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 and bountiful supply on our Nation’s leadership as they address the serious issues, both national and international.

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

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

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

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof. Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

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

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

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

WELCOMING REV. RICHARD FOWLER

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

There was no objection.

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

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

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

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

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

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

ELECTING CERTAIN MINORITY MEMBERS TO A STANDING COMMITTEE

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

The Clerk read the resolution, as follows:

H. Res. 580

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

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

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?
There was no objection. The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

WELCOMING HOME PRIVATE FIRST CLASS ANDREW PARKER, AMERICAN HERO

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

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

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

Now Andrew will have the resources he needs to focus on rebuilding his strength as he works to fulfill his dreams 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 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 prices 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 were an integral part of our homeland security.

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 lack leadership, 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 the 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 Ahmadinajad 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 want 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 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 292-81, 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 young people. 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.

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.

Tun 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 be here in such a great country, a country where we have inalienable rights guaranteed to us by our Nation’s founding documents, and knowledge that the 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.
(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 mini-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 that includes every American and we 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. They 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 fewer jobs. 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. 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 that so 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 activities, one of the core solutions 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 American building the future, industry, the only path to a new clean energy solution this country desperately needs.

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. 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 do 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 making 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.

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 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 number, and 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 coal shipped from Pennsylvania 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 following manner:

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

The Clerk read as follows:

At the end of section 1055, clause X (page 374, after line 2), insert the following new section:

SEC. 1055. SENSE OF CONGRESS HONORING THE 10TH MOUNTAIN DIVISION.

(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, 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 for 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 retiree 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 asked to Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the United 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 has in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2647.
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 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,

SEC. 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.
Subtitle C—Navy Programs
Sec. 121. Littoral combat ship program.
Sec. 122. Ford-class aircraft carrier report and modification on use of funds.
Sec. 123. Advance procurement funding.
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. Report 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 unmanned vehicle systems.

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. 210. Limitation of obligation of funds for the joint strike fighter.
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 program.
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 program.
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. 230. Comptroller General assessment of coordination of energy storage device requirements and investments.
Sec. 231. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.
Sec. 232. Report on limitation of Department of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 233. Report on future research and development of man-portable and vehicle-mounted guided missile systems.
Sec. 234. 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 complementary 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 Energies.
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 Nunn-Mosorda Ordinance 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 systems.
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 the Director of Operational Energy.
Sec. 321. Inclusion of email address on Certificate of Release or Discharge from Active Duty (DD Form 214).
Subtitle D—Education and Training
Sec. 351. Appointment of persons enrolled in Reserve Officers’ Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
Sec. 352. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 353. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
Sec. 354. Pilot program to establish and evaluate Language Training Centers for members of the Armed Forces and civilian employees of the Department of Defense.
Sec. 355. 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. 356. Establishment of Junior Reserve Officer’s Training Corps units for students in grades above sixth grade.
Subtitle E—Defense Dependents’ Education
Sec. 351. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 352. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
Sec. 353. 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. 354. Protection of child custody arrangements for designated individuals of the Armed Forces and Department of Defense civilian employees.
Sec. 355. Appointment and request for award of Medal of Honor to Anthony T. Koko’ohanohano for acts of valor during the Korean War.
Sec. 356. Authorization and request for award of distinguished-service cross to Jack T. Stewart for acts of valor during the Vietnam War.
Subtitle G—Decorations and Awards
Sec. 357. Award of Vietnam Service Medal to veterans who participated in Miguayag rescue operation.
Sec. 358. Authorization and request for award of Medal of Honor to Anthony T. Koko’ohanohano for acts of valor during the Korean War.
Sec. 359. 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. 360. Pilot program to secure internships for military spouses with Federal agencies.
Sec. 361. Authority to correspond to Army and Air Force member on change of permanent station to or from non-vehicle of members on change of permanent station to or from non-vehicle of members on change of
Sec. 362. One-year extension of authorities relating to payment of special pay, incentive pay, and bonus authorities for nuclear officers.
Subtitle I—Other Matters
Sec. 363. One-year extension of authorities relating to payment of special pay, incentive pay, and bonus authorities for nuclear officers.
Sec. 364. One-year extension of authorities relating to title 37 consolidated special pay and bonus authorities.
Sec. 365. One-year extension of authorities relating to title 37 bonuses and special pay.
Sec. 366. One-year extension of authorities relating to payment of referral bonuses.
Subtitle J—Travel and Transportation Allocations
Sec. 367. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.
Sec. 368. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.
Sec. 369. Transportation of additional motor vehicle of members on change of permanent station to or from non-
Sec. 370. Travel and transportation allowances for designated individuals of wounded, ill, or injured members for duration of inpatient treatment.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces
Sec. 401. End strength for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases in 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. Rollout 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 completed the Seaman to Admiral (STA-21) officer candidate program.
Subtitle B—Joint Qualified Officers and Requirements
Sec. 511. Revision of 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. Modification of Servicemembers Civil Relief Act regarding termination or suspension of service contracts and effect of violation of interest rate limitations.
Sec. 524. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.
Sec. 525. Definitions in Family and Medical Leave Act of 1993 related to active duty, servicemembers, and related matters.
Subtitle J—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. 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 supply personnel.

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 non-Regular service upon retirement 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 non-regular 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. 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.
Sec. 1031. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1032. Charter for the National Reconnaissance Office.

Subtitle D—Studies and Reports

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. 1038. Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operations.

Subtitle E—Other Matters

Sec. 1041. Subtitle 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 review of nuclear reprocessing.

Sec. 1046. Extension of sunset for congressional review of the 2009 quadrennial defense review.

Sec. 1047. Combat air forces restructuring.

Sec. 1048. Sense of Congress honoring the Honorable Ellen O. Tauscher.

Sec. 1049. Sense of Congress concerning the deployment 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 equipment 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. 1114. Sense of Congress on pay parity for Federal employees serving at Joint Base McGuire/Dix/Lakehurst, New Jersey.

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. Reimbursing certain Coalition nations for support provided to United States military operations.

Sec. 1214. Pakistan Counterinsurgency Fund.

Sec. 1215. Program 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 Armed Forces 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 relationship with 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. 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. 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. 1403. Defense Program structure.

Sec. 1404. Chemical agents and munitions destruction, defense.

Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.


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. 1504. Limitation on obligation of funds for Joint Improvised Explosive Device Defeat Organization pending report to Congress.
Sec. 1501. Authorized Navy construction and land acquisition.
Sec. 1502. Authorization of appropriations.
Sec. 1503. Authorization of appropriations, United States funds for certain fiscal year 2005 projects.
Sec. 1504. Authorization of appropriations, United States funds for certain fiscal year 2006 projects.
Sec. 1505. Authorization of appropriations, United States funds for certain fiscal year 2007 projects.
Sec. 1506. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 1507. Expansion of First Sergeants Barracks Initiative.
Sec. 1508. Reports on privatization initiatives for military unaccompanied housing.

Subtitle B—Real Property and Facilities Administration
Sec. 1509. Appropriation of electric utility revenue for military unaccompanied housing.
Sec. 1510. Military personnel.
Sec. 1511. Iraq Freedom Fund.
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. 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. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 2106. Extension of authorizations of certain fiscal year 2009 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. 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. 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. Authorization of 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.

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.
Sec. 2723. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2724. Extension of authorizations of certain fiscal year 2006 projects.

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. 2809. Authorization of electric utility revenue for military unaccompanied housing.
Sec. 2810. Military personnel.
Sec. 2811. Impostion 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 conformance authority.
Sec. 2815. Decontamination and use of former bombardment area on island of Culebra.
Sec. 2816. Disposal of excess property of Armed Forces Reserve Home.
Sec. 2817. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
Sec. 2818. Limitation on establishment of Navy realigning 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 Re-alignment
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 Re-location to Guam Account.
Sec. 2835. Interagency Coordination Group of Inspector Generals for Guam Re-alignment.
Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Patuxent River, Maryland.
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 acquisitions.
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.
TITLE XXX—MARITIME ADMINISTRATION
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.

TITLE XXXI—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 environmental cleanup.
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. 113. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.

Subtitle D—Air Force Programs
Sec. 114. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD
Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES
Sec. 3401. Authorization of appropriations.
subsection (b) do not apply if the procurement of covered Future Combat Systems equipment is specifically intended to address an operational need statement requirement.

(4) C O MPETITIVE 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 launchers systems.

(2) Future Combat Systems unmanned ground systems.

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

(4) Future Combat Systems small unmanned ground systems.

(5) Future Combat Systems integrated control computer systems.

(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—

(1) 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 as a mission package);

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

(c) LIMITATION ON USE OF FUNDS.—With respect to the procurement of a Littoral Combat Ship vessel referred to in subsection (a), the Secretary may enter into a contract for construction of any vessel, for any of the following:

(i) the cost of either such variant; and

(ii) production planning and other related support services that reduce the overall procurement cost of the new technology—

(C) is required to meet an emerging threat and 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) oversee 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 2009 (Public Law 110–163; 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) LIMITATION 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;

(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 REPORT.—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 “technical data package” means the interchangeable combat systems that deploy with a Littoral Combat Ship vessel.

(2) The term “technical data package” means a compilation of a schedule performance milestones. The report shall include, at a minimum, the effects of the of such aircraft carrier through the

SEC. 122. FORD-CLASS AIRCRAFT CARRIER CONTRACT FUNDING 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 report on the effect of the of such aircraft carrier through the

(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 such aircraft carrier.

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:

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

(ii) 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.

(iii) such funds are sufficient to award contracts for three additional Littoral Combat Ship vessels—

(iv) 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.

(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 such aircraft carrier.

(1) the cost of either such variant; and

(2) the warfighting utility of such vessel.

(c) A DJUSTMENT OF LIMITATION AMOUNT.—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

(2)_has made by the Secretary in the first and second Littoral Combat Ship vessels procured by the Secretary.

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

(c) 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 such aircraft carrier.

(1) such funds are sufficient to award contracts for three additional Littoral Combat Ship vessels—

(2) 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:

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

(2) 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:

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

(ii) such funds are sufficient to award contracts for three additional Littoral Combat Ship vessels—
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 2366(b)(1) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2010, for the procurement of F/A-18E, F/A-18F, or EA-18G aircraft and Government-furnished equipment associated with such aircraft.

(b) PART 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 2366b 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 2366(b)(1) of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2010, for the procurement of DDG-51 Burke-class destroyers and Government-furnished equipment associated with such destroyers.

(b) PART 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 2366b of title 10, United States Code.

Subtitle D—Air Force Programs

SEC. 131. REPEAL OF CERTIFICATION REQUIREMENTS FOR F-22A FIGHTER AIRCRAFT.


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 contained the following:

(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) identify 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 funds 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 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.

(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 contract for a 4.5 generation fighter aircraft, the Secretary shall submit to Congress the certifications required by section 2366b 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) AAS radar; and

(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; and

(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; and

(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 a proposed retirement listed under paragraph (2).

SEC. 135. STRATEGIC AIRLIFT FORCE STRUCTURE.

(a) The Secretary of the Air Force is directed to include in the report submitted under section (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); and

(2) by redesignating subsection (d) as 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 appropriated 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 III—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.


Sec. 203. Authorization of appropriations.

Sec. 204. Authorization of appropriations.

Sec. 205. Authorization of appropriations.

Sec. 206. Authorization of appropriations.

Sec. 207. Authorization of appropriations.

Sec. 208. Authorization of appropriations.

Sec. 209. Authorization of appropriations.


Sec. 211. Authorization of appropriations.

Sec. 212. Authorization of appropriations.

Sec. 213. Authorization of appropriations.

Sec. 214. Authorization of appropriations.

Sec. 215. Authorization of appropriations.

Sec. 216. Authorization of appropriations.

Sec. 217. Authorization of appropriations.

Sec. 218. Authorization of appropriations.

Sec. 219. Authorization of appropriations.

Sec. 220. Authorization of appropriations.

Sec. 221. Authorization of appropriations.

Sec. 222. Authorization of appropriations.

Sec. 223. Authorization of appropriations.

Sec. 224. Authorization of appropriations.

Sec. 225. Authorization of appropriations.

Sec. 226. Authorization of appropriations.

Sec. 227. Authorization of appropriations.

Sec. 228. Authorization of appropriations.

Sec. 229. Authorization of appropriations.

Sec. 230. Authorization of appropriations.

Sec. 231. Authorization of appropriations.

Sec. 232. Authorization of appropriations.

Sec. 233. Authorization of appropriations.

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Sec. 237. Authorization of appropriations.

Sec. 238. Authorization of appropriations.

Sec. 239. Authorization of appropriations.

Sec. 240. Authorization of appropriations.

Sec. 241. Authorization of appropriations.

Sec. 242. Authorization of appropriations.

Sec. 243. Authorization of appropriations.

Sec. 244. Authorization of appropriations.

Sec. 245. Authorization of appropriations.

Sec. 246. Authorization of appropriations.
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 devices requirements and investments.

Sec. 232. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.


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. Included in each 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 proliferation 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-combustible reactors for naval forces.

Sec. 247. Visiting NIH Senior Neuroscience Fellows.

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, $10,596,731,000.

(2) For the Navy, $331,578,000.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 210. LIMITATION ON OBLIGATION OF FUNDS FOR 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) initiation 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.

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

SEC. 211. LIMITATION ON OBLIGATION OF FUNDS TO BE APPROPRIATED FOR THE NEXT GENERATION ENTERPRISE NETWORK.

None of the funds authorized to be appropriated by this Act or otherwise available for Research, Development, Test, and Evaluation for the Joint Multi-Mission Submersible program until the Secretary of Defense, in consultation with the Director of National Intelligence—

(1) completes an assessment of the feasibility of a cost-sharing agreement between the Department of Defense and the intelligence community (as that term is defined in section 340 of the National Security Act of 1947 (50 U.S.C. 401d(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. 212. SEPARATE PROCUREMENT 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. 213. SEPARATE PROCUREMENT 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 2010, 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. 215. RESTRICTION ON OBLIGATION OF FUNDS FOR THE J-45 LIGHTNING II AIRCRAFT.

None of the funds 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, or for any system or capability thereunder, 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.


(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. 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 available for Research, Development, Test, and Evaluation for the Future Combat Systems program may be obligated or expended until 15 days after the receipt of the report required by section 212(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) 33158.

(2) 33158a.

(3) 33158b.

(4) 33158c.

(5) 33158d.

SEC. 218. LIMITATION ON OBLIGATION OF FUNDS FOR THE JOINT STRIKE FIGHTER.

Of the amounts appropriated 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 of that amount 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 a 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.


(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 VEHICLES AND SELF-PROPELLED ARTILLERY CAPABILITY.

(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 capability.

(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) autonomous 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 603753A.
(2) Paladin, Advanced Medium Howitzer System, program element 0603653A.
(3) Artillery Systems, program element 060484A.

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 63272A), not more than 25 percent may be obligated until the Secretary of Defense has certified to the congressional defense committees that the project:

(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 capability or an 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) Long-term threat level assessments, engineering analysis, and modeling and simulation.
(4) Ground and flight testing.
(5) Research and development.
(6) Modernization and enhancement.
(7) Any other element the Secretary determines appropriate.

(c) REQUIREMENT.—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 deployment of operational missiles of a long-range missile defense system in Europe unless the Secretary of Defense, after review and concurrence of the Secretary of the Air Force, the Director of Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of a European theater 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 meet 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 develop and deploy a theater missile defense system to provide the Aegis Ballistic Missile Defense system with Japan, which will provide the Aegis Ballistic Missile Defense system a capability to counter limited ballistic missile threats like the North Korean Taepo Dong-2; and

(2) The United States has thus far deployed 26 long-range, Ground-based, Midcourse Defense (GMD) interceptors in Alaska and California to defend against limited-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 a capability to intercept limited-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 threat made by the Missile Defense Initial 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 European Command, the Commander of the 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 medium-term.

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

(1) reaffirm 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 supplement the Aegis missile defense system 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 longer 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 link to the long-range ballistic missile threat, in the program of record of the National Missile Defense Agency that provide or are planned to provide a capability to intercept ballistic missiles in their ascent phase.

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, including—

(A) the key technologies and associated technology readiness levels, plans for the development and deployment of 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 unified defense system;

(C) the criteria to be used to assess the technical, operational, and information, including those provided by other elements of the unified defense system;

(D) a comprehensive plan for development and deployment of such capabilities, including an assessment of the cost and estimated 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 layers or elements of the ballistic missile system;
(F) a description of any other challenges or limitations associated with ascent phase missile defense;
(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, but a limited deployment of GMD should address that need; and,
(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 deployed in Alaska have sufficient range to protect the United States against an emerging threat.

(b) USE OF FUNDS.—Funds reserved under this Act for research, test, development, and procurement of the defense system described in paragraph (1) or (2) of subsection (a) shall 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 continental United States; 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 for 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 an 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) of this section (a) and that could threaten Europe and the United States; and
(C) deployable in a sufficient amount of time to counter current and emerging ballistic missile threats (as determined by the intelligence community) throughout the Middle East that could threaten Europe and the United States.

Subtitle D—Reports

SEC. 231. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY STORAGE, AND USE 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 requirements 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 the Army for the small unit weapons equipment program element 35884L for energy storage, and the decision to approve the purchase of such equipment; and
(4) assess the process by which a determination is made by an acquisition official of the Department of the Army for the Javelin and TOW systems to maximize effectiveness and lethality in situations other than anti-armor.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section (a) shall include—
(1) an examination of the need for changes to current and development of additional warheads or a family of warheads to address threats other than armor;
(2) an analysis of the need for changes required to the current Javelin and TOW systems to maximize effectiveness and lethality in situations other than anti-armor;
(3) an analysis of the need for changes required to integrate current missile systems with current manned ground systems;
(4) 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
(5) an examination of the need for an 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, 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:

“(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 Lightning 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, the Secretary of Defense may obligate and expend such funds for the development, test, and evaluation of the F-35 Lightning II Program, the Secretary of Defense shall ensure that the estimated expenditures and proposed appropriations for the F-35 Lightning II Program, the Secretary of Defense shall ensure that 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 production for the propulsion system for the F-35 Lightning II.

“(d) 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, contracts, or cooperative research and development agreements for the establishment and activities of Centers of Excellence for Research and Education in science disciplines important to national defense, as determined by the Secretary.

(2) The competitive awarding of graduate scholarships or fellowships to domestic institutions to finance the education of students.

(3) Assistance provided by the Secretary to enhance science, technology, mathematics, and engineering disciplines important to the national defense, as determined by the Secretary.

(4) Assistance provided by the Secretary to encourage involvement of faculty and students in scientific research critical to the national security functions of the Department of Defense.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 235 the following new item:

“2362. 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.

(a) PROGRAM ESTABLISHED.—Chapter 10 of title 10, United States Code, is amended by in-
production capacity, continue the development of innovative munitions, and recruit the next generation of scientists and engineers of advanced energetic.

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

(3) 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) "DoD" means Department of Defense Directive 5101.1.

(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 Chair 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. 301).

(b) CONTENTS OF STUDY.—In carrying out the study required under subsection (a), the Secretary of Defense and the Chair 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 supply;

(C) power needs for advanced weapons and sensors;

(D) safety of operation, waste handling and disposition, 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;

(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 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) operational effectiveness;

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

(E) power requirements and distribution for sensors and weapon systems;

(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 CREATE PROGRAM.—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, 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 mechanism for 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 (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 innovative, highest quality clinical and experimental neuroscience studies for the benefit of members of the Armed Forces;

(b) ACTIVITIES OF THE PROGRAM.—In establishing the Visiting NIH Senior Neuroscience Fellowship Program under subsection (a), the Secretary of Defense and the Chair of the Joint Chiefs of Staff shall jointly carry out a study to—

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

(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 (2) to enhance the mission of the National Institutes of Health for the benefit of the public; and

(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).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding. (a) Defense.

(b) Environmental Provisions.

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


(b) Agreement with non-federal partners.

(1) for the Air National Guard, $125,630,000.

(2) for the Army National Guard, $171,500,000.

(3) for the Air Force, $225,000,000.

(c) Research.

Sec. 321. Public-Private competition required before conversion of any Administration for Federal-leased Real Property.

(1) for the Air Force, $100,000,000.

(2) for the Navy, $100,000,000.

(3) for the Department of Homeland Security, $50,000,000.

(d) Environmental restoration.

Sec. 322. Limitation on obligation of funds pending submission of classified justification material.

(e) Environmental restoration.

Sec. 323. Extension of OFMC contract to include capture of solar energy in Ambassador’s Office.

(f) National Guard.

Sec. 324. Environmental restoration.

(g) National Guard.

Sec. 325. Authority for Department of Homeland Security and Department of Defense to enter into inter-agency agreements for land management on Department of Defense installations.

(h) National Guard.

Subtitle B—Other Matters

Sec. 302. Extension of Federal Acquisition Regulations.

Sec. 303. Expiration of temporary authority for environmental review.

Sec. 304. Limitation on obligation of funds pending submission of classified justification material.

Sec. 305. Extension of OFMC contract to include capture of solar energy in Ambassador’s Office.

