military leadership diversity commission to include reserve component representatives; Driehaus amendment (No. 28) that requires GAO to submit a report to Congress on the impact of domestic violence in families of members of the Armed Forces and information on progress being made to ensure children receive adequate care and services; Grayson amendment (No. 30) that requires within 90 days of enactment that the GAO submit a report to Congress on cost overruns in the performance of DoD contracts in FY2006 through FY2009; Hare amendment (No. 31) that extends the authorization for the Arsenal Support Program Initiative through FY2011; Hodes amendment (No. 32) that requires the Office for Reintegration Programs to establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention; Eddie Bernice Johnson amendment (No. 35) that amends section 713 to include the need for and availability of mental health care services with respect to dependents accompanying a member stationed at a military installation outside of the U.S.; Lee (CA) amendment (No. 36) that prohibits the establishment of permanent military bases in Afghanistan; Lipinski amendment (No. 37) that expresses the Sense of Congress that it reaffirms its support for the recovery and return to the U.S. of the remains of members of the Armed Forces killed in battle during World War II in the battle of Tawara Atoll; Maloney (NY) amendment (No. 38) that requires the Defense Secretary to submit periodic reports to Congress on progress with respect to the Defense Incident-Based Reporting System; Minnick amendment (No. 40) that directs the Secretary of Defense to submit to the defense committees a report on health care accessibility for members of the Armed Forces in rural areas; Sarbanes amendment (No. 41) that requires the Comptroller General to convene a panel of experts to study the ethics, competence, and effectiveness of acquisition personnel and the government-wide procurement process; Schakowsky amendment (No. 42) that grants access by Congress to the database of information regarding the integrity and performance of certain persons awarded federal contracts and grants; Souder amendment (No. 47) that clarifies that section 111 only affects prospective FY2010 funds; Space amendment (No. 48) that requires the VA Secretary to develop and implement a secure electronic method of forwarding the DD Form 214 to appropriate offices; Thompson (CA) amendment (No. 49) that allows the Secretary of the Navy to convey the Ferndale Housing facility to the City of Ferndale, California, at fair market value for the use of providing housing for low- and moderate-income seniors and families; Taylor amendment (No. 50) that authorizes the U.S. Navy to enter into a lease agreement with the Maritime Administration if the U.S. takes possession of the Hulakai and Alakai High Speed Ferries due to a loan guarantee default; Van Hollen amendment (No. 53) that expresses the Sense of Congress that multiple methods are available to the Defense Department to implement the defense access roads program in the vicinity of the National Naval Medical Center in Bethesda, MD; Whitfield amendment (No. 56) that amends section 711 to require the report to include the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder; and Wilson (SC) amendment

(No. 58) that recognizes state defense forces as integral military components of the homeland security effort of the U.S.; **Pages H7358–65**

Cummings amendment (No. 24 printed in H. Rept. 111–182) that requires the Secretary to provide embarked military personnel on board U.S.-flagged vessels carrying Government-impelled cargoes in regions at high risk of piracy; **Pages H7365–66**

Maloney amendment (No. 39 printed in H. Rept. 111–182) that establishes an Overseas Voting Advisory Board that will conduct studies and issue reports and have hearings on the abilities of and obstacles to overseas voting, the successes and failures of the Federal Voting Assistance Program (FVAP) under the Department of Defense, and any administration efforts to increase overseas voter participation; **Pages H7368–69**