Sec. 306. Extension of Department of Homeland Security and Department of Defense to enter into inter-agency agreements for land management on Department of Defense installations.

Subtitle C—Workplace and Depot Issues

Sec. 313. Authority for Air Force Reserve to enter into inter-agency 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. Reauthorization of Environmental Protection Agency for certain costs in connection with theFormer Nansend Ordinance Depot Site, Suffolk, Virginia.

Sec. 325. Extension of Department of Homeland Security and Department of Defense to enter into inter-agency agreements for land management on Department of Defense installations.

Subtitle D—Energy Security

Sec. 326. Cost-benefit analysis of alternatives for performance of planned maintenance interval events and concurrent modifications performed on the AV-8B Harrier weapons system.

Sec. 327. Temporary suspension of public-private competitions for conversion of Department of Defense facilities 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 E—Reports

Sec. 331. Annual report on procurement of military equipment.

Sec. 332. Report on implementation of CompTIA best practices for fuel management at forward-deployed locations.

Sec. 333. Consideration of renewable fuels.

Sec. 334. Department of Defense participation in forward-deployed procurement of renewable aviation fuels.

Subtitle F—Other Matters

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

Sec. 352. Requirements for standard ground combat uniform.

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

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

Sec. 355. Condition-based maintenance demonstration programs.
SEC. 314. REAUTHORIZATION OF PILOT PROGRAM
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 paragraph (2) are available for activities under this section.
“(3) Of the amounts authorized to be appropriated to the Department of Defense, there are authorized’’.

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS INCURRED DURING CONSTRUCTION OF THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORIZATION.—
(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 $65,623 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 performing a time critical removal action performed by the Department of Defense under the Environmental Restoration Program for ordnance and explosive hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

(b) 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 environmental restoration at the Former Nansemond Ordnance Depot Site in December 1999.

(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.

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) in subsection (a)—
(A) by striking 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”;
(3) in subsection (c), by inserting “and interagency agreements” after “cooperative agreements”;

(b) CLERICAL AMENDMENTS.—The heading for such section is further 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 agreements”;
(2) in subsection (b), by inserting “or interagency agreement” after “cooperative agreement”;
(3) in subsection (c), by inserting “and interagency agreements” after “cooperative agreements”;

(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 time frame for conducting the competition,
“(ii) Determining 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. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) REQUIREMENT.—Section 2461(a)(1) 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-94 for 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 conducted.

(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. 325. COST-BENEFIT ANALYSIS OF ALTERNATIVES FOR PERFORMANCE OF PLANNED MAINTENANCE INTERVAL MAPPING AND MAJOR MODIFICATIONS IN DEFINED FUNCTION.

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Army, in consultation with the Commander of the Army Research Laboratory, shall conduct an analysis to determine the cost associated with each alternative.

(b) EFFECTIVE DATE.—The analysis conducted under this section shall apply to all analyses conducted on or after the date of the enactment of this Act.

SEC. 326. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) REQUIREMENT.—Section 2461(a)(1) 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-94 for 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 conducted.

(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. 327. COST-BENEFIT ANALYSIS OF ALTERNATIVES FOR PERFORMANCE OF PLANNED MAINTENANCE INTERVAL MAPPING AND MAJOR MODIFICATIONS IN DEFINED FUNCTION.

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Army, in consultation with the Commander of the Army Research Laboratory, shall conduct an analysis to determine the cost associated with each alternative.

(b) EFFECTIVE DATE.—The analysis conducted under this section shall apply to all analyses conducted on or after the date of the enactment of this Act.

SEC. 328. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) REQUIREMENT.—Section 2461(a)(1) 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-94 for 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 conducted.

(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. 329. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) REQUIREMENT.—Section 2461(a)(1) 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-94 for 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 conducted.

(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. 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 require 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 2395(b)(6)(A) of title 10, United States Code, section 303(b)(1) 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 CONVERSION 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—

(1) by inserting after paragraph (a) the following new paragraph:

“(b) In the case of a protest filed by an interested party related to the public-private competition, the Comptroller General may consider the protest, if the Comptroller General determines that a conversion has occurred and that function is being performed by the private sector, if sufficient evidence exists that a conversion has occurred and resulting in concrete injury and prejudice to the Federal employee as a consequence of agency action.”;

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of section 3557 of title 31, United States Code, is amended to read as follows: “§3557. Protests of public-private competitions”;

(2) by inserting after the item listed as section 3557 of title 31, United States Code, the following new subsection:

“§3557. Protests of public-private competitions.

(a) In general.—The Comptroller General may consider the protest if the Comptroller General determines that a conversion has occurred and that function is being performed by the private sector, if sufficient evidence exists that a conversion has occurred and resulting in concrete injury and prejudice to the Federal employee as a consequence of agency action.”;

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of section 3557 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 the following new subparagraph (F):

“(F) the following new subparagraph (G):

“Conversion of a function that is being performed by Federal employees to private sector performance.”;

(2) by inserting at the end of the section the following new subparagraph (J):

“(J) Conversion of a function that is being performed by Federal employees to private sector performance.”;

(c) PUBLICATION.—The amendment made by subsection (a) shall be published in the Federal Register.

(2) SEC. 332. REQUIREMENT FOR DEBRIEFING OF PERSONNEL OF THE DEPARTMENT OF DEFENSE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall require the Federal Acquisition Regulation to allow for a pre-award and post-award debriefing 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 2395(b)(6)(A) of title 10, United States Code, section 303(b)(1) 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. 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 Congress 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 alternatives to 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) In general.—The Secretary of Defense shall establish a renewable fuel commodity class that is distinct from petroleum-based products.

(b) Priority.—The Secretary of Defense shall prioritize the use of alternative aviation fuels as an alternative to petroleum-based aviation fuels.
aviation fuels is consistent with the operational energy strategy required by section 139(d) of this title.

(b) CLERICAL AMENDMENT.—The table of sections of the Directory-Type Memorandum of such chapter is amended—(1) by redesignating subsection (b) as subsection (c); and (2) by inserting in paragraph (b) the following new paragraph: (2) Non-evidence of failures; and

(c) ISSUES TO BE ADDRESSED.—The demonstration programs' design, system integration, and 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 Selected 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. Minimum number of reserve personnel authorized to be on active duty for operational support.

Sec. 416. Submission of options for creation of Trainees, Transients, Holders, 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, 2011 AND 2012.

END STRENGTH MINIMUM LEVELS.

AUTHORIZATIONS

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 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 to be necessary to carry out paragraphs (1) and (2) of section 2802 of title 10, as amended by section 403 of this Act, increase active duty end strength for the Army by 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 strength under paragraphs (1) and (2) are—
   (A) to support operational missions; and
   (B) to achieve reorganization 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, “active-duty end strength” means the strength for active-duty personnel of 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 fiscal year.

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 strength in excess of the fiscal year 2010 active duty end strength authorized for the Army under section 401(1).

SEC. 411. END STRENGTHS FOR SELECTED RESERVES.

(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.
4) The Marine Corps Reserve, 39,600.
6) The Air Force Reserve, 69,950.
7) The Coast Guard Reserve, 10,000.

(b) 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 number of active-duty individuals not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training) at the end of the fiscal year.

C) END STRENGTH INCREASE.—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 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 RESERVE FORCES.

(a) IN GENERAL.—The end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, because they are on active duty, the number of such individuals authorized for the purposes of holding, instructing, or training the reserve components:

1) The Army National Guard of the United States, 32,660.
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, 2,996.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS AND 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, 8,265.
   (B) For the Air National Guard of the United States, 1,519.
   (C) For the Air Force Reserve, 10,417.
   (D) For the Air National Guard of the United States, 22,313.

B) FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

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 National Guard, 8,265.
   (2) For the Air National Guard of the United States, 1,519.
   (3) For the Air Force Reserve, 10,417.
   (4) For the Air National Guard of the United States, 22,313.

SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2010, the maximum number of personnel for the Army National Guard may not exceed 90.

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

During fiscal year 2010, the maximum number of personnel for the Army National Guard may not exceed 90.

SEC. 416. SUBMISSION OF OPTIONS FOR CREATION OF TRAINES, TRANSIENTS, HOLDIES, 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 Transients, Transients, Holdies, 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;
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 the Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force.

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 who are committed to providing mental healthcare.

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 civilian employees of the Department of Defense.

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, 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 Manhattan rescue operation.

Sec. 572. Authorization and request for award of Medal of Honor to Anthony T. Koho’obahansha 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 of employment or severance 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 to allegations of sexual assault involving members of the Armed Forces.

Sec. 593. Modification of matching fund requirements for 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 7640 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 6228 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-degree level degree under the Seaman to Admiral (STA–21) Officer Candidate Program of the Navy that is elected for the program after January 1, 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 phase I of the 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 I."

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

(3) by redesigning paragraph (5) as paragraph (3); and

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

Sec. 512. 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 38 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.—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 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 is based or on which the member is determined to be most appropriate."

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

"(d) CLERICAL AMENDMENT.—The title of sections at the beginning of such chapter is amended by adding 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 examination board review before separation."

"(e) REVIEW OF PREVIOUS DISCHARGES AND DISMISSALS.—Section 1553 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(1)(A) In the case of a former member of the armed forces who, while deployed overseas in support of a contingency operation, 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 (2), the Secretary of Defense shall notify 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 RECRUTS FOR THE ARMED FORCES.


(1) in the second sentence, by striking “in training and unit settings” and inserting “during trainings”;

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 CERTAIN MILITARY FORMS AND ON DD FORM 214.

Section 2167(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “(a)” after “in”;

(2) by striking “subsection:” and inserting “subsection;”;

and

(3) 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 210A(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 SEC- TOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE EDUCATION PROGRAM.

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 DELEGATES FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4542(a) of United States Code, is amended by striking “One cadet” and inserting “Two cadets”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6964(a)(10) of such title is amended by striking “One” and inserting “Two”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 8342(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 have effect 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 next 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 this section shall terminate on September 30, 2015.

(2) EFFECT ON PARTICIPANTS.—Students participating in the pilot program before the termination date established 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 language training programs that can be incorporated into Reserve Officers’ Training Corps units to develop language skills among future military officers;

(5) train 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 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 consider a 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 the 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 of 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;

(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 PROFESSIONALS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE TO MEMBERS OF THE ARMED FORCES.

(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”; 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:

(B) Social work;

(C) Clinical psychology;

(C) Other disciplines that contribute to mental health care programs in that military department.”.

(b) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—Section 2124 of title 10, United States Code, 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:

“(1) 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 OFFICERS’ TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE EIGHTH GRADE.

Section 2031 of title 10, United States Code, is amended by striking at the end the following new subsection:
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 SINGLE SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—Section 1509 of title 10, United States Code, as amended, is further amended by striking the item relating to section (a) and inserting the following:

"§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 Right operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 113 Stat. 724; 10 U.S.C. 1325a).

(2) The Cold War during the period beginning on September 2, 1945, and ending on August 2, 1991.


(4) The Indochina War era during the period beginning on July 8, 1959, and ending on May 15, 1975.


(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) The program established under 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 component 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 or unaccounted for war or who are unaccounted for, such as the Stogna Beach Program.

(g) TREATMENT AS MISSING PERSONS.—Each unaccounted for person 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.

(h) FOR 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.

(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 1509 of this title in the same manner as applies to the file of a missing person otherwise subject to such section.

(c) REVIEW OF STATUS REQUIREMENTS.—(1) If new information (as described in paragraph (3)) is found or received that may be related to or more unaccounted for persons covered by item (a) or (b) of section 1509(6) of this title, 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 1509 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 (2) 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.

(d) 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, 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 in this 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)(1)’ of this title and inserting ‘subsection (a) of section 1509(b) of this title’.

(d) IMPLEMENTATION.—

(1) Prior.—A priority of the program required by such section 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 shall, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United States Code, as amended (10 U.S.C. 1509), carry out a comprehensive, coordinated, integrated, and fully resourced program to account for persons covered by subsection (a).
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 commands 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 account for missing persons at a minimum of May 12:

(a) 200 missing persons are accounted for under the program annually beginning with fiscal year 2012; and

(b) 350 missing persons are accounted for under the program annually beginning with fiscal year 2020.

SEC. 562. CLASSIFICATION OF GUIDELINES REGARDING RETURN OF REMAINS AND MEDIA ACCESS AT CEREMONIES FOR TRANSFER OF REMAINS AT DOVER AIR FORCE BASE.

(a) PROMPT RETURN.—The remains of a deceased member of the Armed Forces shall be returned 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 1442(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. 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 transfer ceremonies should be considered only 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.

(b) MEDIA ACCESS.—

(1) DIVISION 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 transfer ceremonies should be considered only 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 leave the Department of Defense policy on 24-hour delay in release of casualty information to the media and general public for that specific case.

(c) TRAVEL AND TRANSPORTATION ALLOWANCE.—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.

(d) TRAVEL AND TRANSPORTATION ALLOWANCE.—The Secretary of a military department shall inform the primary next of kin of any additional family members of a deceased member of the Armed Forces with travel to, and from, Dover Air Force Base via Initiation Travel Authorization Letters 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.

(e) TRAVEL AND TRANSPORTATION ALLOWANCE.—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 ARMED FORCES EXPEDITIONARY MEDAL TO VETERANS WHO PARTICIPATED IN MAYAGUEZ RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military department concerned shall, upon the recommendation of the Commandant of the Marine Corps, award the Armed Forces Expeditionary Medal to any veteran who participated in the Mayaguez rescue operation.

(b) ELIGIBLE VETERAN.—For purposes of this section, the term “eligible veteran” means a veteran of the Armed Forces who served in the Armed Forces Expeditionary Medal Unit who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation from June 18, 1975, to July 6, 1975, during the Vietnam War.

SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KOHO’OHAANO 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 Expeditionary Medal Unit, the President, and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Koho’o’o’ehano 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 acts of the Secretary, and at the request of the primary next of kin, the service casualty assistance officer, to award the Armed Forces Expeditionary Medal to any veteran who participated in the Mayaguez rescue operation.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for the period of May 12 through December 31, 2015, to make the awards and to provide necessary support.

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 Expeditionary Medal Unit, the President, and requested to award the Distinguished-Serviceman Cross to Jack T. Stewart, for the acts of valor described.

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the acts of the Secretary, and at the request of the primary next of kin, the service casualty assistance officer, to award the Armed Forces Expeditionary Medal to any veteran who participated in the Mayaguez rescue operation.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for the period of May 12 through December 31, 2015, to make the awards and to provide necessary support.

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 Expeditionary Medal Unit, the President, and requested to award the Distinguished-Serviceman Cross to William T. Miles, Jr., for the acts of valor described.

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the acts of the Secretary, and at the request of the primary next of kin, the service casualty assistance officer, to award the Armed Forces Expeditionary Medal to any veteran who participated in the Mayaguez rescue operation.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for the period of May 12 through December 31, 2015, to make the awards and to provide necessary support.

SEC. 575. 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.

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

(a) TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.—Section 305A of the Servicemembers Civil Relief Act (30 U.S.C. App. 535a) is amended to read as follows:

(d) EFFECTIVE DATE.—The amendment made by subsection (f) 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 ARRANGEMENT 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. 508. 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 on active duty 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 proceeding 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 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.
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) In 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 or order of" and inserting "under a call or order of; or (B) in subsection (1)—

(i) in the paragraph heading, by striking "ACTIVE DUTY" and inserting "COVERED ACTIVE DUTY";

(ii) by striking "active duty" each place it appears and inserting "covered active duty".

(2) CONFORMING AMENDMENT.—Section 103(f)(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)(2)) 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:

"(14) 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, or is otherwise in outpatient status, or is 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 incurred by the veteran in line of duty on active duty in the Armed Forces 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 (15) and inserting the following new paragraphs:

"(15) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

(A) in the case 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 on the date the injury or illness was incurred if the injury or illness had manifested itself on that date.

(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 (14)(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 veteran's office, grade, rank, or rating; and

"(16) COVERED VETERAN.—The term 'covered veteran' means—

(A) 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) a veteran who is 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

(C) by striking "191(a)(13)(B)" and inserting "101(a)(15)".

(2) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(A) in subsection (a)—

(i) in the paragraph heading, by striking "ACTIVE DUTY" and inserting "COVERED ACTIVE DUTY";

(ii) by striking "active duty" each place it appears and inserting "covered active duty".

(3) LEAVE.—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 inserting after the item relating to 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 41 of title 36, United States Code.

Not later than 120 days after such date, the Secretary of Labor shall issue direct final conforming regulations solely to implement such amendment.

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 41 of title 36, United States Code.

Not later than 120 days after such date, the Secretary of Labor shall issue direct final conforming regulations solely to implement such amendment.

""101(a)(13)".

(b) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended by striking all that precedes "under a call or order of" and inserting the following:

"(14) COVERED ACTIVE DUTY.—The term 'covered active duty' means—

(A) 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) a veteran who is 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

"(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 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 incurred by the veteran in line of duty on covered active duty in the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

(b) DEFINITION OF COVERED SERVICEMEMBER.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by striking paragraph (14) and inserting the following:

"(14) 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 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 incurred by the veteran in line of duty on covered active duty in the Armed Forces 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 (15) and inserting the following new paragraphs:

"(15) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

(A) in the case 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 (14)(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.

(f) E F FECTIVE DATE .—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 592. IMPROVED RESPONSE AND INVESTIGATION PROCEDURES AND 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.

(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.

(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 allowances 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 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 Pay and Allowances

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, bonus pay, and similar 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 pay 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 vehicles of members on change of permanent station or to nonforeign areas outside the continental United States.

Sec. 632. Transportation of, 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-military 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 force in the United States.

Sec. 643. Increased weight allowance for transportation of baggage and household effects for certain retired members.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. One-year extension of special pay and bonus authorities.

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 F—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 under 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 grade.—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) Compensation authorized.—(1) The Secretary concerned may pay to any member of the uniformed services described in paragraph (3) a special monthly compensation in an amount determined under subsection (b).

(b) Subject to paragraph (3), a member eligible for the compensation authorized by paragraph (1) is a member described in subsection (a) if the member—

(A) 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

(c) 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).

Sec. 603. Stabilization of pay and allowances for certain enlisted members.

Sec. 604. Report on housing standards used to deter-
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 by reference to 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 expecta-
tions 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.

Subsection B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITY: TITLE 10 AUTHORITIES

The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(a) TITLE 10 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 302(a)(1), relating to accession bonus for dental officers.

(2) Section 302(a), relating to accession bonus for pharmacy officers.

(3) Section 302(k), relating to accession bonus for medical officers in critically short wartime specialties.

(4) Section 302(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

(5) Section 302(b)(1), relating to accession bonus for dental officers.

(6) Section 302(a), relating to accession bonus for pharmacy officers.

(7) Section 302(k), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

(9) Section 302(b)(1), relating to accession bonus for dental officers.

(b) TITLE 37 BONUSES AND SPECIAL PAY.—The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 302(a)(1), relating to accession bonus for dental officers.

(2) Section 302(a), relating to accession bonus for pharmacy officers.

(3) Section 302(k), relating to accession bonus for medical officers in critically short wartime specialties.

(4) Section 302(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 LIMITED DUTY 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 312(c), relating to nuclear career accession bonus.

(3) Section 312(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED HONORABLE DISCHARGE 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 321(h), relating to general bonus authority for enlisted members.

(2) Section 322(g), relating to general bonus authority for officers.

(3) Section 323(h), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 324(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 325(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 325(i), relating to hazardous duty pay.

(7) Section 325(g), relating to assignment pay or special duty pay.

(8) Section 325(j), relating to skill incentive pay or proficiency bonus.

(9) Section 325(l), 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 301(a), relating to aviation officer retention bonus.

(2) Section 301(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonuses.

(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 329(i), 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 professionals referral bonus.

(2) Section 2522(h), relating to Army referral bonus.

SEC. 617. TECHNICAL CORRECTIONS AND CONFIRMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUATION OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303(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. 4459), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 260(k) of the Hubert Act (Public Law 110–317; 122 Stat. 3520) 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. 4459), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT RELATING TO INCENTIVE PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the para-

graph 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 sur-

vivorship discharge, then the special rule—

“(i) shall not require repayment by the member of the unearned portion of any bonus, in-

centive pay, or similar benefit previously paid to the member; and

“(ii) may grant an exception to the require-

ment 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 pol-

icy or management objective, would be against equity and good conscience, or would be con-

trary to the best interests of the United States.

“(B) In this paragraph, the term ‘sole survi-

vorship discharge’ means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of De-

fense 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 sib-

lings—

“(A) served in the Armed Forces; and

“(B) was killed, died as a result of wounds, accident, or disease, 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

“(C) the death, status, or disability did not re-

sult from the intentional misconduct or willful neglect of the parent or sibling and was not in-

curred during a period of unauthorized ab-

sence.”

(c) ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.—(1) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMEDIATE DANGER.—Section 310 of title 37, United States Code, is amended—

(1) subsection (a)(1) by striking “and” and inserting “or” before “special pay’’;
(b) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (i), respectively; and

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

"(c) SKILL INCENTIVE PAY.—Section 353(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 payment amount to reflect the duration of the member's actual qualifying service during the month." 

(d) ASSIGNMENT OF SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding after the period at the end the following new paragraph:

"(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), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.

(e) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding after the period at the end of clause (2) the following new clause:

"(3) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

"(4) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (3), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.

(f) ASSIGNMENT OF SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by striking clauses (1) and (2) and redesignating paragraphs (3) and (4) as subparagraphs (A) and (B) respectively.

(g) EFFECTIVE DATE.—Paragraph (2)(A) of section 3634 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. 631. 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";

(C) by striking "individuals" and inserting "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), any individual associated with 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 commanding officer 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 under this section may be amended at any time.

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE INJURED OR KILLED IN A COMBAT OPERATION OR COMBAT-ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (b) of section 411h 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);" and

(B) in clause (ii)—

(i) by striking "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 transportation 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 TRAVEL 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 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"

(g) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Paragraph (4) of section 1602 of the Wounded Warrior Act (Public Law 110–181; 10 U.S.C. 1071 note) 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."
“(4) ELIGIBLE FAMILY MEMBER.—(A) The term ‘eligible family member’ means a family member who is on invitation travel orders or serving as a non-medical attendant 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.

(b) 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 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 411h the following new section:

‘‘§411k. Travel and transportation allowances to 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 (b) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in section 324(b) of title 32 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.

(2) The transportation authorized by subsection (a) may include any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

(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 PERSONAL 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 item:

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Without Dependents</th>
<th>With Dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-9</td>
<td>13,500</td>
<td>15,500</td>
</tr>
<tr>
<td>E-8</td>
<td>12,500</td>
<td>14,500</td>
</tr>
<tr>
<td>E-7</td>
<td>11,300</td>
<td>13,300</td>
</tr>
<tr>
<td>E-6</td>
<td>10,600</td>
<td>12,600</td>
</tr>
<tr>
<td>E-5</td>
<td>7,500</td>
<td>9,500</td>
</tr>
</tbody>
</table>

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009.

(a) AUTHORITY TO ELECT TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT OR RECALL TO ACTIVE SERVICE OF A RESERVE COMMISSIONER PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(b) 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 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 retain pay, a person may elect to receive retired pay, instead of receiving retired or retain pay under chapter 63, 367, 571, or 867 of this title, if the person—

(1) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter; and

(2) serves in a status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 63, 367, 571, or...
SEC. 652. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND 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 if such entity does not 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—

"personal information services" means the provision of Internet, telephone, or television services to consumers.

(d) CLERICAL AMENDMENTS.—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.".

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 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 concern of nonappropriated fund activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcoholic resale prices.

(2) The justification for the increase in the price of alcoholic beverages for resale on military installations on Guam.

(3) The impact of 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 one-year imposition of provision of law referred to in subsection (a).

(4) The potential cost savings in transportation costs, including use of second destination transportation, 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.

(b) CLERICAL AMENDMENT TO REFLECT NEW VARIOUS AGE REQUIREMENT FOR RETIREE PAY—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) the eligibility for the person to receive 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 terminate entitlement to such pay; or

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) The rationale for and validity of the concern of nonappropriated fund activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcoholic resale prices; and

(3) The impact of 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 one-year imposition of provision of law referred to in subsection (a).

SEC. 651. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF NONAPPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.

Section 2499a of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as subsection (c) and, in such subsection (c) 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 paragraphs:

"(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.)."

Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERDUE PAYMENTS 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) CONSIDERATION REGARDING DEDUCTION OR REPAYMENT TERMS.—Such paragraph is further amended—

(1) by inserting "(A)" after "(2)"; 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 imposition to be imposed under such subparagraph to recover the indebtedness, taking into account the financial obligations of the member 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 setting outside of the United States.

(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 as- sign to any successor to that instruction) and the meth- od used to determine the resale price of alco- holic beverages.

Subtitle F—Other Matters
the best interest of the United States,” and inserting “if the Secretary determines that the person—
(1) relies on social security benefits or dis-
ability 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 re-
paying the indebtedness.
(2) NAVAL SERVICE.—Section 616(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 dis-
ability 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 re-
paying 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 Secre-
tary determines that the person—
“(1) relies on social security benefits or dis-
ability 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 re-
paying the indebtedness.
SEC. 662. ARMY AUTHORITY TO PROVIDE ADDI-
tIONAL RECRUITMENT INCENTIVES.
(a) EXTENSION OF AUTHORITY.—Subsection (i) of section 662 of the National Defense Authori-
(b) LIMITATION ON USE OF AUTHORITY.—Sub-
section (e) of such section is amended by insert-
ing “at the same time” after “provided”.
SEC. 663. BENEFITS UNDER POST-DEPLOYMENT/
MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PRO-
GRAM.
(a) IN GENERAL.—Under regulations pre-
scribed by the Secretary of Defense, the Secre-
tary 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 end-
ing 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 mem-
er of the Armed Forces at the time of the provi-
sion 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, for each day the indi-
vidual would have qualified for a day of admin-
istrative absence as described in subsection (a) during the period specified in that subsection.
(c) E XCLUSION OF CERTAIN FORMER MEM-
BERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former mem-
ber was discharged or released from the Armed Forces under other than honorable conditions.
(d) M A XIMUM NUMBER OF DAYS OF BENE-
FITS.—The benefits authorized under this section may be provided to a member or former member of the Armed Forces under this section.
(e) FORM OF PAYMENT.—The paid benefits au-
thorized 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 Li-
ABILITY.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, ab-
sen ce, 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 admin-
istrative absence not chargeable against avail-
able leave to certain deployed or mobilized mem-
ers of the Armed Forces in order to assist such mem-
ers in re-integrating into civilian life after deployment or mobilization.
(2) The term “Secretary concerned” has the meaning given that term in section 101(s) 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 enact-
ment of this Act.
(2) CONSTRUCTION.—Expiration under this sub-
section of the authority to provide benefits under this subsection 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 author-
ized by that subsection.
(i) FORM OF PAYMENT.—The paid benefits au-
thorized under this section may be paid in a 
lump sum or installments, at the election of the 
Secretary concerned.
(j) EXCLUSION OF CERTAIN FORMER MEM-
BERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former mem-
ber was discharged or released from the Armed Forces under other than honorable conditions.
(k) M A XIMUM NUMBER OF DAYS OF BENE-
FITS.—The benefits authorized under this section may be provided to a member or former member of the Armed Forces under this section.
(l) FORM OF PAYMENT.—The paid benefits au-
thorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.
(m) DEFINITIONS.—In this section:
(1) The term “military medical or dental posi-
tion” means a position for the performance of health care functions (or coded to work within the health care functions) that is located at a military department service or activity that may be filled only by a doctor of medicine or a doctor of osteopathic medicine.
(2) The term “civilian medical or dental posi-
tion” means a position for the performance of health care functions that is located at a military department service or activity that may be filled only by a civilian or contractor of the Department of Defense.
(n) REPEAL.—Section 721 of the National De-
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 subsection (a) of 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 demonstra-
tion projects to provide chiropractic services to deployed members of the uniformed services.
(c) DEFINITIONS.—In this section:
(1) The term “chiropractic services”—
(A) includes diagnosis (including by diag-
nostic X-ray tests), health promotion, man-
agement, and therapeutic services for the treatment of a patient’s health condition, including neuro-
musculoskeletal conditions and the subluxation complex, and such other services determined ap-
propriate by the Secretary and as authorized under State law; and
(B) does not include the use of drugs or sur-
gery.
(2) The term “doctor of chiropractic” means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractic doctor by a State, the District of Co-
lumbia, or a territory or possession of the United States.
(A) The date on which such dependent attains 21 years of age.

(b) The period ending on the date on which such dependent attains 21 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."

(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) The term ‘TRICARE Standard’ means—

(A) medical care to which a dependent described in section 1076a(c)(2) is entitled; and

(B) health benefits contracted for under the authority of section 1076a(c)(2) of this title and subject to the same rates and conditions as apply to persons covered under that section.

(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, and 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.

(2) In this subsection—

(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.

(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.
(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 Review Board, the Secretary of the Army may be authorized to appropriate 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 an update of the report required by subsection (c) of section 1701 of title 10, United States Code.

(b) Contents.—The report required by subsection (a) 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) 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) number of active duty 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, present, 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 physiopathological 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 pharmacological agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(D) the effectiveness of interventions 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 disparities in 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) that includes the information required by subsection (a) and any additional information the Secretaries consider appropriate.

(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.


(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 feasibility and cost-effectiveness of offering TRICARE Prime.

(c) TRICARE PRIME DEFINED.—In this section, the term "TRICARE Prime" has the meaning given that term in section 1095a(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 1097a(f)(1) of title 10, United States Code).

(b) Contents.—The report required by subsection (a) shall include, at a minimum, the following:

(1) With respect to each of the services provided by the military health care system, and the type of health care facility in which dependents seek care:

(A) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder and the results (including any interim results) of such studies;

(B) the availability of and access to mental health care providers required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, present, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of efforts to identify physiopathological markers of post-traumatic stress disorder.

(3) The availability and access to health care providers to treat the conditions identified under paragraph (1), 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.

(6) 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 tools 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 utilization of mental health care using common indicators, including—

(i) psychiatric hospitalization rates; and

(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) 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 1092 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 185; 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 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:


(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 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. Extension to exemptions for major defense acquisition program and major automated information system.

Sec. 817. Small Arms Production Industrial Base.

Sec. 818. Publication of justification for building and maintaining the Department of Defense.

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

Sec. 820. 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 of major route of supply to Afghanistan.

Sec. 824. Requirement for Secretary of Defense to purchase goods and services from companies found to jeopardize national defense.

Sec. 825. Enhanced authority for developing and implementing enhanced systems to improve the acquisition process.

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 accoutrements 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 CONTRACT SERVICES AND GOODS PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN;

(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; or

(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 to—

(A) reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan; or

(B) encourage countries along a major route of supply to Afghanistan to cooperate in adjusting routes to support the movement of personnel or goods in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan.

(c) LIMITATION.— Limitation on the authority described in subsection (a) shall not apply—

(1) if the Secretary determines that the procurement primarily involves—

(A) the acquisition of the product or service described in subsection (b)(1); or

(B) the United States industrial base.

(2) if the product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(3) if the product is from a country along a major route of supply to Afghanistan if it is produced in a covered country by citizens or permanent resident aliens of a covered country.

(4) if the product is from a country along a major route of supply to Afghanistan if it is produced in a covered country and—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(5) if the product or service is from a country along a major route of supply to Afghanistan that—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(6) if the product is from a country that—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(7) if the product is from a country that—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(8) if the product is from a country along a major route of supply to Afghanistan.

(d) AUTHORITY FOR USE OF PRODUCTS.—Not later than April 1, 2010, 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.

(e) REPORT.—Not later than March 10, 2010, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Congress a report on the authority provided in subsection (a).

(f) TERMINATION OF AUTHORITY.—The Secretary 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 authority provided in subsection (a).

(h) CONSTRUCTION.—For purposes of this section, the term ‘covered country’ means—

(1) any country listed on the list of covered countries the Secretary shall submit to the congressional defense committees not later than March 10, 2010.

(2) any country—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(i) EFFECTIVE DATE.—This section applies to contracts awarded on or after the date of the enactment of this Act.

SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.

(a) ASSESSMENT REQUIRED.—The Under Secretary shall conduct an assessment of improvements in service contracting.

(b) ASSESSMENT.—The assessment required under 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 requirements;

(2) a determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) an assessment of effective standards to measure performance have been developed.

(4) an assessment of the effectiveness of peer reviews within the Department of Defense that service 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 are working and whether they have implemented section 230b of title 10, United States Code.

(6) an evaluation of the performance management center of excellence for services established pursuant to section 1431 of the Services Acquisition Reform Act of 2003 (title XVI of Public Law 107–107; 41 U.S.C. 605 note) and the feasibility of creating similar centers of excellence in the military departments.

(7) an assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(8) such other related matters as the Under Secretary or the Congress 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.—The title and the review required by subsection (c) of section 2330a of this title for the 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 ("(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the President, as part of the budget estimate 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 report submitted with the budget shall—

(1) list all contracts or service agreements, if any, for the fiscal year, for each type of service to be provided, and

(2) describe any changes from the previous fiscal year to the contracts or service agreements.

(c) EFFECTIVE DATE.—This section applies to the fiscal year 2010 and each succeeding fiscal year.`
“(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 any contract, subcontract, task order, or delivery order, or other contractual arrangement for the integration of sustainment or logistics support such as materiel management, configuration management, data management, management of design, repair, overhaul, product improvement, calibration, maintenance, readiness, reliability, availability, mean down time, customer wait time, foot print reduction, reallocated fleet, 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 logistics support.

(B) Contractor contract support.

(C) Contractor life cycle product support.

(D) Contractor weapons system product support.

(2) 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 2410g the following new section:

“§ 2410r. Contractor sustainment support arrangements: limitation on product support integrator functions.”

(b) EFFECTIVE DATE.—Section 2410r of title 10, United States Code, is amended by adding at the end thereof the following new section:

“2410r. Contractor sustainment support arrangements: limitation on product support integrator functions.

(1) to the contract regardless of the type of contract; and

(2) to each contractual action pursuant to the contract.

(4) CONTRACTUAL ACTION.—In this section, the term “contractual action” includes a task order or delivery order.

SEC. 812. REVISIONS OF 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” at the end of subsection (a); and

(2) by striking the period and inserting a semicolon at the end of the sentence.

(b) DEFINITIONS.—In this section:

(1) The definition of a ‘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) By striking the period and inserting a semicolon at the end of the sentence.

(c) REQUIREMENTS FOR AWARDS OF SINGLE SOURCE OR SINGLE SOURCE TASK OR DELIVERY ORDERS.

(1) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended by inserting “$100,000” after “$50,000”.

(2) 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 Senate for the purpose of the task or delivery order contract concerned is a cooperative agreement, the recipient.”

(d) REQUIREMENTS FOR UNIFORM SUSPENSION AND DEBARMENT REQUIREMENTS FOR SINGLE SOURCE CONTRACTS.

(1) Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items.

Section 4202 of the Clinger–Cohen Act of 1996 (31 U.S.C. 610 note) is amended by striking “or procurements” and inserting “procurement or nonprocurement activity” after “any procurement or nonprocurement activity”.

(2) Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items.


(3) Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items.


(4) Extension of Authority for Use of Simplified Acquisition Procedures for Certain Commercial Items.
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 2445(a)(2) of title 10, United States Code, is amended—

(1) by striking the first sentence and inserting "(as determined by the Secretary of Defense)" after "(as determined by the Secretary of Defense)"; and

(c) 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 ACQUISITION OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT TO PUBLISH JUSTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense shall publish the justification required by paragraph (f) of subsection 7107 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 from the Department of Defense; or

(2) covered by subsection 7107 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 exempt 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 ACQUISITION FUND AMENDMENTS.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2802(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 underlying 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 covered by the timely contract 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: 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 for purposes of transition; and

(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 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) by striking in subparagraph (A), by striking “acquisition positions within the Department of Defense as shortage category positions” and inserting “acquisition workforce 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) REDUCTION 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 under 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 Department of Defense, through gross negligence or with reckless disregard for the safety of such personnel."
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 the following 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) "covered contract" means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) "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 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 that is related to 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 Department of Defense 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. 285. 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 substituted by subtracting $85,000,000. There is a need to correct this shortfall.

SEC. 286. 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 2005 (Public Law 108-333), 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 unduly limiting future employment options for former Department of Defense personnel.

(b) PANEL 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 Department of Defense positions;

(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-related contract management integrity, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation;

(C) the development of doctrine;

(D) ensuring that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(E) ensuring that service in the Department of Defense remains an attractive career option.

(c) COMPLETION REQUIREMENT.—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 legislative or regulatory changes, resulting from the review.

SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTREMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENTS.—The Secretary of Defense shall complete the review required by subsection (a) and produce in the United States sufficient quantities of end items covered under section 2533b of title 10, United States Code, to support the defense supply chain.

(b) HERALDIC QUALITY CONTROL.—No certification, or other uniform accouterments from foreign sources shall be considered, unless such additional recommendations as the National Academy of Public Administration to assess the feasibility of such a recommendation, along with such comments as the Secretary decides appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

(c) REPORT.—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.

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 that—

(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 elements 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 countries with strategic materials protection board should recommend a strategy to the President to ensure the domestic availability of these materials, and to take steps to mitigate the strategic value placed on rare earth materials foreign nations (including China), and the Department of Defense's supply-chain vulnerability related to rare earths and end items containing rare earths.

(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 materials 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 to take steps to mitigate the strategic value placed on rare earth materials 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 ore, metal, and finished products, components containing rare-earth materials, and other uses of rare earths by the Department of Defense in its weapon systems.

(1) Analysis of past procurements and attempted procurements by foreign governments or government- controlled entities, including mine or production rights, of rare-earth resources outside such nation's territorial boundaries.

(2) Analysis of the worldwide availability of rare earths, such as samarium, neodymium, thorium and lanthanum, rare-earth material, and potential domestic sources for use in defense systems, including a projected analysis of projected availability of these materials in the years.

(3) A determination as to whether 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 in the periodic table following lanthanum up to and including lutetium, element number 57, and including 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.

TITIE 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 forces.

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


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. 910. Submission and review of space science and technology strategy.

Sec. 911. Authorization for space-based 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. 933. Department of Defense School of Nursing revisions.

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

Sec. 935. Study on the recruitment, retention, and career progression of uniformed or 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(c) 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:

‘‘(3)(A) The Secretaries of the military departments shall coordinate with the commander of the special operations command regarding personnel management plans and such policy and plans relate to the following:

(J) Accessions, assignments, and command selection for special operations forces.

(ii) Competitions, retention, professional development, and training of members of special operations forces.

(III) Readiness, including 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 as to not interfere with the authorities of the Secretary concerned regarding personnel management policy and plans.

SEC. 902. SPECIAL OPERATIONS ACTIVITIES.

Section 167(t) of title 10, United States Code, is amended by striking paragraphs (1) through (10) and inserting the following new paragraphs:

‘‘(1) Special forces.

‘‘(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) Countersurveillance operations.

‘‘(11) Such other activities as may be specified by the President or the Secretary of Defense.’’.


(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(1) REDENOMINATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(b) 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.

(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 this Act, in 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 refer to the Department of the Navy and Marine Corps. Any such reference to an office specified in subsection (b)(2) shall be considered to refer 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 EMPLOYEES TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CITIZENS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY:—

(1) 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 a participant, any such private sector employee may be awarded an appropriate certification or diploma.

(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—

For purposes of this section, a 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 substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains an employee of such firm or corporation 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 used to transfer funds from other sections under this title; 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 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 specified 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 1290(c) of title 10, United States Code, is amended to read as follows:

“(2) The Director shall report directly to the Secretary of Defense.

“SECTION 907. INCREASED FLEXIBILITY FOR COMBAT-ANT COMMANDER INITIATIVE FUND.

“(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 2245a(c) 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) 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 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, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

“SECTION 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’; and

(2) in subsection (a)—

(A) in the heading, by striking ‘PILOT’; and

(B) by striking ‘a pilot program’ and inserting ‘a program’;

(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 ‘the program’; and

(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-gathering programs; 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 Senate, the Select Committee on Intelligence of the House of Representatives, and the Permanent Select Committee on Intelligence of the Senate a report containing—

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

(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. JOB PROGRAM OFFICE FOR CYBER OPERATIONS CAPABILITIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of 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 future 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, after consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information Integration, the Director of the Office of the Secretary of Defense, 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 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 conducted by the military departments to extend DlMHRS to the department.

(4) Such other responsibilities as the Secretary determines are appropriate.

(e) ANNUAL REPORT.—(1) In general.—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 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 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 impairing transition of DIMHRS to the military departments.

(2) Coordination of implementation of DIMHRS within each military department to ensure coordination 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, the Secretary of Defense shall submit to the congressional defense committees a 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 testing and evaluation activities of DIMHRS as implemented throughout the Department of Defense, as well as any such activities conducted by the military departments to extend DIMHRS to the department.

(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— .

(E) Identification of and strategies 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 35 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.—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 end strength for fiscal year 2000 through 2010 special operations command headquarters and special operations forces component command headquarters for the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training and education, and equipment and 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.

(b) 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.

(c) Recommendations 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 Defense Intelligence committees a report assessing the challenges to special operations command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations commands.

(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.

(c) TYPES OF RECRUITMENT AND RETENTION INCENTIVES.—The report shall include recommendations for increasing the number of civilian positions available in 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 effectiveness of efforts by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(b) OPTIONS AND RECOMMENDATIONS.—The report shall include options and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and industry to increase coordination with other civilian agencies and industrial partners.

(c) CONCLUSION.—The report shall include a conclusion on the effectiveness of efforts by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(b) OPTIONS AND RECOMMENDATIONS.—The report shall include options and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and industry to increase coordination with other civilian agencies and industrial partners.

(b) CONCLUSION.—The report shall include a conclusion on the effectiveness of efforts by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and industry to increase coordination with other civilian agencies and industrial partners.