Skelton en bloc amendment consisting of the following amendments printed in H. Rept. 111–182: Schakowsky amendment (No. 43) that imposes additional reporting requirements for inventory relating to contracts for services which would require an annual estimation of how many dollars each contracting officer is responsible for, as well as a report on how many contracting officers are themselves contract employees; Schrader amendment (No. 44) that requires, with respect to members of the Armed Forces exposed to potentially harmful material, the Defense Secretary to notify the member or the state military department of the exposure and any associated health risks; LoBiondo amendment (No. 7) that authorizes civil legal assistance for Coast Guard reservists; Davis (KY) amendment adds a section 1039 to require the President to commission a study by an executive agency of a program to develop ''national security professionals'' across the departments and agencies; DeLauro amendment (No. 27) that requires the Defense Secretary to conduct a demonstration project, at two military installations, to assess the feasibility and efficacy of providing service members with a post-deployment mental health screening; Holden amendment (No. 33) that requires the Secretaries of the Army, Navy, and Air Force to design and issue a Combat Medevac Badge to be awarded to service members who served on or after June 25, 1950 and who meet the requirements for the award of that badge; Smith (NJ) amendment (No. 46) that requires the DoD to report on its actions to prevent intra-familial international abductions affecting military parents and on its actions to assist military parents seeking the return of their abducted children; Tierney amendment (No. 51) that requires that the Secretary of Defense also report on proposed radars when reporting on whether a missile defense system has demonstrated a high probability of operating successfully; Tierney amendment (No. 52) that directs the Secretary of Defense to commission a report from the JASON Defense Advisory Panel on the technical and scientific feasibility of U.S. missile defense discrimination capabilities as designed and conceived; and Walz amendment (No. 54) that requires the Secretary of Defense to submit to Congress a report on the progress that has been made on the establishment of a Joint Virtual Lifetime Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs; **Pages H7369–75**

Skelton en bloc amendment consisting of the following amendments printed in H. Rept. 111–182: Weiner amendment (No. 55) that requires the GAO Comptroller General, within 90 days of enactment, to report to Congress on the costs incurred by cities and other municipalities that elect to cover the difference between an employee's military service when that employee is a member of a reserve component and called to active duty and the municipal salary of the employee; Griffith amendment (No. 57) that expresses the Sense of Congress that the Defense Secretary should consider the role of ballistic missile defenses during the quadrennial defense review and the nuclear posture review; Holt amendment (No. 59) that requires the Defense Secretary to ensure that members of the Individual Ready Reserve who have served at least one tour in either Iraq or Afghanistan receive at least quarterly counseling calls from properly trained personnel; Sestak amendment (No. 62) that provides for the treatment of autistic children of military personnel; McDermott amendment (No. 66) that requires the Secretary of Defense to publish a map of the Democratic Republic of the Congo showing mineral-rich areas and areas under the control of armed groups; Schiff amendment (No. 67) that allows a federally-funded research and development center affiliated with NASA to respond to Department of Defense agency announcements; Bordallo amendment (No. 68) that adds to the bill the text of H.R. 44, the ''Guam World War II Loyalty Recognition Act''; Grayson amendment (No. 69) that requires that cost or price to the Federal government be given at least equal importance as technical or other criteria in evaluating competitive proposals for defense contracts; Castor amendment (No. 65) that gives members of the Armed Forces serving in combat operations a free monthly postal voucher they can transfer to their loved ones, who can then send a letter or package to them at no cost; and Garrett amendment (No. 60) that expresses the Sense of Congress in support of the State of Israel and that the U.S. should work with Israel to ensure it receives

military assistance needed to address the threat of Iran; **Pages H7375–81**

McGovern amendment (No. 4 printed in H. Rept. 111–182) that requires public disclosure of students and instructors at the Western Hemisphere Institute for Security Cooperation (by a recorded vote of 224 ayes to 190 noes, Roll No. 454); **Pages H7340–42, H7383–84**

Holt amendment (No. 34 printed in H. Rept. 111–182) that requires the videotaping of all military interrogations, with appropriate security classifications (by a recorded vote of 224 ayes to 193 noes, Roll No. 457); and **Pages H7366–68, H7385–86**