(7) The nature and extent of outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and industry to increase coordination with other civilian agencies and industrial partners.
(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.

Sec. 1015. Miscellaneous authorities and limitations.

Sec. 1021. Operational procedures for experimental 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. Chair of the United States National Reconnaissance Office.

**Subtitle C—Studies and Reports**


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 the Air Force.

Sec. 1035. Strategic review of basing plans for the Department of Defense.

Sec. 1036. Report on the construction, expansion, repair, or operation of United States military prototypes.

**SECT. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL AUTHORIZATION OF APPROPRIATIONS**


Sec. 1047. Counter-terror 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 Guantanamo Bay, Cuba.

Sec. 1051. Sense of Congress regarding carrier air force structure.

Sec. 1052. Sense of Congress regarding Department of Defense financial improvement and audit readiness plan.

Sec. 1053. Justice for victims of torture and human rights abuses.

Sec. 1054. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs for the United States.

**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) of this subsection, the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(b) **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).

(c) **EXCEPTION FOR TRANSFERS FOR HEALTH INFORMATION MANAGEMENT AND INFORMATION TECHNOLOGY SYSTEMS.**—A transfer of funds from the Office of the Secretary of Defense to support the Department of Defense Health Information Management and Information Technology systems shall not be counted toward the dollar limitation in paragraph (2).

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under 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 AUTHORIZATIONS AND REQUIREMENTS.**


(1) in subsection (a), by striking “2009” and inserting “2010”;

(2) in subsection (c), by striking “2009” and inserting “2010”.


**SEC. 1012. JOINT TASK FORCE FOR THE LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**


**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 construction, expansion, renovation, 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 unless—

(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 a multilateral military coordination and intelligence center that is located, or evaluation will be conducted on the basis of, the performance evaluation system used by the Secretary of Defense to assess the effectiveness of approved counter-narcotics 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.

(d) Effect of Report.—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 performance evaluation system for the performance evaluation system for the counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations

SEC. 1021. OPERATION, 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, the Secretary of Defense may—

(1) require that substantially modified or new systems, facilities, or test equipment be developed or acquired for testing the goal of developing new technology for increasing the capability, capacity, efficiency, or reliability of such systems, and for stimulating 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) take into account the safety of personnel conducting such tests and evaluations;

(2) ensure that, prior to the approval of any such deviation, sufficient engineering and risk assessments have been performed, and that the 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, subcontractors, defense department acquisition officials, and 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 deviation from operations procedures 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 10 days after the date of the contract for the development of the experimental military prototype;

(B) address the use of a major system as an experimental military prototype or contract item 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 during the evaluation, 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 Defense shall submit 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 Piascik Aircraft Corporation of Essington, Pennsylvania (in this section referred to as “transferee”), all right, title, and interest of the United States, except as provided in paragraphs (2), (3), and (4), in the X-49A aircraft to the Navy aircraft N04VT (Bureau Number 162283), also known as the X-49A aircraft, and associated components and test equipment, previously specified as Government furnished equipment in contract N00019-06-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 be 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 Secretary of Defense with 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 such evaluation 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 592(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 combatant force 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 consultation with the central transfer account commanders, shall evaluate the required postures and capabilities of each of the combatant commanders 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 funds made available by this Act or otherwise appropriated 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 —

(1) any individual described in subsection (b) 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, including the disposition of each individual described in subsection (a), on or before 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 combatant force of the Navy may be 10.

(c) Any costs associated with the conveyance of the aircraft shall be borne by the transferee.

(d) A summary of the consultation required in 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 be 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 Secretary of Defense with 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 such evaluation 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. 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 in consultation with the Defense Department shall jointly submit to the congressional intelligence 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 committees.

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 a report to the Secretary of Defense on the degree to which the report satisfies 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 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 force structure requirements for major military capabilities.

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 addressing the areas of deviation not later than 30 days after the submission of the report by the Comptroller General required pursuant to paragraph (1).

(b) FINDINGS.—The Secretary's report shall include—

(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 force structure requirements for major military capabilities.

SEC. 1033. SENSE OF CONGRESS AND AMENDMENT GRANTED TO THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the quadrennial defense review is a strong statement, 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";
(2) by adding at the end the following new paragraph:

"(2) The existence of the quadrennial defense review determines the extent to which 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 BASIS PLANS FOR UNITED STATES EUROPEAN COMPOSITION.

(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 Articles 8 and 9 of the North Atlantic Treaty; entered into force 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
(C) the Select Committee on Intelligence of the Senate.

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.
(6) Co-Chairs.—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.

(c) TERM 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 original appointment.

(d) DUTIES.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense's terms of reference, and any materiel providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under 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) 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 (a), any recommendations it considers appropriate for their consideration.

(e) FIRST MEETING.—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.

(f) ADDITIONAL MEMBERS.—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) OFFICE.—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.

(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) FFDRC SUPPORT.—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 10, United States Code, and shall be subject to the conditions set forth in such section.

(k) PAYMENT OF PANEL.—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 DETAINES OF RIGHTS UNDER MIRANDA V. ARIZONA.

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 how the 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 Secretaries 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;

(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 such program or project supports the Department’s electronic warfare strategy.

(3) For each unclassified program or project on the list required under paragraph (2)—

(A) the senior acquisition executive and organizational responsibility 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 as of September 30, 2010 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 department or agency; 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 under 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. Such 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 and transport, analysis and 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 with 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.—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 subsections (a) and (b). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) DESIGNATION OF 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, by secure access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

Subtitle II—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 otherwise specifically authorized by law.’

(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.

(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 2301(c)(2)” and inserting “section 2301(c)(4)”. 

(4) Section 2667(g)(1) is amended by striking “Secretary concerned concerning” and inserting “Secretary concerned”.

(b) TITLE 37, UNITED STATES CODE.—Section 306(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 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 “years”.

(5) Section 811(c)(1)(A)(i) (122 Stat. 4524) is amended by striking “after of the program” and inserting “after of the program”. 

Title IV of Public Law 110–417 (122 Stat. 4547) is amended by striking “each of subsections (c)(2)(A) and (c)(2)(2)” and inserting “subsection (c)(2)(A)”. 

Passed the House of Representatives June 25, 2009.

CONGRESSIONAL RECORD—HOUSE H7299
(7) Section 825(b) (122 Stat. 4534) is amended in the new item being added by inserting a period after “thereof”.

(8) Section 834a(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 striking “subchapter II” and inserting “Subchapter I”; and
(B) in paragraph (2), by striking “subchapter I” and inserting “subchapter II”.

(10) Section 921 (122 Stat. 4573) is amended by striking “sections (f)” and substituting “sections (f), (g), and (h)”.

(11) Section 931(b) (122 Stat. 4575) is amended by striking “Section 101(c)” and substituting “Section 101(f)”.

(12) Section 1032 (122 Stat. 4576) is amended by striking “section 941” and inserting “section 941, paragraphs (1) and (2)”.

(13) Section 1059 (122 Stat. 4611) is amended by striking “Act” and inserting “Act of”.

(14) Section 1059(b) (122 Stat. 4613) is amended by striking “199 of the matter proposed to be added to section 201”.

(15) Section 1109 (122 Stat. 4618) is amended by striking “119” and inserting “118”.

(16) Section 1201 (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking “section 201”.

(17) Section 1300(b) (122 Stat. 4769) is amended to read as follows:

“(A) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by paragraphs (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.”.

(18) Section 3514a (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 PILD PROGRAM ON COMMERCIAL FUEL-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.


SEC. 1045. EXTENSION OF SUNSET FOR CONGRESS.—In the description of how such funds would be invested in 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) Prior to her service in Congress, Representative Tauscher worked in the private sector for 20 years, 14 of which were on Wall Street.

(3) 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.

(4) Representative Tauscher moved to California in 1969 and shortly afterwards founded the first national research service to help parents verify the background of childcare workers while she sought quality child care for her own daughter.

(5) Subsequently, Representative Tauscher published a book to help working parents make informed decisions about their own childcare needs.

(6) Representative Tauscher is known by her colleagues in Congress as a leader on national security and nonproliferation issues.

(7) 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.

(8) 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 the only woman in history to chair an Armed Services Subcommittee.

(9) Representative Tauscher is the first California Democrat to be elevated to an Armed Services Subcommittee Chairmanship since 1992.

(10) Representative Tauscher is currently serving as the 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 Subcommittees on the Armed Services Committee of NATO’s Parliamentary Assembly.
clearly recognizable sections of the hull and unique components of on-board equipment and that as much of the vessel as possible, including the Nation’s history and as much of the vessel national Security at the Department of State.

seeable future the majority of the strike fighter generation strike fighter aircraft, for the fore- loaders a carrier air wing to include not less than 10 carrier air wings. 

requires a carrier air wing to include not less than 10 carrier air wings (even if the number of aircraft carriers is temporarily re- duced) that are comprised of, in addition to any other carrier 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 a classification of strike fighter aircraft in each carrier air wing.

SEC. 1052. SENSE OF CONGRESS ON DEPARTMENT OF DEFENSE FINANCIAL IMPROVE- MENT 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 and business systems, and to achieve an unqualified audit 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. 3501 note) are required published financial statement audits, reporting by auditors 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 determin- ing the reliability of reported financial state- ment 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 ad- dressed financial management challenges and achieving clean audit opinions. This 2006 report projected that 86 percent of assets and 86 percent of liabilities would be “clean” by 2009, yet in the latest report in March 2009 the Depart- ment reports it will achieve an unqualified audit on only 45 percent of its assets and liabilities by 2009. The Department of Defense is fall- ing 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 for business systems, a deficiency of financial management, and a lack of commitment from senior Department of Defense leadership to foster waste and non-accountability to the United States public. It is the sense of Congress that the Secretary of Defense has not made compli- ance with financial management and audit readiness standards a top priority and should be replaced.

(c) PLANS.—In the next update of the Financial Improvement and Audit Readiness Plan, the Department of Defense should outline a plan to achieve a full, unqualified audit of the Depart- ment of Defense by September 30, 2013. In the plan, the Secretary of Defense should also include mechanisms to conduct audits of the military intel- ligence programs and agencies and to submit audited financial statements for such agencies to Congress to ensure funding of these programs.

SEC. 1053. JUSTICE FOR VICTIMS OF 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 re- spect 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 negoti- ations and will monitor the progress in the prompt and equitable resolution of these claims.

(5) Congress notes that the House of Rep- resentatives 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 demo- cratic 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 hos- tage 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 com- promise of these claims.

SEC. 1054. REPEAL OF CERTAIN LAWS PERTAINING TO THE JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERA- LIZATION PROGRAMS OF THE UNITED STATES.


(b) BIENNIAL REPORT ON COUNTERPROLIFERA- LIZATION ACTIVITIES AND PROGRAMS.—Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 104–118; 22 U.S.C. 2751 note) is repealed.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Authority to employ individuals com- pleting the National Security Education Program.

Sec. 1102. Authority for employment by Depart- ment 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 indi- viduals who have successfully completed the Department of De- fense information assurance scholarship program.

Sec. 1104. Additional professional authorities for the Special Inspector General for Afghanistan Reconstruction.

(12) On May 5, 2009, the President nominated Representative Tauscher to serve as Under Sec- retary of State for Arms Control and Inter- national Security at the Department of State.

(13) The Deep Submergence Vessel NR-1 (hereinafter in this section referred to as ‘‘NR-1’’) was built by the Electric Boat Company in Grot- ton, 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, Con- necticut 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 Lib- rary and Archives in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States 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 Grot- ton, 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 super- structure, to the extent practicable, be made available for transfer to the Submarine Force Museum and Library.

SEC. 1050. COMPLIANCE WITH REQUIREMENT FOR PLAN ON THE DISPOSITION OF DE- TAINEES AT NAVAL STATION, GUAN- TAMANO 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 CAR- RIER AIR WING FORCE STRUCTURE.

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

(1) The requirement of section 502(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 should include not less than 10 carrier air wings.

(2) The Department of the Navy currently re-quires a carrier air wing to include not less than 44 strike fighter aircraft.

(3) In spite of the potential warfighting benef- its 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.
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. Authorization to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants working overseas.

Sec. 1108. Requirement for Department of Defense strategic workforce plans.

Sec. 1109. Adjustments to limitations on personal or national security clearance eligibility 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. 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 SCHOLARSHIP PROGRAM.

SEC. 1102. PROVISIONS RELATING TO UNREDUCED COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

SEC. 1103. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

SEC. 1104. ADDITIONAL PERSONNEL AUTHORITY 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.

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–141; 122 Stat. 461), is amended by inserting “calendar years 2009 and 2010” in place of “calendar year 2009” and inserting “Pakistan or” after “is on official duty in”.

SEC. 1106. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

Section 603(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 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–141; 122 Stat. 461), 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.

SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

SEC. 1109. CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLANS.

SEC. 1110. CIVILIAN EMPLOYEE WORKFORCE DEPLOYMENT PLANS.
TECHNICAL WORKFORCE.—Each strategic workforce that the Secretary of Defense considers necessary to address.

Previous year.

partment in implementing the strategic workforce plan required by this section.

such gaps and meet the needs of the Department by appropriately qualified personnel to address any of the following purposes:

"(1) Performance of inherently governmental functions.

"(B) Performance of work pursuant to section 2463 of title 10, United States Code.

"(C) Ability to maintain Defense Department 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.

"(2) A plan of action for developing and re-shaping the civilian employee workforce of the Department, including:

"(A) Specific recruiting and retention goals, especially in areas identified as critical skills and competencies identified in paragraph (1), including—

"(i) a description of any continuing shortfalls in funding available for the acquisition workforce,

"(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

"(C) Any changes in the number of personnel authorized for 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;

"(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 set forth in this paragraph.

"(4) Any additional matters the Secretary of Defense considers necessary to address.

"(a) A plan for the continued review of congressional defense committees a report.

"(b) A plan for the continued review of congressional defense committees a report.

"(c) A plan for the continued review of congressional defense committees a report.

"(d) A plan for the continued review of congressional defense committees a report.

("A) Subsection (a) of section 115a of such title is amended by adding "defense" before "manpower requirements report."

("B) The heading of such section is amended to read as follows:

"115. Annual defense manpower requirements report.

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.


SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL REQUIREMENT FOR ANNUAL MANPOWER REPORTING AUTHORITY.

SEC. 1110. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.

(a) ADDITIONAL SCIENCE AND TECHNOLOGY RE-INVESTMENT LABORATORIES.—

(1) DESIGNATION.—Each of the following is hereby designated as a Department of Defense science and technology reinvestment laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 4411)).

(2) A summary of the replacement during the preceding fiscal year of contract employees 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 employees associated with the replacement of contracts performing inherently governmental or exempt functions.

"(3) Any additional matters the Secretary of Defense considers necessary to address.

"(A) 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 employees 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 employees associated with the replacement of contracts performing inherently governmental or exempt functions.

"(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 EACH DEFENSE AUTHORITY.

"(A) A summary of the replacement during the preceding fiscal year of contract employees 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 employees associated with the replacement of contracts performing inherently governmental or exempt functions.

"(B) The heading of such section is amended to read as follows:

"Annual defense manpower requirements report.

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.


SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL REQUIREMENT FOR ANNUAL MANPOWER REPORTING AUTHORITY.


caption: "THE TECHNICAL WORKFORCE."
(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, Atlantic.
(F) The Space and Naval Warfare Systems Center, Pacific; and
(G) the Tank and Automotive Research Development and Engineering Center.
(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. PURCHASING 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 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 enter into a written or oral agreement between the Department of Defense and the employee concerned regarding the terms and conditions of the employee’s assignment under this section.
(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) TERM OF ASSIGNMENT.—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 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 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, apply (with respect to the individual or position involved) if the National Security Personnel System had never been established.
(2) any individual who, after June 16, 2009, is assigned to any position under 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.
(3) a description of the tasks they performed while they were so assigned.
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 system established under authority of chapter 99 of title 5, United States Code; and
(2) the term “statutory pay system” means a pay system under—
(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates);
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) any pay 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, or a system which is the most similar to 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 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) 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 inform 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 view 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 construed to affect—

(1) 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 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 a 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 operating in Afghanistan.

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

Sec. 1211. Limitation on availability of funds for certain purposes relating to Pakistan.

Sec. 1212. Reauthorization of Commanders’ Emergency Response Program.

Sec. 1213. Reauthorization of certain Coalition nations for support provided to United States military operations.

Sec. 1214. Pakistan Counterinsurgency Fund.

Sec. 1215. Framework to be provided for 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 assessment of United States efforts in Afghanistan.


Sec. 1219. Report on Afghan Public Protection Program.

Sec. 1220. Update 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 United States military articles and related matters.

Sec. 1226. Joint military of defense advisor program.


Sec. 1228. Sense of Congress supporting United States military for the war in Afghanistan.

Sec. 1229. Analysis of required force levels and cooperation.

Sec. 1230. Required assessments of progress toward security and stability.

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. 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 2008 (Public Law 110–181; 118 Stat. 919) is further amended by striking “September 30, 2009” and inserting “September 30, 2009”.

(b) EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1207(g) 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 “March 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.


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; 118 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:

“(ii) subsection (b)(6) of section 106a 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 any information required under such section with respect to fiscal years 2008 and 2009.
HUNTER NAVAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

(a) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4369) 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 "$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009" and inserting "$1,400,000,000 in fiscal year 2010"; and

(b) QUARTERLY REPORTS.—Subsection (b) of section 1202 of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4369), is further amended—

(1) in the heading, by striking "FISCAL YEARS 2008 AND 2009" and inserting "FISCAL YEAR 2010"; and

SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.

(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 policy of the United States with respect to Pakistan.

(b) USE OF FUNDS.—

(1) In general.—Amounts in the Fund shall be 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, maintenance, renovation, and construction) to improve the counterinsurgency capability of Pakistan’s security forces (including Pakistan’s military, Frontier Corps, and other security forces), and to remain available until September 30, 2011.

(2) Limitations.—(A) In general.—The total amount of reimbursements made under subsection (a) during fiscal year 2010 may not exceed $1,200,000,000.

(3) Periodic reports.—The Secretary of Defense shall notify the appropriate congressional committees of the amounts reimbursed to the United States Government under subsection (a) during any fiscal year. The Secretary of Defense shall notify the appropriate congressional committees of the amounts reimbursed under subsection (a) during fiscal year 2010.

SEC. 1215. LIMITATION ON USE OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization or appropriation contained in this Act shall be obligated or expended for any 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. 1216. REALIGNMENT OF COMMANDERS’ EMERGENCY RESPONSE PROGRAM.

(a) AUTHORITY FOR FISCAL YEAR 2010.—Section 1216(a) of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4369), 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 "$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009" and inserting "$1,400,000,000 in fiscal year 2010"; and

(b) 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. 

Title 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 or appropriation contained in this Act shall be obligated or expended for any 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.
(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.—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.

(1) PROGRAM REQUIRED.—

(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.

The registration and end-use monitoring requirements 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.

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, and every 180 days thereafter, the President shall report to the Congress on 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; and

(B) to establish safe havens in Afghanistan and other countries; and

(C) to conduct attacks inside or outside Afghanistan.

(2) Spreading legitimate and functional government institutions.

(3) Improving the rule of law.

(4) Promoting economic growth.

(5) Other areas the President determines to be important.

(6) 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, shall develop goals and timelines for meeting such goals.

(c) CONGRESSIONAL HEARINGS.—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) shall include, at a minimum, the following elements:

(A) The results of the assessment.

(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 number 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) 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).

(D) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(E) 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 defense 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 that host or accommodate 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 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 by the United States custody and the reasons for their release, and the number of detainees who have 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 shoulder-down forces developed for redeployment, 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 Appropriations, the Committee on Foreign Relations, the Select Committee on Intelligence, the Committee on Appropriations of the Senate; and

(2) the Committee on Appropriations, 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 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, autonomous district governmental officials, and leaders of the local communities, of the successes and failures of the program.

(E) Any updates 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 to make that decision.

(F) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were selected.

(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) An assessment of whether 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 follow-up procedures.

(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.

(E) An assessment that would reasonably be required to be made by the Government of Afghanistan 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 in accordance with the policy.

(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; and

(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 the following:

(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) An 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. REPORTS ON RECORD OF COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1220 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 2006 (Public Law 110–181; 123 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 in those countries;

(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 alternative strategies for United States-Pakistan military relations and cooperation, which could encourage the Pakistani military to undertake counterterrorist 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 include—

(1) the effectiveness of efforts—

(A) to disrupt, dismantle, and defeat al Qaeda, its affiliated networks, and other terrorist organizations;

(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 goals described in paragraph (1).

(b) REQUIREMENT TO DEVELOP GOALS AND OBJECTIVES AND TIMELINES.—For any area assessed under subsection (a), 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.

(c) 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 (a).

(d) REVIEW BY THE COMPTROLLER GENERAL.—The report submitted under subsection (a) shall be submitted 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.

(e) REPORT REQUIRED.—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.