Connolly (VA) amendment (No. 20 printed in H. Rept. 111–182) that provides that section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140) does not prohibit an agency from entering into a contract to purchase a generally-available fuel that is not a synthetic fuel or predominantly produced from a non-conventional petroleum source if the contract does not specifically require such a fuel. The purpose of the contract is not to obtain such a fuel, and the contract does not provide incentives for upgrading or expanding refineries to increase fuel from non-controversial petroleum sources (by a recorded vote of 416 ayes with none voting ''no'', Roll No. 458). **Pages H7381–82, H7386**

Rejected:

McGovern amendment (No. 3 printed in H. Rept. 111–182) that sought to require the Defense Secretary to report to Congress, not later than December 31, 2009, on a U.S. exit strategy for U.S. military forces in Afghanistan participating in Operation Enduring Freedom (by a recorded vote of 138 ayes to 278 noes, Roll No. 453); **Pages H7338–40, H7382–83**

Franks (AZ) amendment (No. 9 printed in H. Rept. 111–182) that sought to provide that it is U.S. policy to continue missile defense testing. It would increase funding for the Missile Defense Agency by $1.2 billion. Offsetting reductions would come from defense environmental cleanup (by a recorded vote of 171 ayes to 244 noes, Roll No. 455); and **Pages H7351–53, H7354–56, H7384**

Akin amendment (No. 15 printed in H. Rept. 111–182) that sought to require the Defense Secretary to submit to Congress a report on any nondisclosure agreements signed by DoD employees regarding their official duties (except those relating to security clearances). The report would describe topics covered by the agreements, the number of employees required to sign such agreements, the duration of agreements, the types of persons covered, reasons for requiring such agreements, and the criteria for determining such information should not be disclosed (by a recorded vote of 186 ayes to 226 noes, Roll No. 456). **Pages H7356–58, H7384–85**

Agreed to amend the title so as to read: ''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.''. **Page H7389**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H7390**

Pursuant to section 6 of the rule, in the engrossment of H.R. 2647, the Clerk shall add the text of H.R. 2990, as passed by the House, as new matter at the end of H.R. 2647; conform the title of H.R. 2647 to reflect the addition to the engrossment of H.R. 2990; assign appropriate designations to provisions within the engrossment; and conform provisions for short titles within the engrossment. Pursuant to section 7 of the rule, upon the addition of the text of H.R. 2990 to the engrossment of H.R. 2647, H.R. 2990 shall be laid on the table.

H. Res. 572, the rule providing for consideration of the bill, was agreed to on Wednesday, June 24th.

Question of Privilege: The Chair ruled that the resolution offered by Representative Price (GA) did not constitute a question of the privileges of the House. Agreed to the motion to table the appeal of the ruling of the Chair by a yea-and-nay vote of 245 yeas to 174 nays, Roll No. 461. **Pages H7398–99**

Recess: The House recessed at 5:50 p.m. and reconvened at 9 p.m. **Page H7401**

Committee Resignation: Read a letter from Representative Kline (MN), wherein he resigned from the Permanent Select Committee on Intelligence, effective today. **Page H7401**

Permanent Select Committee on Intelligence—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon: Representative King (NY). **Page H7401**

Canada-United States Interparliamentary Group—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Representative Oberstar, Chairman; Representative Meeks (NY), Vice Chairman; Representatives Slaughter, Stupak, Kilpatrick (MI), Hodes, Welch, Manzullo, Stearns, Brown (SC), and Miller (MI). **Page H7401**

British-American Interparliamentary Group—Appointment: The Chair announced the Speaker's

appointment of the following Members of the House of Representatives to the British-American Interparliamentary Group: Representative Chandler (KY), Chairman; Representative Sires, Vice Chairman; Representatives Clyburn, Etheridge, Davis (CA), Bishop (NY), Miller (NC), Petri, Boozman, Crenshaw, Aderholt, and Latta. **Page H7401**

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010: The House began consideration of H.R. 2996, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010. Consideration is expected to resume tomorrow, June 26th.

Pages H7390–98, H7400–01, H7401–(continued next issue)

Agreed to:

Garrett (NJ) amendment (No. 2 printed in part B of H. Rept. 111–184) that increases funding for land conservation partnerships authorized by the Highlands Conservation Act by $2,000,000 and reduces funding for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency by $2,000,000 and

Smith (TX) amendment (No. 5 printed in part B of H. Rept. 111–184) that allocates $25 million for the Forest Service's Law Enforcement and Investigations drug enforcement efforts, including removal of marijuana sites and clandestine methamphetamine labs from the National Forest System and interdiction of drug traffickers on NFS lands that share a common border with Canada and Mexico.

Pages H7420–27

Proceedings Postponed:

Dicks managers amendment (No. 1 printed in part A of H. Rept. 111–184) that seeks to allow the abandoned mine land funding to be used for the non-Federal share of the cost of certain environmental restoration projects funded by the Federal Government that repair acid mine drainage from coal abandoned mines; increase funding for the Saving America's Treasures Account, offset by reducing funding from the Construction account of the National Park Service; and increase the allocation for the Land and Water Conservation Fund Stateside program from $30 million to $40 million, by reducing the allocation for the Department of Interior, Working Capital Fund by $10 million;

Heller amendment (No. 3 printed in part B of H. Rept. 111–184) that seeks to prohibit funds made available by this Act from being spent to build an interagency facility in one specific location in Carson City, Nevada; **Pages H7427–28**

Jordan (OH) amendment (No. 4 printed in part B of H. Rept. 111–184) that seeks to reduce overall spending in the bill by $5.75 billion to reflect FY2008 spending levels; **Pages H7428–29**

Stearns amendment (No. 6 printed in part B of H. Rept. 111–184) that seeks to decrease the funding included in the Interior and Environment Appropriations Act for the Environmental Protection Agency by 38% to reduce spending to 2009 levels; **Pages H7429–30**

Campbell amendment (No. 1 printed in part C of H. Rept. 111–184) that seeks to strike $1 million in funding for the "Restore Good Fellow Lodge, Indiana Dunes National Lakeshore" and reduce the overall cost of the bill by a commensurate amount; **Pages H7430–31**

Campbell amendment (No. 3 printed in part D of H. Rept. 111–184) that seeks to strike $150,000 earmark for Traditional Arts in Upstate New York in Canton, New York; **Pages H7431–33**

Campbell amendment (No. 3 printed in part C of H. Rept. 111–184) that seeks to strike $150,000 in funding for the Tarrytown Music Hall Restoration and reduce the overall cost of the bill by a commensurate amount; **Pages H7433–34**

Campbell amendment (No. 1 printed in part E of H. Rept. 111–184) that seeks to strike the earmark for the Angel Island State Park Immigration Station Hospital Rehabilitation project; and **Pages H7434–35**

Campbell amendment (No. 4 printed in part C of H. Rept. 111–184) that seeks to strike the $150,000 in funding for the Historic Fort Payne Coal and Iron Building Rehabilitation and reduce the overall cost of the bill by a commensurate amount.

Pages H7435–36

H. Res. 578, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 238 yeas to 184 nays, Roll No. 463, after agreeing to order the previous question by a yea-and-nay vote of 241 yeas to 182 nays, Roll No. 462.

Pages H7400–01

Message Relating to Impeachment Proceedings of Samuel B. Kent: The House received a message from the Senate relating to impeachment proceedings of Samuel B. Kent, Judge of the United States District Court for the Southern District of Texas—referred to the managers on the part of the House appointed by H. Res. 565 and ordered printed (H. Doc. 111–53). **Page H7437**

Recess: The House recessed at 11:59 p.m.

Page H7441

Senate Messages: Messages received from the Senate today appear on pages H7353–54 and H7437.

Senate Referrals: S. 962 and S. Con. Res. 31 were held at the desk and S. Con. Res. 29 and S. 1358 were referred to the Committee on the Judiciary.