(f) SPECIFIED DEFENSE ITEMS IN IRAQ DEFINED.—In this section, the term “specified defense items in Iraq” includes major end items of the United States military in Iraq that are not economically feasible to remove from Iraq or which are not needed to meet other requirements, and for soliciting and evaluating proposals for the disposition and removal of such items.

SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 110–181; 119 Stat. 3642) is amended by striking the following: “provided any reports made under section 620 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 110–181; 119 Stat. 3642) are transmitted in good faith.”

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 include—

(1) the identity 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) in other overseas contingency operations involving the Armed Forces;

(B) to use the resources of the United States military to support United States military operations in those countries.

(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 as not needed to support United States military operations, which could encourage the Pakistani military to undertake counterterrorist and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(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.

(b) FORMULATION OF ADVICE AND TRAINING PROGRAM.—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).

(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 description of the goals and objectives and timelines for meeting such goals and objectives required under subsection (c).

(3) 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)."
Congressional Record — House
June 25, 2009

H7310

A25JN7.036

personnel, and unfilled staffing, training, and Armed Forces, the roles of non-Armed Forces Provincial Reconstruction Teams (PRTs) in Afghanistan are critical to the implementation of the President’s strategy, and of military organizations and operational concepts.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(2) As assessment of Iranian grand strategy, and of military organizations and operational concepts.

(2) I RAN’S CONVENTIONAL FORCES.—The term "Iran’s conventional forces" includes all forces 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 developments in 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:

(1) The size, location, and capabilities of Iran’s conventional forces;

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(2) As assessment of Iranian grand strategy, and of military organizations and operational concepts.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(2) As assessment of Iranian grand strategy, and of military organizations and operational concepts.

(2) As assessment of Iranian grand strategy, and of military organizations and operational concepts.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(2) As assessment of Iranian grand strategy, security strategy, and military strategy, including:

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(2) As assessment of Iranian grand strategy, and of military organizations and operational concepts.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(2) As assessment of Iranian grand strategy, and of military organizations and operational concepts.
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. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Amendments made by this section shall take effect on the date of 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.

SEC. 1234. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense and the Secretary of State shall submit to the Congress a report on the implementation and impact of drawdown authorities, including a description of the steps taken by the Departments of Defense and State to notify Congress of the drawdowns, and the results of such drawsdowns, in accordance with section 1202 of such Act on or after the date of the enactment of this Act.

(b) ELEMENTS OF REPORT.—The report required under this 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) An assessment of the national security risks of removing certain space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(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, the United States Munitions List;

(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 furtherance of terrorism, drug, or other activities 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...
SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(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 1901 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 1901 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 1901 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, amounts may be obligated for the purposes specified in paragraphs (1) through (10): (1) For strategic offensive arms elimination in Russia, $65,385,000.

(b) STRATEGIC NUCLEAR ARMS ELIMINATION IN UKRAINE.—For strategic nuclear arms elimination in Ukraine, $6,806,000.

(c) NUCLEAR WEAPONS STORAGE SECURITY.—For nuclear weapons storage security in Russia, $15,090,000.

(d) NUCLEAR WEAPONS TRANSPORTATION SECURITY.—For nuclear weapons transportation security in Russia, $46,400,000.

(e) WEAPONS OF MASS DESTRUCTION PROLIFERATION PREVENTION.—For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(f) BIOLOGICAL THREAT REDUCTION.—For biological threat reduction in the former Soviet Union, $152,132,000.

(g) CHEMICAL WEAPONS DESTRUCTION.—For chemical weapons destruction, $1,000,000.

(h) DEFENSE AND MILITARY CONTACTS.—For defense and military contacts, $5,000,000.

(i) NEW COOPERATIVE THREAT REDUCTION INITIATIVES.—For new Cooperative Threat Reduction initiatives, $29,000,000.

(j) LIMITATION ON FUNDING FOR OTHER PURPOSES.—For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBligATION OR EXPENDITURE OF FUNDING 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.

(c) LIMITATION ON 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 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.

(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 title 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 purpose for which the amount was used; and

(B) a statement of any amounts used under this section, including, for each such amount, the purpose for which the amount was used.

(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 Affairs of the Senate; and

(3) the Committee on Appropriations of the House of Representatives.
(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 REQUIRED FOR FISCAL YEAR 2010 DEFENSIVE 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 submit to Congress an independent 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 TO 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 submitted under subsection (a), 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.

(4) SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirements under subsection (b), not more than 10 percent of the total amount 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, to undertake activities described under subsection (b)(1)(A) pursuant to paragraph (2)(B), for activities described under subsection (b)(1)(A).

(b) DETERMINATION AND NOTICE.—

(1) 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 urgent or are necessary 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;

(c) 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 (enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5095 note).

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.


Sec. 1403. Defense Health Program.

Sec. 1404. Chemical agents and munitions defense.

Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.


Sec. 1411. Authorized uses of National Defense Stockpile funds.

Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.

Sec. 1412A. Report on implementation of reconfiguration of the National Defense Stockpile.

Sec. 1421. Authorized uses of appropriations for Armed Forces Retirement Home.

Subtitle B—Military Programs

Sec. 1401. Working Capital Funds.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Armed Forces Retirement Home 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 Department of Defense Health Program, in the amount of $29,963,187,000, of which—

(1) $23,292,463,000 is for Operation and Maintenance;

(2) $493,192,000 is for Research, Development, Test, and Evaluation;

(3) $317,532,000 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, in the amount of $1,560,700,000, 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) $12,699,000 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, 1998 (50 U.S.C. 1521); and

(2) the destruction of the chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICATION 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 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 $117,990,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 5 of the Strategic and Critical Materials Transaction Act (10 U.S.C. 4661a) for the authorized uses of such funds under subsection (a) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the fiscal year in 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
SEC. 1501. PURPOSE.

Sec. 1519. Treatment as additional authorization.

Sec. 1518. Special transfer authority.

Sec. 1516. Limitations on Iraq Security Forces.

Sec. 1515. Afghanistan Security Forces Fund.

Sec. 1514. Mine Resistant Ambush Protected Vehicle Fund.

Sec. 1513. Joint Improvised Explosive Device Defeat Organization pending report to Congress.

Sec. 1512. Military Personnel.

Sec. 1511. Working Capital Funds.

Sec. 1510. Operation and maintenance.

Sec. 1509. Research, development, test, and evaluation.

Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.

Sec. 1507. Defense-Wide Activities Procurement.

Sec. 1506. Air Force procurement.

Sec. 1505. Navy and Marine Corps procurement.

Sec. 1504. Limitation on obligation of funds for Joint Improvised Explosive Device Defeat Organization pending report to Congress.


Sec. 1502. Army Procurement.

Sec. 1501. Purpose.

Sec. 1500. Army Procurement.

SEC. 1503. JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 to 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 this Act, 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 DISBURSEMENTS 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 containing the following information:

(1) A description of the purpose, funding, and schedule of the project.

(2) A description of all 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 the United States Armed Forces in Iraq operating forward.

(5) The operating expenses account of the Department of Defense for the Afghanistan Security Forces Fund shall be subject to the conditions contained in subsections (a) through (p) of section 1504 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Navy in the amount of $2,021,786,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Marine Corps in the amount of $1,164,445,000.

SEC. 1506. AIR FORCE PROCUREMENT.

Pursuant to the authorization of appropriations—

(1) For aircraft procurement, $1,151,776,000.

(2) For ammunition procurement, $256,819,000.

(3) For missile procurement, $30,625,000.

(4) For other procurement, $2,321,549,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Pursuant to the authorization of appropriations—

(1) For aircraft procurement, $1,976,474,000.

(2) For ammunition procurement, $270,633,000.

(3) For weapons and tracked combat vehicles procurement, $337,748,000.

(4) For missile procurement, $531,570,000.

(5) For other procurement, $6,021,786,000.

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.

Pursuant to the authorization of appropriations—

(1) For the Army, $57,970,661,000.

(2) For the Navy, $5,219,583,000.

(3) For the Marine Corps, $3,701,600,000.

(4) For the Air Force, $10,152,668,000.

(5) For Defense-wide activities, $233,300,000.

(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, $321,546,000.

(11) For the Air National Guard, $289,862,000.

SEC. 1511. WORKING CAPITAL FUNDS.

Pursuant to the authorization of appropriations—

(1) For aircraft procurement, $1,151,776,000.

(2) For ammunition procurement, $256,819,000.

(3) For missile procurement, $30,625,000.

(4) For other procurement, $2,321,549,000.

SEC. 1512. MILITARY PERSONNEL.

Pursuant to the authorization of appropriations—

(1) For aircraft procurement, $1,151,776,000.

(2) For ammunition procurement, $256,819,000.

(3) For missile procurement, $30,625,000.

(4) For other procurement, $2,321,549,000.
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 INTERD ICTION 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, and subject to the same conditions and limitations, as amounts in such account.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under this authority in this section may not exceed $4,000,000,000.

(b) **TRANSFERS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

**SEC. 1519. TREATMENT AS ADDITIONAL AUTHOR IZATIONS.**

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 military construction 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, XVII, 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. Improvement to military family housing units.**

**Sec. 2104. Authorization of appropriations.**

**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)(2), 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**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>$51,150,000</td>
</tr>
<tr>
<td>Alabama</td>
<td>Fort Wainwright</td>
<td>$198,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$27,700,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Pine Bluff Arsenal</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$342,950,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Elgin Air Force Base</td>
<td>$131,600,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$293,300,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>$184,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Wheeler Army</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Riley</td>
<td>$162,400,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$70,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Detrick</td>
<td>$46,200,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$170,800,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Picatinny Arsenal</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$92,700,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$111,150,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$90,500,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>McAlester Army Ammunition Plant</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Sunny Point</td>
<td>$23,900,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Dugway Proving Ground</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort A.P. Hill</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$18,700,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Bagram Air Base</td>
<td>$87,100,000</td>
</tr>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ansbach</td>
<td>$3,700,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Kleber Kasernne</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Landstuhl</td>
<td>$25,000,000</td>
</tr>
</tbody>
</table>
Army: Outside the United States—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan</td>
<td>Okinawa</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Sagamihara</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Camp Humphreys</td>
<td>$50,200,000</td>
</tr>
<tr>
<td></td>
<td>Camp Arifjan</td>
<td>$82,000,000</td>
</tr>
</tbody>
</table>

**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:

<table>
<thead>
<tr>
<th>Army: Family Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Installation or Location</td>
</tr>
<tr>
<td>------------------------</td>
</tr>
<tr>
<td>Germany</td>
</tr>
</tbody>
</table>

(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 improve existing military family housing units in an amount not to exceed $319,300,000.

**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 2100(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $328,000,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARM.**

(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), $2,730,150,000.
2. For military construction projects outside the United States authorized by section 2101(b), $230,000,000.
3. For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $53,000,000.
4. For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $82,000,000.
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), $323,415,000.
7. For the construction of increment 2 of the United States Southern Command Headquarters at Miami, 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. 564), $18,000,000.
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. 565), $23,500,000.
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), $80,000,000.
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.

**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 subsection 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–16; 119 Stat. 590), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 585) 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 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Pohakuloa</td>
<td>Tactical Vehicle Wash Facility</td>
<td>$9,207,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Battle Area Complex</td>
<td>$33,600,000</td>
</tr>
</tbody>
</table>

**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:
(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain</td>
<td>Naval Station, Pearl Harbor</td>
<td>$35,182,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$107,090,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Air Station, Andersen</td>
<td>$70,500,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Naval Station, Rota</td>
<td>$12,590,000</td>
</tr>
<tr>
<td>England</td>
<td>Naval Air Station, Farnborough</td>
<td>$575,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>U.S. Army Garrison, Ansbach</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>U.S. Army Garrison, Kaiserslautern</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>U.S. Army Garrison, Wiesbaden</td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Pusan</td>
<td>Welcome center/warehouse</td>
<td>$4,376,000</td>
</tr>
<tr>
<td>Mariana Islands</td>
<td>Naval Base, Guam</td>
<td>30</td>
<td>$2,730,000</td>
</tr>
</tbody>
</table>

### SEC. 2204. 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 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, $166,569,000.
   - (B) For military family housing functions, (including functions described in section 2803 of title 10, United States Code), $568,540,000.


(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 PROJECTS.

(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 "$127,153,000".

(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. 3491), 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.

Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear Air Force Station</td>
<td>$24,300,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Elmendorf Air Force Base</td>
<td>$15,700,000</td>
</tr>
<tr>
<td>California</td>
<td>Davis-Monthan Air Force Base</td>
<td>$41,900,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Little Rock Air Force Base</td>
<td>$16,200,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Travis Air Force Base</td>
<td>$12,900,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Vandenberg Air Force Base</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>United States Air Force Academy</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Warner Robins Air Force Base</td>
<td>$6,200,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Hickam Air Force Base</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>United States Air Force Academy</td>
<td>$12,900,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Mountain Home Air Force Base</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Scott Air Force Base</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>McGuire Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Pease Air Force Base</td>
<td>$12,900,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Creech Air Force Base</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Cannon Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Holloman Air Force Base</td>
<td>$15,900,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>$6,900,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Edwards Air Force Base</td>
<td>$58,600,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$20,300,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>$21,183,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Goodfellow Air Force Base</td>
<td>$32,400,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$113,879,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$105,300,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis</td>
<td>$4,150,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F.E. Warren Air Force Base</td>
<td>$9,200,000</td>
</tr>
</tbody>
</table>

(b) Outside 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 outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Bagram Air Base</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Colombia</td>
<td>Palomar Air Base</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$34,700,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$23,500,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station Sigonella</td>
<td>$61,702,000</td>
</tr>
<tr>
<td>Oman</td>
<td>Al Udeid Air Base</td>
<td>$31,300,000</td>
</tr>
<tr>
<td>Qatar</td>
<td>Al Mubah Air Base</td>
<td>$116,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Incirlik Air Base</td>
<td>$60,000,000</td>
</tr>
<tr>
<td>Vietnam</td>
<td>Air Force Base</td>
<td>$9,200,000</td>
</tr>
</tbody>
</table>
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 $43,314,000.

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. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.


(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>C-17 Aircrew Life Support</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>Replace Family Housing (457 units)</td>
<td>$107,800,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>Replace Family Housing (92 units)</td>
<td>$37,650,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>Replace Family Housing (150 units)</td>
<td>$43,550,000</td>
</tr>
</tbody>
</table>

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 2009 project.

Sec. 2404. Modification of authority to carry out certain fiscal year 2009 project. (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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$2,330,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$3,439,000</td>
</tr>
</tbody>
</table>

Defense Information Systems Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Naval Station Pearl Harbor, Ford Island</td>
<td>$9,633,000</td>
</tr>
</tbody>
</table>

Defense Logistics Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>El Centro</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville International Airport (Air National Guard)</td>
<td>$15,357,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Duluth International Airport (Air National Guard)</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$2,799,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>El Centro</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville International Airport (Air National Guard)</td>
<td>$15,357,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Duluth International Airport (Air National Guard)</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$2,799,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>
### Missile Defense Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Naval Support Facility, Dahlgren</td>
<td>$24,500,000</td>
</tr>
</tbody>
</table>

### National Security Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$203,800,000</td>
</tr>
</tbody>
</table>

### Special Operations Command

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Amphibious Base, Coronado</td>
<td>$15,722,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$49,246,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Hurlburt Field</td>
<td>$8,136,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Benning</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$32,335,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$52,864,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Amphibious Base, Little Creek</td>
<td>$18,659,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Surface Warfare Center, Dam Neck</td>
<td>$6,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Lewis</td>
<td>$14,500,000</td>
</tr>
</tbody>
</table>

### TRICARE Management Activity

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Elmendorf Air Force Base</td>
<td>$25,017,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$5,518,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$52,733,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$17,260,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Bragg</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Benning</td>
<td>$29,807,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$5,570,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Bragg</td>
<td>$57,658,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$101,928,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$996,265,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$15,636,000</td>
</tr>
</tbody>
</table>

### Washington Headquarters Services

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Pentagon Reservation</td>
<td>$27,672,000</td>
</tr>
</tbody>
</table>

(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>$38,124,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Kaiserslautern</td>
<td>$93,545,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$4,509,000</td>
</tr>
</tbody>
</table>

### Defense Intelligence Agency

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>K–16 Airfield</td>
<td>$5,050,000</td>
</tr>
</tbody>
</table>

### Defense Logistics Agency

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>Naval Air Station, Guantanamo Bay</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Air Station, Agana</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Osan Air Base</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Mildenhall</td>
<td>$4,700,000</td>
</tr>
</tbody>
</table>
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, $90,000,000.

(6) 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 2833 of title 10, United States Code, $300,000,000.

(7) For the construction of increment 2 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.

(8) For the construction of increment 2 of the Naval Medical Research Institute Medical Sciences Laboratory 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.


(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. 689), $111,400,000.

(12) For the construction of the 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. 689), $33,025,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 689), as amended by section 2406 of this Act, $24,000,000.


(b) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691) is amended by striking $8,000,000” in the amount column and inserting “$15,567,000”.

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 by striking $8,000,000” in the amount column and inserting “$15,567,000”.

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended by adding at the end the following new paragraph:

“(5) $34,000,000 (the balance of the amount authorized for the Defense Logistics Agency for such project).”.

SEC. 2406. 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 110–417; 122 Stat. 4691), 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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Menwith Hill Station</td>
<td>$37,588,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Alconbury</td>
<td>$14,227,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Activities, Guam</td>
<td>$449,450,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Naval Activities, Guam</td>
<td>$14,227,000</td>
</tr>
</tbody>
</table>

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:


TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
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 2066 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 2902 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 2906 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.**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort McClellan</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Camp Navajo</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Los Alamitos Joint Forces Training Base</td>
<td>$31,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Gowen Field</td>
<td>$16,100,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Hanscom Air Force Base</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Fort Custer</td>
<td>$7,332,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Arden Hills</td>
<td>$6,700,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Camp Shelby</td>
<td>$16,100,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Bunnville</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Lincoln Municipal Airport</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Santa Fe</td>
<td>$39,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>North Las Vegas</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>East Flat Rock</td>
<td>$2,516,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Fort Bragg</td>
<td>$6,038,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>McEntire Joint National Guard Base</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Austin</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Pickett</td>
<td>$22,200,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>St. Croix</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>

**Army National Guard: Outside the United States**

(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:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Los Angeles</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Colorado Springs</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Bridgeport</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Atlanta</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Chicago</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Rochester</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Cincinnati</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Ashley</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Harrisburg</td>
<td>$7,600,000</td>
</tr>
<tr>
<td></td>
<td>Newton Square</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Uniontown</td>
<td>$11,800,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>St. Croix</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>

**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:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Denver</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bridgeport</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Panama City</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Atlanta</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Chicago</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Rochester</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Cincinnati</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Harrisburg</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Austin</td>
<td>$7,600,000</td>
</tr>
<tr>
<td></td>
<td>Newton Square</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Uniontown</td>
<td>$11,800,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>St. Croix</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>
(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Puerto Rico</td>
<td>Caguas</td>
<td>$12,400,000</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Lake Air Force Base</td>
<td>$10,986,000</td>
</tr>
<tr>
<td>California</td>
<td>Alameda</td>
<td>$5,960,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Joliet Army Ammunition Plant</td>
<td>$7,857,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Goose Creek</td>
<td>$4,240,000</td>
</tr>
<tr>
<td>Texas</td>
<td>San Antonio</td>
<td>$2,670,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Oceana Naval Air Station</td>
<td>$10,400,000</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>California</td>
<td>South California Logistics Airport</td>
<td>$8,400,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Lincoln Capital Airport</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Bangor International Airport</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Barnes Air National Guard Base</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Gulfport-Biloxi Regional Airport</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Lincoln Municipal Airport</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Mansfield Lahm Airport</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Will Rogers World Airport</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Kelly Field Annex</td>
<td>$7,900,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>General Mitchell International Airport</td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>March Air Reserve Base</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Schriever Air Force Base</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>New York</td>
<td>Niagara Falls Air Reserve Station</td>
<td>$3,700,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Lackland Air Force Base</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$3,200,000</td>
</tr>
</tbody>
</table>
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 of land, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 103 of title 10 of the United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, 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 (119 Stat. 3501) and extended by section 2606 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4719), 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:

<table>
<thead>
<tr>
<th>Army National Guard: Extension of 2007 Project Authorizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>California</td>
</tr>
<tr>
<td>New Jersey</td>
</tr>
</tbody>
</table>

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 109-364; 120 Stat. 2463), 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 2606 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4719), 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:

<table>
<thead>
<tr>
<th>Army National Guard: Extension of 2006 Project Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>State</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>Montana</td>
</tr>
</tbody>
</table>

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. 2712. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.

Sec. 2721. 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. 2677 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906A of such Act, in the 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, $351,572,000.
(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 2903 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) by striking "The Secretary'' and inserting "Secretary''; and
(2) in subparagraph (B), by adding at the end the following new subparagraph:

"(ii) executes the agreement for transfer of the property under paragraph (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

(iii) 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

(iv) in subparagraph (C), by adding at the end the following new clause:

"[viii] 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 "The Secretary''; and
(2) by striking "for the period specified in subparagraph (B) applicable to an installation, the Secretary'" and inserting "before the conclusion of such period''.