Page H7437

Quorum Calls—Votes: Three yea-and-nay votes and eight recorded votes developed during the proceedings of today and appear on pages H7383, H7383–84, H7384, H7385, H7385–86, H7386, H7388–89, H7389, H7399, H7400, and H7400–01. There were no quorum calls.

Adjournment: The House met at 10 a.m. and stands in recess.

Committees Meetings

IMPLEMENTATION OF THE FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Committee on Agriculture: Subcommittee on General Farm Commodities and Risk Management continued hearings to review implementation of the Food, Conservation, and Energy Act of 2008. Testimony was heard from James Miller, Under Secretary, Farm and Foreign Agricultural Services, USDA.

ENERGY AND WATER DEVELOPMENT RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development, and Related Agencies approved for full Committee action the Energy and Water Development, and Related Agencies appropriations for fiscal year 2010.

FINANCIAL SERVICES, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government approved for full Committee action the Financial Services and General Government appropriations for fiscal year 2010.

THINKING FROM THE TACTICAL TO THE OPERATIONAL LEVEL

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Raising Thinking from the Tactical to the Operational Level: JPME I and II at the Services' and Joint Command and Staff Colleges. Testimony was heard from the following officials of the Department of Defense: BG Edward C Cardon, USA, Deputy Commandant, Army Command and General Staff College, Department of the Army; and BG Katherine P. Kasun, USA, Commandant, Joint Forces Staff College, Department of the Army; BG Jimmie Jackson, USAF, Commandant, Air Command and Staff College, Department of the Air Force; RADM James P. Wisecup, USN, President, Naval War College, Department of the Navy; Col. Raymond Damm, USMC, Director, U.S. Marine Corps Command and Staff College, United States Marine Corps.

STATUTORY PAYGO

Committee on the Budget: Held a hearing on Statutory PAYGO. Testimony was heard from Peter Orszag, Director, OMB; Douglas Holtz-Eakin, former Director, CBO; and a public witness.

HEALTH REFORM LEGISLATION

Committee on Energy and Commerce: Subcommittee on Health concluded hearings on draft health reform legislation. Testimony was heard from Glenn M. Hackbarth, Chairman, Medicare Payment Advisory Commission; Daniel R. Levinson, Inspector General, Department of Health and Human Services; and public witnesses.

SATELLITE HOME VIEWER EXTENSION AND REAUTHORIZATION ACT

Committee on Energy and Commerce: Subcommittee on Communications, Technology, and the Internet approved for full Committee action, as amended, H.R. 2994, Satellite Home Viewer Reauthorization Act.

PRESERVING FEDERAL AND STATE-ASSISTED AFFORDABLE HOUSING AND PREVENTING DISPLACEMENT

Committee on Financial Services: Held a hearing entitled ''Legislative Options for Preserving Federally and State-Assisted Affordable Housing and Preventing Displacement of Low-Income, Elderly and Disabled Tenants.'' Testimony was heard from Shaun Donovan, Secretary, Department of Housing and Urban Development.

IMPROVING CONSUMER FINANCIAL LITERACY UNDER THE NEW REGULATORY SYSTEM

Committee on Financial Services: Subcommittee on Financial Institutions, and Consumer Credit held a hearing entitled ''Improving Consumer Financial Literacy under the New Regulatory System.'' Testimony was heard from public witnesses.

SOMALIA PROSPECT FOR LASTING PEACE

Committee on Foreign Affairs: Subcommittee on Africa and Global Health held a hearing on Somalia: Prospects for Lasting Peace and a Unified Response to Extremism and Terrorism. Testimony was heard from Ted Dagne, Specialist, African Affairs, CRS, Library of Congress; and public witnesses.

JAPAN'S CHANGING ROLE

Committee on Foreign Affairs: Subcommittee on Asia, The Pacific and the Global Environment held a hearing on Japan's Changing Role. Testimony was heard from public witnesses.

REGIONAL OVERVIEW OF SOUTH ASIA

Committee on Foreign Affairs: Subcommittee on Middle East and South Asia held a hearing on A Regional Overview of South Asia. Testimony was heard from Robert O. Blake, Jr., Assistant Secretary, Bureau of South and Central Asian Affairs, Department of State.

ACCOUNTABILITY, TRANSPARENCY AND UNIFORMITY IN CORPORATE DEFERRED AND NON-PROSECUTION AGREEMENTS

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on Accountability, Transparency, and Uniformity in Corporate Deferred and Non-Prosecution Agreements. Testimony was heard from Representatives Pallone and Pascrell; Eileen Larence, Director, Homeland Security and Justice, GAO; Gary Grindler, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Christopher J. Christie, former U.S. Attorney, District of New Jersey; Chuck Rosenberg, former U.S. Attorney, Eastern District of Virginia; and a public witness.

INDIAN HEALTH CARE IMPROVEMENT ACT AMENDMENTS

Committee on Natural Resources: Held a hearing on H.R. 2708, Indian Health Care Improvement Act Amendments of 2009. Testimony was heard from the following officials of the Indian Health Services, Department of Health and Human Services: Yvette Roubideaux, Director; and Randy Grinnell, Deputy Director; and public witnesses.

BANK OF AMERICA AND MERRILL LYNCH—PRIVATE DEAL TO FEDERAL BAILOUT

Committee on Oversight and Government Reform and the Subcommittee on Domestic Policy continued joint hearings entitled ''Bank of America and Merrill Lynch: How Did a Private Deal Turn Into a Federal Bailout?, Part II .'' Testimony was heard from Ben Bernanke, Chairman, Board of Governors, Federal Reserve System.

SEXUAL ASSAULT IN THE MILITARY

Committee on Oversight and Government Reform: Subcommittee on National Security and Foreign Affairs held a hearing entitled ''Sexual Assault in the Military, Part 3: Context and Causes. Testimony was heard from public witnesses.

THE ''AMERICAN CLEAN ENERGY AND SECURITY ACT OF 2009''

Committee on Rules: Granted, by a record vote of 7 to 3, a structured rule providing for consideration of H.R. 2454, the ''American Clean Energy and Security Act of 2009.'' The rule provides for three hours of debate with two and one half hours to be equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and 30 minutes to be equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill except for clauses 9 and 10 of rule XXI. The rule provides that, in lieu of the amendment recommended by the Committee on Energy and Commerce now printed in the bill, an amendment in the nature of a substitute consisting of the text of H.R. 2998, modified by the amendment printed in part A of the Rules Committee report, shall be considered as adopted. The rule waives all points of order against the bill, as amended. The rule provides that the bill, as amended, shall be considered as read. The rule makes in order the further amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Forbes of Virginia or his designee, which shall be in order without intervention of any point of order except those arising under clause 9 or 10 of rule XXI, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent. The rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Waxman, Representatives Markey of Massachusetts, Inslee, Perlmutter, Chairman Peterson of Minnesota, Representatives Abercrombie, Bowelll, Kucinich, Carnahan, Lipinski, Giffords, Richardson, Foster, Maffei, Barton, Upton, Stearns, Blackburn, Burgess, Scalise, Rohrabacher, Manzullo, Inglis, Bilbray, Garret of New Jersey, Chaffetz and Roe of Tennessee.

SCIENCE OF SECURITY: LESSONS LEARNED

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on The Science of Security: Lessons Learned in Developing, Testing and Operating Advanced Radiation Monitors. Testimony was heard from the following officials of the Department of Homeland Security: William Hagan, Acting Deputy Director, Domestic Nuclear Detection Office; and Todd C. Owen, Acting Deputy Assistant Commissioner, Office of Field Operations, U.S. Customs and Border Protection; Gene Aloise, Director, Natural Resources and Environment, GAO; and Micah Lowenthal, Division on Earth and Life Studies, Nuclear and Radiation Studies Board, National Research Council, National Academy of Sciences.