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana</td>
<td>Townsend</td>
<td>Automated Qualification Training Range</td>
<td>$2,532,000</td>
</tr>
</tbody>
</table>
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 its report 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 Pub. L. 101–182, 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 RELATING TO AHOSKA, IDAHO.

With respect to the closure of the Paul Doble Army Reserve Center in Portland, Oregon, 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 contracts 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 Alaskan 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. 2821. Role of Under Secretary of Defense for Policy in management and coordination of Department of Defense activities relating to Guam realignment.

Sec. 2822. Clarifications regarding use of special purpose entities to assist with Guam realignment.

Sec. 2823. Workforce issues related to military construction and certain other transactions on Guam.

Sec. 2824. Composition of workforce for construction projects funded through the Support for United States Forces Guam Cooperative Agreement.

Sec. 2825. Interagency Coordination Group of Inspector Generals for Guam Realignment.

Sec. 2826. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Alameda, Oklahoma.

Sec. 2827. 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. Establishment 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 conveyance, Naval Air Station, Barbers Point, Hawaii.


Sec. 2854. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.

Sec. 2855. Land conveyance, Naval Air Station Treasure Island, Florida.

Sec. 2856. Land conveyance, Haines Tank Farm, Haines, Alaska.

Sec. 2857. Completion of land exchange and consolidation, Port 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 Port Leaning Wood, Missouri, in honor of Mr. S. Lee King.

Sec. 2873. Conditions on establishment of Cooperative Security Location in Palau.

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 AUTHORITY.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—Section 2005 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.—REVITALIZATION ACCOUNT.—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)(1) 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 redesigning paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) MECHANISMS TO PROVIDE FUNDS FOR REVITALIZATION.—Section 219a(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 2005(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 projects that will be funded by amounts specified in section 2002(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) AUTHORIZATION TO ENCREASE SCOPE OF WORK.—Section 2853 of title 10, United States Code, is amended—

(1) by striking subsection (b)—

(A) by striking “Except” and inserting “LIMITATION ON SCOPE OF WORK VARIATIONS.—(1) Except”;

and

(B) by striking paragraph (2) and inserting 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 by Congress.”; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “the Secretary of Defense” and inserting “the Secretary of Defense and the Secretary of the Army”;

(B) by striking “and” and inserting “or in the case of a

(1) by striking “subject to subparagraph (b) does not apply if the variation in cost or reduction in the cost of the variation”;

(2) in paragraph (1), by striking “reduction” both places it appears and inserting “variation”;

(b) STYLISH 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, OR 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 evaluating the feasibility of utilizing housing privatization transactions involving military unaccompanied housing;

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of Defense shall submit to the Committees on Armed Services, and Related Agencies a report evaluating the feasibility of using the authority provided by sections 2667 and 2668 to enter into housing privatization transactions involving military unaccompanied housing.

SEC. 2806. 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 economic viability of the use of housing privatization transactions involving 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 this title or chapter 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 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 lease offered is for a period of years that is more than the period for which the Secretary of Defense or the Secretary of the Army or the Secretary of the Navy has authority to enter into the lease or utilize the General Services Administration to enter into the lease on the Secretary’s behalf, 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 “(B)”;

(ii) by striking “(C)”;

(iii) by striking “(D)”;

(iv) by striking “(E)”;

and

(B) by striking subsection (e).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (a)(2)—

(i) by striking “(B)”;

(ii) by striking “(C)”;

(iii) by striking “(D)”;

(iv) by striking “(E)”;

and

(B) by striking subsection (e).

(3) EFFECTIVE DATE.—Nothing in this subsection applies to a lease entered into before the date of enactment of this Act.

(c) AUTHORIZATION OF LEASES OF REAL PROPERTY REQUIRED BY LAW.—If the lease offered is for a period of years that is more than the period for which the Secretary of Defense, the Secretary of the Army, or the Secretary of the Navy has authority to enter into the lease or utilize the General Services Administration to enter into the lease on the Secretary’s behalf, the lease is specifically authorized by law.

(2) AUTHORIZATION.—The lease is specifically authorized by law.

(b) APPROPRIATIONS.—Notwithstanding any other provision of law, the funds needed to make the payment required under subsection (a) shall be authorized and appropriated by Congress.
“(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 (a) has been submitted pursuant to paragraph (a)(3) of section 2668 of such title is amended—

(a) by striking paragraphs (3) and (5); and

(2) the last sentence.

SEC. 2815. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 151(e)(3) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(e)(3)) is amended—

(a) by striking the first and inserting the following:

(b) by striking paragraphs (3) and (5) and inserting the following:

(1) by striking the first sentence and inserting the following:

(2) by striking the last sentence.

SEC. 2816. DISPOSITION OF ARMED FORCES RETIREMENT HOME.

Section 151(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:

(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. BUDGET REALIGNMENT ESTABLISHMENT OF NAVY OUTFLYING LANDING FIELDS.

(a) LIMITATION.—The Secretary of the Navy may not establish an outlying landing field at a proposed location described in such subsection for a specific and limited purpose to facilitate

(1) by striking the first sentence and inserting the following:

(2) by inserting “(1)” before “NO military;” and

(2) by striking “The Secretary of the Navy may not establish an outlying landing field at a proposed location described in such subsection for a specific and limited purpose to facilitate

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 referred to as the ‘Sandbanks’ or the ‘Lake’ in Virginia, which will support marine aircraft 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 of training spaces for the units and the capacity of the installations to support the units.

Subtitle C—Provisions Related to Guam

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:

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST IN GUAM REALIGNMENT.

(a) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term ‘special purpose entity’ means a wholly independent entity established to provide services provided by each military department involved in the Guam realignment.

H25JNPT1

H7327

CONGRESSIONAL RECORD — HOUSE

June 25, 2009

H25JNPT1

H7327

CONGRESSIONAL RECORD — HOUSE

June 25, 2009
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 appropriated funds, except that the wage rates determined pursuant to such subchapter for Guam may not be lower than the lowest wage rates determined in the absence of the coverage provided for in the Act, to assure that a 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 to (i) carry out the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a); (ii) establish the criteria that shall apply to the obligation of contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1); (iii) make available the information described in paragraph (b)(2) in such subsection, by striking "should support proposed utility infrastructure improvements on Guam using amounts described in subparagraph (A), the military construction projects covered by the report, including, at a minimum, the adequacy of contracts and infrastructure that support temporary housing the construction workforce and their medical needs.

SEC. 2384. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS—FUNDS FOR CONSTRUCTION PROJECTS FURNISHED THROUGH THE SUPPORT FOR UNITED STATES REALLOCATION TO GUAM

(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. 267 note) is amended by adding at the end the following new paragraph:

"(1) MILITARY CONSTRUCTION INFORMATION.—Not later than"; and

(b) REPORTING REQUIREMENTS REGARDING CONSTRUCTION WORKFORCE.—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 contracts and infrastructure that support temporary housing the construction workforce and their medical needs.".

SEC. 2385. 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 promote economy and effectiveness in the administration of the programs and operations described in paragraph (1); 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 include the Inspector General of the Department of Interior and Inspectors General of such other Federal agencies as the chairperson
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 grants 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), the oversight of the contract, grant, agreement, or other funding mechanism, including—

(i) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism described in paragraph (2);

(ii) a description of the contract, grant, agreement, or other funding mechanism described in paragraph (2);

(iii) a discussion of how the Department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism 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—

(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 the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(D) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds; and

(E) the monitoring and review of contracts funded by such funds.

SEC. 2536. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS.

(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 implementation 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. 2537. 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 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 or permanently or temporarily based upon the Department 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) Appropriations 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.
(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 should be conducted and completed as soon as possible; and

(1) should include a training analysis that, at a minimum, considers the capabilities required to support a Marine Air-Ground Task Force; and

(2) should support a Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recent significant 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 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 in concert with:

(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 subparagraph (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 subsection III is amended by inserting 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 subsection (a), 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 this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A description of the implementation that will implement the open source energy monitoring and management system specification required 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 adding 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) meet the requirements or needs of the Department of Defense;

(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.—(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)—

(4) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid;

(3) estimate the cost per kilowatt-hour and consider the potential for life cycle cost savings to the Department of Defense, including potential environmental liabilities;

(4) consider the potential energy security advantages to the Department of Defense of generating electricity on military installations through the use of nuclear energy;

(5) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid;

(6) consider the potential impact on the quality of life of members stationed at an installation containing a nuclear power plant;

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subsection III is amended by inserting the following new item:

"§2846. Energy monitoring and management system specification for military construction and military family housing activities.

SEC. 2844. COMPRESSOR GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES.

Not later than 30 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 been demonstrated to meet the 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.—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;

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subsection III is amended by inserting the following new item:

"§2846. Energy monitoring and management system specification for military construction and military family housing activities.

SEC. 2851. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED.—Subsection 201 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 5301) is amended by inserting after the last paragraph of such subsection—"
(1) An approximately 10.569-acre parcel of land identified as "Parcel No. 13058 F" and further identified by Oahu Tax Map Key No. 9-1-013-039.

(2) An approximately 9.303-acre parcel of land identified as "Parcel No. 13073 D" and further identified by Oahu Tax Map Key No. 9-1-013-069.

(3) An approximately 65.336-acre parcel of land identified as "Parcel No. 13080 G" and further identified by Oahu Tax Map Key No. 9-1-013-042.

(4) An approximately 11.301-acre parcel of land identified as "Parcel No. 13073 D" and further identified by Oahu Tax Map Key No. 9-1-013-067.

(a) Payment of Costs of Conveyances.—The Secretary shall require the Authority to cover costs to be 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.

(b) 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.).

(c) 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.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Section 2854. Land Conveyance, Army Reserve Center, Chambersburg, Pennsylvania.

(a) Conveyance Authorized.—At such time as the Army Reserve Center vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may transfer without consideration the property identified as "Parcel No. 13080 G" and further identified by Oahu Tax Map Key No. 9-1-013-042, to the City of Chambersburg, Chambersburg Area School District, or any successor entity of the Secretary 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 no longer being used in accordance with the purpose of the conveyance, the Secretary, at such time, may regain full title to such real property, including any improvements and appurtenant easements thereon, shall, at the option of the Secretary, resort 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 by the record after an opportunity for a hearing.


(1) by striking "two parcels" and inserting "three parcels";

(2) by striking and inserting "1,742 acres and containing the following buildings and inserting: 1,742 acres and containing all or a portion of the buildings;" and

(3) by striking and inserting and Fabrication Facility after "Reconnaissance Laboratory" the following:

(b) Description of Property.—Subsection (a)(2) of such section is amended by inserting after the period at the end the following new subparagraph:

(2) Bay Number 4 in Building 101 (approximately 115,000 square feet)."

(c) Purposes.—Subsection (a)(3) of such section is amended by inserting after the period at the end the following new paragraph:

"(C) 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."
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) MANNER OF PAYMENT.—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, the Secretary shall retain the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received 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 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 purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013.

(b) CONSIDERATION.—As consideration for the conveyance properly 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) REAL PROPERTY 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, the Secretary may, at the Secretary's discretion, demand that the Association vacate 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, the Secretary shall retain the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received 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.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged 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.


(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 NAVY MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.


SEC. 2872. NAMING OF CHILD DEVELOPMENT CENTER FOR FORT 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".

SEC. 2873. CONVEYANCE TO ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—The agreement described in subsection (b) is authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be commenced to become construction of a Cooperative Security Location at the German Olano Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 60 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 Security Cooperation 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 1006 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1066; 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.

SEC. 2875. MILITARY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

SEC. 2901. Authorized Army construction and land acquisition projects.

SEC. 2902. Authorized Air Force construction and land acquisition projects.


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 for the installations or locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Army: Outside United States</th>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airborne</td>
<td>Afghanistan</td>
<td>$7,800,000</td>
<td></td>
</tr>
<tr>
<td>Altimur</td>
<td>$7,750,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asadabad</td>
<td>$5,500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bagram Air Base</td>
<td>$132,850,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camp Joyce</td>
<td>$7,700,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camp Khosti</td>
<td>$120,000,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camp Kangabur</td>
<td>$132,500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camp Salerno</td>
<td>$50,200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forward Operating</td>
<td>$5,600,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forward Operating</td>
<td>$5,500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base Bostick</td>
<td>$14,900,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forward Operating</td>
<td>$5,500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base Ghazi</td>
<td>$19,700,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Forward Operating</td>
<td>$5,500,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Base Sharana</td>
<td>$60,800,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>前沿基地</td>
<td>$12,200,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>前沿基地</td>
<td>$14,500,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Title XXIX—Overseas Contingency Operations Military Construction Authorizations

Title XXX—Overseas Contingency Operations Military Construction Authorizations

Fiscal Year 2010 Appropriations Act, Military Construction Authorizations

Methan-Lam ..... $4,150,000
Maywand .......... $2,200,000
Frontenac ............ $2,200,000
Altimur ................ $7,750,000
Bagram Air Base ....... $132,850,000
Camp Joyce ............ $7,700,000
Camp Khosti .......... $120,000,000
Camp Kangabur ......... $132,500,000
Camp Salerno .......... $50,200,000
Forward Operating .... $5,600,000
Forward Operating .... $5,500,000
Base Bostick .......... $14,900,000
Forward Operating .... $5,500,000
Base Ghazi ............. $19,700,000
Forward Operating .... $5,500,000
Base Sharana .......... $60,800,000
Frontenac .......... $2,200,000
Methan-Lam .......... $14,500,000

Base Olona Airbase in a manner that will enable the United States Southern Command to execute its Theater Security Cooperation Strategy in cooperation with the Armed Forces of Colombia.

Title XXIX—Overseas Contingency Operations Military Construction Authorizations

Title XXX—Overseas Contingency Operations Military Construction Authorizations

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States

Army: Outside United States
Army: Outside United States—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provincial Reconstruction</td>
<td>$36,200,000</td>
<td></td>
</tr>
<tr>
<td>Tarin Koot</td>
<td>$37,950,000</td>
<td></td>
</tr>
<tr>
<td>Tombstone/Bastion</td>
<td>$71,800,000</td>
<td></td>
</tr>
<tr>
<td>Wolverine</td>
<td>$11,900,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) AUTHORIZATION OF APPROPRIATIONS.— Funds are hereby authorized to be appropriated 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, $28,100,000.

(3) For long-range land 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:

<table>
<thead>
<tr>
<th>Air Force: Outside the United States</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>$29,100,000</td>
</tr>
<tr>
<td>Camp Kandahar</td>
<td>$234,600,000</td>
</tr>
<tr>
<td>Forward Operating Base Dwyer</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Forward Operating Base Shank</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Provincial Reconstruction Team</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Tombstone/Bastion</td>
<td>$156,200,000</td>
</tr>
<tr>
<td>Wolverine</td>
<td>$4,900,000</td>
</tr>
</tbody>
</table>

(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, $28,100,000.

(3) For long-range land engineering services and construction design under section 2807 of title 10, United States Code, $76,284,000.

DIVISION C—DEPARTMENT OF ENERGY

SEC. 3101. NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

Subtitle A—National Security Programs

Authorization


SEC. 3112. Defense environmental cleanup.

SEC. 3111. Stockpile stewardship 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. Authorization for 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 contracts for national security laboratories.

Subtitle D—Energy security and assurance

SEC. 3122. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(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 to a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(D) 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 15 years after the date on which the first report is submitted.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 to carry out programs necessary for national security 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.

(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. 3112. 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 $5,024,691,000.

SEC. 3113. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense activities in carrying out programs necessary for national security in the amount of $572,458,000.

SEC. 3114. 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 payment for 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 $58,400,000.

SEC. 3115. 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:

(5) Material support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

(6) 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”;

(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 necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

(6) 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:
“(A) the Pantex Plant; 
“(B) the Y-12 National Security Complex; 
“(C) the Kansas City Plant; and 
“(D) the Savannah River Site.”.

(c) Long-lead Authorization for 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 striking 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) be 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 period at the end of section 4204 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. 2525 note) is amended—

(1) by redesigning subsections (c) through (h) as subsections (d) through (i), respectively; and

(2) 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 the nuclear weapons in the independent evaluation; and

“(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.

(b) PLAN.—Not later than December 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for dual validation teams (as defined in 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 of

(2) in subparagraph (C), by striking the period and inserting ‘;’; and

(3) by adding at the end the following new subparagraph (D):

“(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), by striking subsection (c) and inserting subsection (d); and

“(2) in paragraph (1)(A) of this subsection, by striking subsection (c) and inserting subsection (d).”.

(1) in paragraph (3)(C) of subsection (e), by striking subsection (c) and inserting subsection (d); and

(2) in paragraph (1)(A) of this subsection, by striking subsection (c) and inserting subsection (d).”.

(1) by redesigning subsections (c) through (h) as subsections (d) through (i), respectively; and

(2) 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 the nuclear weapons in the independent evaluation; and

“(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.

(b) PLAN.—Not later than December 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for dual validation teams (as defined in 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 of

(2) in subparagraph (C), by striking the period and inserting ‘;’; and

(3) by adding at the end the following new subparagraph (D):

“(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), by striking subsection (c) and inserting subsection (d); and

“(2) in paragraph (1)(A) of this subsection, by striking subsection (c) and inserting subsection (d).”.

(1) in paragraph (3)(C) of subsection (e), by striking subsection (c) and inserting subsection (d); and

(2) in paragraph (1)(A) of this subsection, by striking subsection (c) and inserting subsection (d).”.

(1) by redesigning subsections (c) through (h) as subsections (d) through (i), respectively; and

(2) 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 the nuclear weapons in the independent evaluation; and

“(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.

(b) PLAN.—Not later than December 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for dual validation teams (as defined in 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 of

(2) in subparagraph (C), by striking the period and inserting ‘;’; and

(3) by adding at the end the following new subparagraph (D):

“(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), by striking subsection (c) and inserting subsection (d); and

“(2) in paragraph (1)(A) of this subsection, by striking subsection (c) and inserting subsection (d).”.

(1) in paragraph (3)(C) of subsection (e), by striking subsection (c) and inserting subsection (d); and

(2) in paragraph (1)(A) of this subsection, by striking subsection (c) and inserting subsection (d)."
(3) in subsection (g), as redesignated by sub-
section (a)(1)(A) of this section, by striking “subsection (e)” and inserting “subsection (f)”; and
(4) in subsection (i), as redesignated by sub-
section (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 to modernize and refurbish the nuclear security complex to support the annual certifications 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, reliability, and effectiveness.

(b) GENERAL REQUIREMENT.—Subtitle D of the National Nuclear Security Administration Act (30 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.

(1) 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—

(A) a description of any continuing differences on the resources available to support 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 1105(a) of title 10, United States Code, relating to the naval petroleum reserves.

(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 is capable of supporting—

(A) the National Security Strategy of the United States as set forth in the most recent national security strategy report required under such section 1105(a) of title 10, United States Code.

(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 support the requirements specified in the plan for that fiscal year under paragraph (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, reliability, and effectiveness. 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 laboratories;

(B) the Pantex Plant;

(C) the Y-12 National Security Complex;

(D) the BESO Plant;

(E) the Savannah River Site; and

(F) the Nevada test site.

(2) the term ‘budget’ 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.

(3) the term ‘modernization and refurbishment 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 costs charged by the Fund 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 XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $42,086,000 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 $23,527,000 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. 3502. Liquidation of unused leave balances.

Sec. 3503. Adjunct professors.

Sec. 3504. National maritime loan guarantee program.

Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.

Sec. 3506. Technical corrections to State maritime academy student incentive program.
SEC. 3507. LIMITATION ON DISPOSAL OF INTEREST IN CERTAIN VESSELS.

SEC. 3509. (b) If the United States acquires any financial interest in a covered vessel as a result of 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 if the Maritime Administrator notifies the Secretary of the Navy that the United States has such financial interest.

(c) The term “covered vessel” means—

(1) the vessel HUAKAI (United States official number 1215902); and

(2) the vessel LAKAI (United States official number 1182234).

The Acting CHAIR. The Acting CHAIR. The Acting CHAIR. The Acting CHAIR.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 262, before line 1, strike “235.” and insert “236.”

At the end of section 414 (page 122, after line 14), add the following new subsection:

(c) Conforming Amendment to Statutory Limitation.

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 on bloc described in section 3 of House Report 182-151.

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 20 minutes equally divided and equally 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 an amendment consisting of amendments printed in the report not earlier disposed of.

Amendments on 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 a division of the question.

The original proponent of an amendment included in the amendments on bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments on 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 shall be read to amendments 2, 3, 4, 9, 15, 20, 24, 34, and 39 was given on June 29, 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. The Acting CHAIR.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 72, line 18, strike “(b)” 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.

The Acting CHAIR. The Acting CHAIR.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

Page 262, before line 1, strike “235.” and insert “236.”

At the end of section 414 (page 122, after line 14), add the following new section:

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) Air Force Research, Development, Test, and Evaluation Fund.

Funds authorized to be appropriated in section 203(1) for research, development, test, and evaluation for the Air Force are reduced by $2,900,000, 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) PROCUREMENT.—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 defense-wide activities 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 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 $2,200,000, 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 $35,000,000, 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 $30,700,000.

(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 $1,200,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) MILITARY PERSONNEL.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Paid 345, line 15, strike “90 days” and insert “90 days”.

Page 391, line 15, strike “the budget fiscal year” and insert “subsequent fiscal years”.

Strike section 1505 (page 498, 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, $318,000,000.
(5) For procurement, Marine Corps, $1,164,445,000.

Page 356, line 14, strike “282(b)” and insert “282(i)”.

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, home to 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 logistical close to each other; however, they fall within Burlington County and Ocean County and, therefore, two different locality pay jurisdicitions. 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 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 apologize for the amendment.

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.
municipal firefighters, which is basically unfair. More States enact pre-sumptive 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.

Mr. CAPPS. Again, I thank the chairman, and I look forward to working with him in the future.

Mr. McKEON. I continue to reserve.

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

This amendment is 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 presence 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. 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, our 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 have now lost thousands of lives, and those deaths 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.

Support the McGovern-Jones-Pingree-Lehman 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 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, disrupting, and disrupting 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 co-sponsor 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, they have told us 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 want a definition of victory. And that's what 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. Mr. chairman, 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. strategy 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 the military component of this exit strategy 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 is being proposed 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 into this quagmire.

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 support 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.

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 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, dismantle, and degrade 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 Afghans 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. has no confidence in country are fleeing, 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.

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 ½ 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 have to tell you, 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 could not 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 our military because we 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 my colleagues, I urge 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 can 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 Hooker, General Meade and finally ended up with a man by the name of Grant. General Auechineluck 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 13/4 minutes remaining, and the gentleman from California has 3/4 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 in 2001, 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. Mr. Chairman, 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. Mr. Chairman, if we stop focusing on how we’re going to pull out success fully. 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. Mr. Chairman, 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 American forces, 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, 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, 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-Finggure amendment.

I yield back the balance of my time.

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 INSTITUTE FOR SECURITY COOPERATION.

Section 2106 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1) 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 described 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 and instructor.

The Acting CHAIR. Pursuant to House Resolution 572, the gentleman from Massachusetts (Mr. McGovern) and a Member opposed each will control 5 minutes.

Mr. McGovern. Mr. Chairman, I yield myself 1/4 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 write a letter, fill out 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 included 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 targeted. 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? The public is entitled to public access to this amendment. Vote for 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 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 Committee, there have been over 4000 attendees in the past four years. I urge my colleagues to vote for this amendment. Vote for this amendment.

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, 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 narco-fight 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 Georgia (Mr. Gingrey).

Mr. Gingrey. Mr. Chairman, 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 and instructors is an important tool for strengthening security cooperation so that our allies in the western hemisphere who are invited to attend 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.

With that, 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 these materials that end up in the mailboxes of narco traffickers 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 key difference between the voluntary and involuntary publishing of the names of the WHINSEC participants. Obviously, an attendee who is an undercover counter drug officer would more reticent to have his or her name 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 and instructors is an important tool for strengthening security cooperation in the region. Publicizing the names of WHINSEC students and instructors is an important tool for strengthening security cooperation so that our allies in the western hemisphere who are invited to attend 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.

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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 understate 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, 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.

Mr. Chairman, 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. The public record or 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 be made public will prevent the school from being driven to 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 ethical, 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. I want to point out that this 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 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 IN BLOC NO. 1 OFFERED BY MR. SKELETON

Mr. SKELETON. Mr. Chairman, pursuant to H. Res. 572, I offer amendments in bloc entitled No. 1. The Acting CHAIR. The Clerk will designate the amendments in bloc.

Amendments in 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. SKELETON. The amendment in bloc is 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—ENLISTMENT, OR RETENTION OF PERSONS ASSOCIATED OR AFFILIATED 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:

(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 organizations based on ideas of race, ethnic supremacy, or hatred towards a particular race, the United States Government, or the violent overthrow of the United States Government.

(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.

(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.

(0) PERSONS ASSOCIATED OR AFFILIATED WITH HATE GROUPS.—
(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 hate group:

(A) Individuals possessing tattoos or other body markings indicating association or affiliation with a hate group.

(B) Individuals known to have attended meetings, 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 blogs.

(D) Individuals who are known to have in their possession photographs, written materials (including diaries or journals), propaganda, or other materials involving or advocating hate-inspired violence, as determined by the Attorney General.

(E) Possession of objects that venerate or glorify hate-inspired violence, as evidenced pursuant to paragraph (2).

(F) Groups or organizations that espouse hate-related violence:

(G) Other groups or organizations that are determined by the Attorney General to be of a violent, extremist nature.

At the end of subheading (E) of title X (page 374, after line 6), insert the following new section:

SEC. 1055. NOTIFICATION AND ACCESS OF INTERNS AT THEATER INTERNMENT FACILITIES 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, 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 detainees. Such access to the detainee shall continue pursuant to ICRC protocols and agreements reached between the government of a member nation and the ICRC of a military service or department, or of a Federal department or agency, effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(b) 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 or detention area, or transport. If the detainee is hospitalized or is in a health care facility or room, or other locations not named in this section.

(c) LIMITATIONS.—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 applicable law.

(5) SEPARATION.—

(A) Applicability.—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 with or association with a hate group, as determined by the commanding officer of the member.

(6) REPORTING REQUIREMENT.—Not later than 90 days after the Secretary of the Air Force receives notice of a hate group’s affiliation with a hate group or hate-related violence, as evidenced pursuant to paragraph (3), the Secretary of the Air Force shall notify the ICRC of the situation under which notification to and access for the International Committee of the Red Cross is required or allowed.

AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF FLORIDA

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:

S 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.—

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9399 the following new section: * S 9399a. Air Force Academy Athletic Association authorization, purpose, and governance.

(b) ESTATE ESTATE 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.

(c) 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 non-profit corporation under the Internal Revenue Code of 1986 and shall be subject to all 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. The Association shall 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 public on or off Government property;

(D) charge market-based fees for admission to Association events and other 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.

(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) Any Board of Directors shall be a standing member of the Board of Directors of the Director’s duties as the Director.

(5) Subject to any change to the present date, 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.

(b) BY-LAWS.—Not later than July 1, 2010, the Association shall submit its by-laws, and all future changes to the by-laws, to the Secretary for review and approval. The by-laws shall be made available to Congress for review.

(c) TRANSITION FROM NONPROFIT CORPORATION.—(1) On October 30, 2011, the Secretary of the Air Force may provide for parallel operations of the Association and the Air Force nonappropriated fund instrumentality whose purpose is providing for 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.

(3) CONTRACTING AUTHORITY.—(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. 2533 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.

(2) At that meeting, two Presidents instructed their negotiators to reach an agreement:—

(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.

(3) The Committee on Armed Services and the Russian Federation.

(4) The development of public infrastructure that directly supports the expansion activities described in subparagraph (A) of subsection (b)(1).

(5) The terms ‘community adjustment’ and ‘economic diversification’ may include—

(A) the development of feasibility studies and business plans for the 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 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).

(6) 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, 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; and

(2) the item was previously acquired in the manner, modes, and procedures prescribed by section 8(a)(3) 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

(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.

(3) The text of the amendment is as follows:

At the end of title VIII, add 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 operations; and

(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 recommendations for reducing the life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

AMENDMENT NO. 11 OFFERED BY MR. BROWN-WATSON OF FLORIDA

The text of the amendment is as follows:

At the end of title VIII, add the following new section:

SEC. 817. 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) 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.
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. 363. 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. 19 OFFERED BY MR. COHEN

The text of the amendment is as follows:

At the end of subsection I of title V (page 180, after line 11), add the following new section:

SEC. 594. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING RESIDUALS AND MOTOR VEHICLE LEASES.

Section 305(e) of the Servicemembers Civil Relief Act (10 U.S.C. App. 353) is amended to read as follows:

"(e) ARRANGEMENTS 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 maintenance 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 AND REVIEW OF RELIEF ACT.

(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 the law with respect to hemostatic agents, including a description of any distribution problems and attempts to resolve such problems.

(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 report of the Department of Defense report submitted under subsection (c).

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 PROFESSIONALIZATION 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 TO SECRETARY OF DEFENSE.—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 House of Representatives and the Committee on Armed Services of the Senate 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 the Laurelwood Housing complex on Naval Weapons Station, Earle, New Jersey.

(d) REPORT TO CONGRESS.—It is the sense of Congress that all members of the Armed Forces deployed in combat zones should carry life-saving resources with them, including hemostatic agents.

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 of the costs to the Navy’s security measures in advance of the proposed occupancy by the general public 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 PAY S AND BONUSES AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR SIX YEARS OR 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 Congressionally authorized 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.

(b) RELATION TO OTHER AUTHORITIES.—A program developed under subsection (a) may be provided as a report required by the Congress with 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 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;

(D) the method to be used to evaluate the effectiveness of the program.

d. 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.

(1) REPORTING REQUIREMENTS.—

(A) The Secretary shall submit to Congress an annual report on the program developed under subsection (a) during the preceding year, including—

(i) a description of any programs developed and fielded under subsection (a) during that fiscal year; and

(ii) an assessment of the impact of the programs on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(B) TERMINATION OF AUTHORITY.—Subject to subsection (e), the authority to carry out a program under this section expires on December 31, 2012.

ADDITIONAL AUTHORIZATION

The amendment is as follows: At the end of title I of title III (page 94, after line 2), insert the following new section:

SEC. 316. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—

(1) SECTION.—For the purpose of carrying out this section, subsection (a) without the approval of the Secretary of Defense.

(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 following for the subsequent fiscal year:

(A) a description of the program, including—

(i) a description of the purpose and the anticipated benefits to the United States; and

(ii) a statement of the anticipated outcomes as a result of implementing the program;

(B) a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of covered waste.

(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 program, including—

(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 explanation 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 100(q) 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. BLUMENTHAL

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.—

(1) SECTION.—For the purpose of carrying out this section, subsection (a) without the approval of the Secretary of Defense.

(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 following for the subsequent fiscal year:

(A) a description of the program, including—

(i) a description of the purpose and the anticipated benefits to the United States; and

(ii) a statement of the anticipated outcomes as a result of implementing the program;

(B) a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of covered waste.

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(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 explanation why open-air burn pits are the only feasible method of disposing of such waste.

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(i) a description of the purpose and the anticipated benefits to the United States; and

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(B) a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of covered waste.

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(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 explanation why open-air burn pits are the only feasible method of disposing of such waste.

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(A) hazardous waste, as defined by section 100(q) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) solid waste containing plastic.

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(a) INFORMATION SHARING.—

(1) SECTION.—For the purpose of carrying out this section, subsection (a) without the approval of the Secretary of Defense.

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(1) as part of the Secretary’s annual budget submission to Congress, include the following for the subsequent fiscal year:

(A) a description of the program, including—

(i) a description of the purpose and the anticipated benefits to the United States; and

(ii) a statement of the anticipated outcomes as a result of implementing the program;

(B) a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of covered waste.

(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 program, including—

(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 explanation why open-air burn pits are the only feasible method of disposing of such waste.

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(2) the term ‘covered waste’ includes—

(A) hazardous waste, as defined by section 100(q) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) solid waste containing plastic.
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 soliders 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 in combat, but it does so at no additional cost to the Army.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. McCaskill. I yield the gentlewoman an additional 15 seconds.

Ms. Sheila Jackson Lawrence. Mr. Chairman, at this time I yield 1 minute to my friend, a member of the Armed Services Committee and the gentlewoman from New Hampshire (Ms. Shea-Porter).

Ms. SHEA-PORTEER. Mr. Chairman, this amendment would ban the use of open-air burn pits overseas after 12 months. Such a dangerous waste disposal could 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 burn pits. The burning of such wastes produces toxic smoke that have proven toxic to humans and represents an unacceptable health risk.

The U.S. military has been disposing of hundreds of tons of war zone waste through burn pits. While we live and work on these bases are routinely exposed to the smoke from these pits, which come 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, the EPA has only been able to characterize the extent of exposure. We simply cannot go forward allowing the enemy to pollute our troops who have had repeated exposure to the health effects of Agent Orange and smoke from such burn pits. Up to now, the EPA has only been able to characterize the extent of exposure. We simply cannot go forward allowing the enemy to pollute our troops who have had repeated exposure to the health effects of Agent Orange and smoke from such burn pits.

Mr. McCaskill. Mr. Chairman, I am happy to yield at this time to Mr. Turner, the gentlewoman from Ohio, subcommittee ranking member, 2 minutes.

Mr. Turner. Thank you, Ranking Member McCaskill. 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 recognizes support for our allies in Europe. As we get closer to the START negotiations, we must remember that the START Treaty is only the start. We have to set some framework.

So 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.

Mr. SKEELTON. 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 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. 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 Army 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 leadership of Governor Sonny Perdue and the Army at Fort Stewart have geared up and invested for that growth. Working with the Department of Defense, Congress appropriating funds for military construction projects such as barracks, buildings, and operation facilities at Fort Stewart for $150 million for FY08 and $332 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.

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. SKEELTON. 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 our troops.

The Acting CHAIR. The Chair will note that the gentleman from California has 7½ 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 SKELETON, 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 McCrystal, 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 expert in an Afghan language, which is a requirement. 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 deployment 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 to 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 Kundahar, they are pumped up about the opportunity that this commitment would bring.

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. It’s for-the-duration and it’s for 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 effects 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 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 VPW. 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 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 over 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. 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 Service-member Civil Relief Act did address cell phone and automobile 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.

Mr. McKEON. Mr. Chairman, I continue to reserve, unless the chairman needs more time.

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, for all their hard work on this amendment.

Mr. PERRIELLO. Mr. Chairman, I am proud to rise today with my fellow 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, I yield 1 minute 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 fellow 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, for all their hard work on 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 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 our Air saving items, but ensuring that each soldier 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 Forces 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 distributed and where distribution problems may occur.

Mr. COSTA. Mr. Chair, I rise today asking the House to pass this amendment. It is a commonsense fix to ensure that not only field medical staff is supplied with our Air saving items, but ensuring that each soldier and Marine has one in their individual first aid kit as well.

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made one bad decision after another in an at
temp to recoup 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—regard-
less of occupancy.

At issue today are the deeply troubling con-
sequences 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 vir-
tually anyone with rent money, with a guar-
antee of unimpeded access inside one of the
most sensitive munitions depots in the coun-
try.

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 com-
munity including security, education and trans-
portation. To name just a few. The Navy initi-
at ed its review process of Laurelwood as far
back as 2002 so the questions left unan-
swered by their “analysis” are numerous and
troubling.

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 the children to 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 en-
sure that the school boards have all relevant
information and can plan and budget accord-
ingly.

The Navy has been extraordinarily myopic
on the paramount issue of security and both
the EIS and the ROD are devoid of any mean-
ingful analysis of the true costs to the Navy
and communities if Laurelwood rents to civilians who are then able to drive on to 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 unneces-
sarily puts the people on and around Earle in potential danger.

Shortly after federal prosecutors revealed
that a group of young men were planning to
commit a terrorist act, I requested earlier this
year—the Navy is not providing adequate se-
curity at the base now. I requested this report
after a security guard at the base raised con-
cerns regarding the performance of the secu-
rit y 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 had even completed all training
required by the contract.

The Navy’s security plan places undue faith
in a fence as a means to deterring or miti-
gating access and appears to rely simply on
adjusting already inadequate patrols currently
performed by its own 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
clear 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 instal-
lations that are approaching the outlease
deadline share similar security concerns. Port
Hueneme’s security officials believe that “al-
loowing the general public to live in the units
would, at a minimum, indirectly affect the mis-
ion of the base” and require “additional po-
lice officers and patrols, and an increased sec-
urity budget.” Ft. Hood recently required that
the residents of their Section 801 Housing units
must undergo a background check as a condi-
tion of residency—although given the demand
for this housing by military personnel, no back-
ground 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 Sa-
laam, and 9/11—fails to anticipate and its au-
thors could not have adequately understood
as we do today the dangers inherent in prox-
imity, 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 con-
tracting 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 over-
whelmingly oppose—and I urge its adoption.

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 fol-
lows:

Amendment No. 2, as modified, offered by
Mr. McKEON; at

The amendment was agreed to.

Amendment No. 2, as modified, offered by
Mr. McKEON.

The Acting CHAIR. It is now in order
to consider Amendment No. 2, as modi-
ified, printed in House Report 111–182.

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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 fol-
lows:

Amendment No. 2, as modified, offered by
Mr. McKEON; at
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 MCHUGH serves as the chairman, and numerous other military installations. 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 the 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, a tireless 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 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 country 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 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, and 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 service-men and women and their families.

It is a pleasure to honor him in this manner. It is a privilege 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, OUR 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 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,

(3) 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,

(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.

ample, China, Iran and North Korea exercise measures 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 during this committee’s hearing that 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 in the 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 arsenals. They appear capable of carrying conventional and chemical munitions. Intercepting these missiles during their boost phase will keep North Korea, 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 defense systems designed to intercept missiles in the boost phase, in the mid-course, and then in the terminal.”

(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.

The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $1,200,000,000, to be derived from the general fund. The amount otherwise provided by section 3102 for defense environmental cleanup is hereby reduced by $1,200,000,000, to be derived from the general fund.

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 for debate.

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 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 levels 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.

I yield 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, yet we spent 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.

Mr. FRANKS of Arizona. Mr. Chairman, I just wish to express my concern 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., our 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 THAAD. 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. 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, 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, terminating construction of a missile field in Alaska that is partially complete, and curtail additional GMD development.

I support the Franks amendment. While we have an increased threat, we should not be decreasing our commitment to missile defense.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. Andrews), a long-standing member of the Strategic Forces Subcommittee.

( Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. The issue is not whether the country will have a missile defense; the issue is whether the country will have an effective missile defense.

Ninety-nine percent of the threat comes from regional missiles, so this budget increases by about 50 percent the 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 sinkholes for taxpayers’ dollars.

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 would 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 title, of 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, moral, 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. 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 5 minutes remaining and the gentleman from California has 41/2 minutes remaining.

Mr. FRANKS of Arizona. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Roskam).

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 gentleman'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 Hawaii (Mr. Lquist).

Mr. McKeon. Mr. Chairwoman.

Mr. GRAEBAUER. Mr. Chairman.

Mr. TUSOCHER. I yield to the gentleman from Arizona for 1 minute.

Mr. McKeon. Mr. Chairwoman, in my opening statement, I stated that the greatest threat that we face is a ballistic missile from a rogue nation. That is not an accurate statement. There is no doubt that that threat 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 my opinion, but that of many national security experts.

I have had the privilege of serving on almost every major national security committee, 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 cuts. 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, I urge 1 minute as to the remainder of the time.

Mr. McKeon. Mr. Chairwoman, I yield 1 minute to the gentleman from California (Mr. Roskam).

Mr. ROCK. Mr. Chairman, might I inquire as to the remainder of the time?

Mr. McKeon. Mr. Chairwoman, I yield 1 minute to the gentleman from Illinois (Mr. Roskam).

Mr. ROCK. Mr. Chairman, when the gentlelady from California for 1 minute, she outlined the need to fund the administration's request. This is an administration that has a proven track record of underfunding the Department of Defense budget. 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.

I urge you not to be coddled. 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 that is a sacred duty. I urge the adoption of the Franks amendment.

The gentleman from Florida (Mr. Martinez). 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. LARSEY. Mr. Chairman.

Mr. McKeon. Mr. Chairwoman, I accept the gentleman's amendment. I urge you to support the amendment; it is an amendment that I crafted to protect the Department of Defense and our service members.

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.

Mr. McKeon. Mr. Chairwoman, I yield 1 minute to the gentleman from California (Mr. Roskam).

Mr. ROCK. Mr. Chairman, in my opening statement, I stated that the greatest threat that we face is a ballistic missile from a rogue nation. That is not an accurate statement. There is no doubt that that threat 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 my opinion, but that of many national security experts.

I have had the privilege of serving on almost every major national security committee, 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 cuts. Funding proven systems like Aegis BMD and THAAD with significant increases to prevent rogue nation threats to our country.

Mr. FRANKS of Arizona. Mr. Chairwoman, I urge 1 minute as to the remainder of the time.

Mr. McKeon. Mr. Chairwoman, I yield 1 minute to the gentleman from California (Mr. Roskam).

Mr. ROCK. Mr. Chairman, might I inquire as to the remainder of the time?

Mr. McKeon. Mr. Chairwoman, I yield 1 minute to the gentleman from Illinois (Mr. Roskam).

Mr. ROCK. Mr. Chairman, in my opening statement, I stated that the greatest threat that we face is a ballistic missile from a rogue nation. That is not an accurate statement. There is no doubt that that threat 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 my opinion, but that of many national security experts.

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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 cuts. Funding proven systems like Aegis BMD and THAAD with significant increases to prevent rogue nation threats to our country.

Mr. FRANKS of Arizona. Mr. Chairwoman, I urge 1 minute as to the remainder of the time.