ASSESSING CYBERSECURITY ACTIVITIES AT NIST AND DHS

Committee on Science and Technology: Subcommittee on Technology and Innovation held a hearing on Assessing Cybersecurity Activities at NIST and DHS. Testimony was heard from Gregory C. Wilshusen, Director, Information Security Issues, GAO; and public witnesses.

ENHANCING SMALL BUSINESS RESEARCH AND INNOVATION ACT

Committee on Small Business: Ordered reported, as amended, H.R. 2965, Enhancing Small Business Research and Innovation Act of 2009.

RECOVERY ACT: 120-DAY PROGRESS REPORT FOR TRANSPORTATION PROGRAMS

Committee on Transportation and Infrastructure: Held a hearing on Recovery Act: 120-Day Progress Report for Transportation Programs. Testimony was heard from the following officials of the Department of Transportation: J. Randolph Babbitt, Administrator, FAA; Joseph C. Szabo, Administrator, Federal Railroad Administration; Peter M. Rogoff, Administrator, Federal Transit Administration: and Jeffery F. Paniati, Acting Deputy Administrator, Federal Highway Administration; Joseph H. Boardman, President and CEO, Amtrak; and public witnesses.

POST-9/11 G.I. BILL

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity hearing on Post-9/11 G.I. Bill: Is the VA ready for August 1st. Testimony was heard from Keith M. Wilson, Director, Office of Education Service, Veterans Benefits Administration, Department of Veterans Affairs.

HIGHWAY AND TRANSIT INVESTMENT NEEDS

Committee on Ways and Means: Subcommittee on Oversight and Investigations and the Subcommittee on Select Revenue Measures held a joint hearing on Highway and Transit Investment Needs. Testimony was heard from Roy Kienitz, Under Secretary, Policy, Department of Transportation; Phillip R. Herr, Director, Physical Infrastructure Issues, GAO; Timothy P. Murray, Lieutenant Governor, Commonwealth of Massachusetts; and public witnesses.

IRAN BRIEFING

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on Iran. Testimony was heard from departmental witnesses.

OVERHEAD BRIEFING

Permanent Select Committee on Intelligence: Subcommittee on Technical and Tactical met in executive session to hold a briefing on Overhead. Testimony was heard from departmental witnesses.

Joint Meetings

PREDATORY LENDING

Joint Economic Committee: Committee concluded a hearing to examine predatory lending and reverse redlining, after receiving testimony from Sarah Bloom Raskin, Maryland Commissioner of Financial Regulation, and Robert J. Strupp, Community Law Center, both of Baltimore, Maryland; and James H. Carr, National Community Reinvestment Coalition, and Gregory D. Squires, George Washington University, both of Washington, DC.

IMPEACHMENT: JUDGE SAMUEL B. KENT

Impeachment Trial Committee: Committee held an organizational meeting to examine the Articles of Impeachment against Judge Samuel B. Kent.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D750)*

H.R. 2346, making supplemental appropriations for the fiscal year ending September 30, 2009. Signed on June 24, 2009. (Public Law 111–32)

COMMITTEE MEETINGS FOR FRIDAY JUNE 26, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Permanent Select Committee on Intelligence, executive, briefing on Hot Spots (N. Korean and Afghanistan Issues), 10 a.m., 304 HVC.

Next Meeting of the SENATE

2 p.m., Monday, July 6

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond one hour), Senate will resume consideration of H.R. 2918, Legislative Branch Appropriations Act, and vote on or in relation to McCain Amendment No. 1366 (to Amendment No. 1366), at 5:30 p.m.

(Unless the House of Representatives fails to adopt S. Con. Res. 31, Adjournment Resolution; if the House of Representatives fails to act, Senate will convene at 2 p.m., on Monday, June 29, 2009.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Friday, June 26

House Chamber

Program for Friday: Complete consideration of H.R. 2996—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

(House proceedings for today will be continued in the next issue of the Record.)

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