Mr. McKeon. Mr. Chairwoman, I yield 1 minute to the gentleman from California (Mr. Roskam).

Mr. ROCK. Mr. Chairman, might I inquire as to the remainder of the time?
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, providing 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?

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. Mr. Chairman, 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 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 clear 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 have to do it on the Russian side of the planet.

This is a good bill, this just makes it a little better. It’s the right thing to do for America, the right thing to do for Alaska. It’s the right thing to do for freedom of all 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 compl-

ment restores what is known as the ground-based 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, 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. 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 benefits us 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 gentleman from California has 30 seconds remaining, and she has the right to close.

Mr. FRANKS of Arizona. Mr. Chairman, I 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 adjoin this body to pass this amendment.

Mrs. TAUSCHER. Mr. Chairman, I could not make a better argument for rejection of this 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 rash 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 would 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 do it 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 provide 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. We have short-term benefits, but will cause significant long-term damage down the road. We end up with so many non-disclosure agreements that it is impossible to know what we are spending money on.

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 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 contaminated sites, thus costing taxpayers 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 could mean billions in 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 package 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 to explain away the need for continued funding. But, I strongly oppose the funding reductions included in this amendment that would put our Nation's nuclear legacy and the safety of our children and families at risk.

Mr. Chair, as I said earlier, I strongly support my colleagues' efforts to restore funding to 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 574, 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 the Secretary 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 information covered by such non-disclosure agreement, including whether Members or staff of Congress are included in such types to which disclosure is prohibited; and

(5) the reasons employees are required to sign such non-disclosure agreement; and

(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) is 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 30 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 in the past have been government-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 mangling 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, just take 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 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 these 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 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.

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 amendment 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 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 impede 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 the overly broad nature of the 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, 33, 36, 37, 38, 40, 41, 42, 47, 48, 49, 50, 53, 56, and 58 offered by Mr. SKELTON:

AMENDMENT NO. 10 OFFERED BY MR. KRA TOV I L

The text of the amendment is as follows:

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) 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 National 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 including:

(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):

(1) by striking ‘‘individual NATO ISAF countries’’ and inserting ‘‘each individual NATO ISAF country’’; and

(2) by inserting 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:

‘‘(iii) 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 therein ‘‘subsection (c)(5)’’.

AMENDMENT NO. 11 OFFERED BY MR. KRA TOV I L

The text of the amendment is as follows:

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 178 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 MANAGMENT PROGRAM.—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 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 department 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 department where the proceeds were derived.’’.

(b) AMENDMENT.—The table of sections at the beginning of such subsection 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:

(a) In 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 506(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. 26 OFFERED BY MR. DRIEHAUS

The text of the amendment is as follows:

At the end of title H (page 175, after line 11), add the following new section:

H7358   CONGRESSIONAL RECORD — HOUSE   June 25, 2009
SEC. 356. EXTENSION OF ARSENAL SUPPORT CONTRACT COST OVER-RUNS.

(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 V (page 180, after line 11), add 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 subtitle F of title V (page 180, after line 11), add 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. 33 OFFERED BY MR. HODES

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:

‘‘(1) Suicide Prevention and Community Healing and Response Program.—

‘‘(i) Establishment.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

(ii) Design.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

(A) persons that have experience and expertise with combing military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death; 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.

(iii) 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) Communication 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 and military 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 families and fellow soldiers of a suicide victim through the processes of grieving and healing.

(C) Collaboration and Centers of Excellence for Reintegration.—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.

SEC. . . NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act or otherwise made available by this Act 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 T 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 assault on the island of Betio, Tarawa Atoll, in the Gilbert Islands in the Pacific Ocean.

(2) The United States military forces faced an unanticipated 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 circumstances, 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 1960, the Office 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 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;

(14) recognizes the courage and sacrifice of the members of the Armed Forces who fought on Tarawa;

(15) 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. 504. REPORT ON PROGRESS IN COMPLETING DEFENSE INCIDENT-BASED REPORTING SYSTEM.

Not later than 120 days after the date of 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. SARBANS

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-CONVENSED 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 at all levels of 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) Personal shortages.
   (B) Expertise shortages.
   (C) The relationship between career acquisition personnel and political appointees.
   (D) The relationship between acquisition personnel and contractors.
   (E) The legislative, regulation, official policy, and informal customs that govern procurement personnel.
   (F) Training and retention tools used to hire, retain, and professionally develop acquisition personnel, including the following:
      (i) The Defense Acquisition University.
      (ii) The Federal Acquisition Institute.
      (iii) Continuing education and professional development opportunities available to acquisition professionals.
      (iv) Opportunities to pursue higher education and certification, including scholarships and student loan forgiveness.
   (b) ADMINISTRATION OF PANEL.—The Comptroller General shall be the chairman of the panel.
   (c) COMPOSITION OF PANEL.—

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 2011 (Public Law 112-81; 10 U.S.C. 1168 note), as amended by section 523, is further amended by adding at the end the following new subsection:

(2) SECURE METHOD OF ELECTRONIC DELIVERY.

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary of Veterans Affairs, in consultation with the Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (b)(2). The Secretary 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 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. 48 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. 2588. LAND CONVEYANCE, FERNDALE HOUSING ADMINISTRATION CENTER NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy acquires 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 and 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 any 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 in carrying 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, and 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. 54 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 Mark 46, to include the outboard of the Alakai (United States official number 1213592), and the vessel Alakai (United States official number 1182234).

AMENDMENT NO. 55 OFFERED BY MR. VAN HOLLEN

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 10, 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 subsection:

"(d) Recognition.—Congress hereby recognizes forces established under subsection (c) as an integral component of the Department of Defense to be sustained and equipped by 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 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 the Secretary determines is—

"(A) excess to the needs of the Department of Defense;

"(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 for the procurement of defense equipment; and

"(B) 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 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 State or the force established under subsection (c) if so authorized by State law.

"(3) 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) 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.

"(k) Definition.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"(l) Stylistic Amendments.—Such section is further amended in subsections (a), (b), and (c) by striking "a State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands." each place it appears and inserting "a State".

"(m) Stylistic Amendments.—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.

"(o) 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".

"(p) 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.

"(q) 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;

"(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 for the procurement of defense equipment; and

"(B) 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 property under this section without charge to the recipient force established under subsection (c).

"(o) 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 State or the force established under subsection (c) if so authorized by State law.

"(3) 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) shall provide for payment of such costs.

"(o) 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.

"(k) Definition.—The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"(l) Stylistic Amendments.—Such section is further amended in subsections (a), (b), and (c) by striking "a State, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands." each place it appears and inserting "a State".

"(m) Stylistic Amendments.—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.

"(o) 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".

"(p) 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.

"(q) 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;

"(B) suitable for use by a force established under subsection (c).
(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 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 facilities 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 the 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 disposition 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 support 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 28 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 Navy’s 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 gentleman 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 in 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 contractors.

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 new 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 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.

The second amendment I offered to en bloc amendment 1 mandates a report on progress toward security and stability in Afghanistan, the overall composition and scope of the Afghan National Security Forces, the implementation of the National Defense Authorization Act, including post-traumatic stress syndrome.

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, 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 Reserve, we ensure that the DOD and the Congress will take into account the unique characteristics 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 Women’s 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 generations that will join the ranks to ensure minority representation, leadership and promote equality.

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 see 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 Congress for 3 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 the gentleman for his comments.

Mr. McKEON. I thank the gentleman for his comments.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the chairman of the committee IKE 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 Marine and 1,100 Japanese soldiers died in the battle, one 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. Flight 21 was the second flight and 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 12,000 marines, 1,100 United States destroyers, 350 aircraft, 8 heavy and 4 light cruisers, 66 destroyers, and 36 transports, the largest American force that had ever been assembled for an amphibious landing, was 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 devastated 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, and appropriately, 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 ground-penetrating radar to recover bodies; 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 accidentally 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 Department of Defense to 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 urge 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 to Congress 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 suffering 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. 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 service members who may have been afflicted with PTSD or depression have been given the proper care and attention they need.

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 have adequate resources, personnel, and policies ensuring 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 on 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, and 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. First of all, let me express my 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 to the 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 of New York City has. How much is this costing? The GAO is going to have to come 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. McKOE. I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, this is an excellent series of amendments that we have placed on bloc, and I want to express my appreciation 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 commend Congressman MIKE TURNER of Ohio and Congressmen 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 fund a robust 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 program specifically 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 its purpose is 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 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, which 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 weaken the hands of the acquisition professionals.

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 taxpaying public.” The Administration has been 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.” In other words, pre-determined 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 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 not always been an 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.
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. Amendement was withdrawn 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 of the House.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows: Amendment No. 24 offered by Mr. CUMMINGS.

Subsection 3505 inserts the following new section (and redesignate accordingly):

SEC. 3505. 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-implied 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-implied 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 found slain only after a Navy task force conducted a rescue of the Maersk Alabama.

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 clearly 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 the Navy operates 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 is no other way 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 cargo, and 44 have the ability to carry U.S. military cargo. 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.

In these figures, my amendment would require the Department of Defense to embark military security personnel on U.S.-flagged vessels carrying United States Government cargo 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 former protection necessary to prevent any further acts of piracy against them.

In keeping with that position, the Transportation Trades Department of The
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 cargo on the high seas, and Assuming all operations are manned and conducted 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 Mariner's' 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, the 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 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 banditry around the world. 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.

Further, the Navy and Marine Corps do not have a sufficient number of Embark 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 to protect our merchant fleet 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 command 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.
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) SCHMITTLE TO CONGRESS.—Not later than 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 72, 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 appropriate 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 U.S. Customs and Border Patrol does routinely videotape electronically recorded 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 reviewed 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 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 important 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 properly 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, in light of my 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 create 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 different 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. The President has been 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, undermine 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 court 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 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 artificial quality to the questioning, thereby degrading the quality of the intelligence information."

Mr. HOLN. Will the gentlelady yield? Mr. MCEKON. I yield the gentleman 30 seconds.

Mr. HOLN. I thank the gentleman. The communication which you speak of comes 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 is 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. MCEKON. 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 earlier, which I quoted from earlier, which said, we endorse the use of video recordings in all camps for all interrogations.

Mr. HOLN. Mr. Chairman, I demand a record for the gentleman.

The Acting CHAIR. The gentleman's time has expired.

Mr. MCEKON. Mr. Chairman, I demand a record for the gentleman.

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 for public office,

(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 with recommendations relating to legislation or administrative action, including the provision of funding, to address the issues described in paragraph (1).

(3) COMMITTEE HEARINGS ON ANNUAL REPORT.—During the Senate 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 has 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.

(d) STAFF.—

(1) AUTHORITY TO APPOINT.—Subject to rules prescribed by 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 title 5, United States Code.

(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 government 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.
The Chair recognizes the distinguished gentleman from New York, Mrs. MALONEY, for 5 minutes.

Mrs. MALONEY. Thank you, Mr. Chairman.

This amendment would establish an overseas voting advisory board to provide 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 $600,000 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 before 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 system. This really is disgraceful and disrespectful 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, Mr. Melvin, who retired 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, 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 overseas American families, both 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.

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.

For example, in 2004, the Integrated Voting Assistance System, created by the Voting Assistance Program, cost over $600,000 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.

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Mr. HONDA and I have offered this amendment to address the issues to professionals responsible for assisting our troops with the voting process, has a newly appointed director who will begin his duties next month.
SEC. 708. NOTIFICATION OF MEMBERS OF THE ARMED FORCES OF EXPOSURE TO POTENTIALLY HARMFUL MATERIAL OR CONTAMINANT.

(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. LORIONDO

The text of the amendment is as follows:

At the end of title V (page 186, line 11), add the following new section:

SEC. 594. LEWIS W. HAMILTON MEDAL 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. 2 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 determines.

(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) Stable 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.

SEC. 709. 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 during deployment and 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-up 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; and

(3) battle the stigma of depression and mental health problems among members and veterans; and

(d) Timelines.—

(1) In General.—Chapter 567 of title 10, United States Code, shall 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.

(2) Eligibility Requirements.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge in consultation with the Secretary of Veterans Affairs.

(f) Personnel Requirements.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals who are licensed psychologists, psychiatrists, psychiatric nurses, licensed professional counselors, or clinical social workers.

(2) Suicide prevention counselors.

(3) Suicide prevention counselors.

(4) A system for training national security professionals to ensure they develop and maintain the qualifications identified under paragraph (1).

(5) Methods for identifying and designating positions within the Federal Government which require the knowledge, skills, and aptitudes of a national security professional.

(6) An institutional structure for managing a national security professional career development system.

(7) Stable mechanisms for funding a national security professional career development program.

(8) A system for training national security professionals to ensure they develop and maintain the qualifications identified under paragraph (1).

(9) An institutional structure for managing a national security professional career development system.

(10) Stable mechanisms for funding a national security professional career development program.
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 member of the Armed Forces who while serving on active duty served in combat as a pilot or crew member of a helicopter medical evacuation ambulance and who met the performance 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) CHERISH AMENDMENT.—The table of section titles in the chapter that is to be added by the amendment added by the amendment at the end of the following new item:

- 8757. Combat Medevac Badge:

(4) 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; or
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 of enactment, and within such time period, as the Secretary may require.

AMENDMENT NO. 56 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 INTERNATIONAL CHILD ABDUCTION.

(a) Sense of Congress.—It is the sense of Congress that the intra-familial abduction of children of members of the Armed Forces constitutes a grave violation of the rights of military personnel whose children are abducted and poses a significant threat to the psychological well-being and development of the abducted children.

(b) Family-Centered Child Abduction Effecting Active Duty Military Personnel.—

(1) Report Required.—Not later than 90 days after the date of enactment of this Act, and not later than December 31 of each 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. The report required under subparagraph (A) shall include information concerning the following:

(A) The total number of children abducted from military parents, with a breakdown of the number abducted from each country that is a party to the Hague Convention on the Civil Aspects of International Child Abduction, and each country that is not a party to the Hague Convention.

(B) The total number of children abducted from military parents, with a breakdown of the number of children returned from each country that is a party to the Hague Convention and the number of children returned 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 Department of Defense actions.

(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 abduction affects the force readiness of military personnel.

(E) An assessment of the effectiveness of the centralized office within the Department of Defense designated to implement measures to prevent international child abductions and to provide assistance to military personnel, including—

1. the coordination of international child abduction-related issues between the relevant agencies and departments with the Department of Defense;

2. the education of appropriate personnel;

3. the coordination with family support offices and other applicable agencies, both in the United States and in host countries, to implement mechanisms for assistance to left behind parents;

4. 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;

5. the collection of the data required by subparagraphs (A) and (B).

(F) An assessment of the current availability of, and for assistance, including general information, psychological counseling, financial assistance, leave for travel, legal services, and the contact information for the centralized office established by paragraph (E), provided by the Department of Defense to left behind military personnel to assist with obtaining the return of their abandoned 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 personnel 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 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 not complying 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 country court system.

(M) The feasibility of including in present and future Status of Forces Agreements a framework for the expeditious and just resolution of international child abduction.

(N) Identification of potential strategies for engagement with host countries with high incidences of military international child abduction.

(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 if the assistance provided for left behind parents to attend such an event.

(P) Whether the Department of Defense currently partners with, civilian experts on International Child Abduction, to understand the psychological and social implications of this issue Department of Defense, and to help develop an effective awareness campaign and training.

(2) STUDY.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON carries out a study on the technical and logistical feasibility of enhancing the capabilities of the missile defense system of the United States, as such system is designed and conceived as of the date of the study.

(a) Study.—The Secretary of Defense shall submit the report on 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. 3 OFFERED BY MR. WALKER

The text of the amendment is as follows:

At the end of subsection A of title VII (page 244, after line 8), insert the following new section:

SEC. 798. 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 Secretary’s plan to fully achieve the establishment of the seamless record system between the Department of Defense and the Department of Veterans Affairs.

2. Identify any unforeseen obstacles that have arisen that may require legislative action; and

Mr. SKELOTON. 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. 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. This 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. SKELOTON. Mr. Chairman, 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 our efforts to understand those necessary facts.

Mr. POLIS. Mr. Chairman, can we expect hearings to be conducted this summer?

Mr. SKELOTON. 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 as early as possible 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 indulgence 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. 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 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. This amendment will require the Department of Defense to take necessary action to avoid and, when necessary, resolve the international abduction of our men and women.

Mr. Chairman, I thank the gentleman for his help fulfill the will of Congress to support our service members who, along with their children, suffer from intrafamilial and international child abduction. The international movements of our service men and women 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.

She is now tragically deceased. And as you have suggested, many years have passed since the law was 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.
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 ail- ing grandmother in Japan, and he still cannot get her back. The fight has been six long years, and the family lives in 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 De- partment 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 receiving the preventative education, legal protection, and other assistance needed to avoid and resolve the international abduction of their children. This amendment asks the Depart- ment of Defense to report to Congress on the following:

The total number of children abducted from military parents;

The total number of children who were later returned to left behind military parents;

Whether the DOD is able to facilitate any of the re- turns, and what sorts of assistance the DOD offers to military parents—such as psycholog- ical counseling, financial assistance, legal services, and leave for travel;

The means through which available serv- ices, information, and activities relating to international child abductions are commu- nicated to left behind military parents;

The training provided to those who supply legal assistance to the left behind military par- ents;

Measures taken by the DOD to prevent ab- ductions;

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 frame- work for the resolution of child abduction; Identification of potential strategies for en- gagement with host countries with high inci- dence of international child abductions;

Whether the DOD coordinates on abduc- tions 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 ef- forts with the U.S. Department of State to pro- vide a means for a conference of left behind military parents to share experiences, network and develop best practices for secur- ing 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 devastation and anguish of inter- national child abduction.

Mr. SKELTON. Mr. Chairman, let me flash back to a previous amendment, the Akin-Forbes amendment. I just re- ceived a letter from the Assistant Sec- retary of Defense, dated today, regard- ing that amendment, which reads in part, While the Department supports transparency in government, we find the amendment as written directing the DOD to submit a report on every employee covered under a nondisclosure agreement as overly burdensome and counter- productive in meeting the security challenges of today. I yield 1 minute to my friend, my col- league, 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 out- standing 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 while.

This is an issue which addresses prob- ably 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 Odierro 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 Gen- eral 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 question- naire. That is not enough.

This amendment will set up a dem- onstration project with a face-to-face pro- fessional. This is the type of process that we need to deal with this unprece- dented challenge.

Again, I urge strong support for the en bloc amendment which includes this important component.

Mr. McKENZIE. I yield, at this time, Mr. Chairman, to the gentleman from Kentucky (Mr. DAVIS) 4 minutes.

Mr. DAVIS of Kentucky. Mr. Chair- man, today I offer an amendment that will enable the DOD to be able to effec- tively plan and execute national secur- ity and interagency operations.

To enhance our national security, we must be able to effectively integrate the military and nonmilitary elements of our national security. This requires the effective integration of all agencies of the Federal Government, not only those with traditional national secu- rity roles. However, achieving highly integrated national security inter- agency planning and execution requires personnel who have the knowledge, skills and attributes to plan and par- ticipate in these interagency oper- ations. At present, there is no perma- nent, institutionalized system for de- veloping the skills and experience re- quired.

Examples abound of the need for this change, and I will cite two briefly. My first relates to our ongoing interagency opera- tions in Afghanistan, and I commend President Obama for his deter- mination to pursue an integrated inter- agency approach to resolving that con- flict.

As our national security community turns its attention to Afghanistan, we must create a secure and stable society re- quires, among other things, that we as- sist 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 per- sonnel in support of operations like those in Afghanistan. Instead, the mili- tary has been required to fill the gap with people without agricultural expe- rience.

While our soldiers are very adapta- ble, we would be better off if USDA were routinely engaged in overseas na- tional 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 families, often laying money home to their families. During this period, the deputy Treasury Secre- tary 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 oper- ations.

If Treasury and in particular a Treasury cadre of national security professionals, had been properly in- volved early on, the problem and rise of criminal gangs and militias could have been mitigated sooner, thereby con- tributing 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 de- velop national security professionals across departments of the Federal Gov- ernment to provide skilled personnel for planning and conducting national security interagency operations.

It is critical that we achieve a trans- formation in national security edu- cation, training and interagency expe- rience away from the 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 trans- formation.

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 McKinze 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. SKELETON. 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 drafting 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 Lifelong Electronic Record for members of the Armed Forces and a member of the House Armed Services Committee.

Mr. SKELETON. At this time, 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 SKELETON 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. SKELETON. 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. SKELETON. At this time, I yield 1 minute to my colleague, the gentleman from New York (Mr. McMATHON).

Mr. McMATHON. 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 DE LAURO, together with my great colleague from Connecticut, JOE COURTNEY, and my great colleague from the great State of New Mexico, HARRY TAGUE.

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.

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. SKELETON. 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 land-based 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, these 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 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
As you all may know, I recently introduced H.R. 2931, the Kyle Barhelt 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 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 service 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 best way to be effective mental health illness prevention and treatment for service members and veterans.

Chairman, 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 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.

Chairman, I want to thank Mr. Griffith for including the McKeon, 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 reservists.

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 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 glad that the 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 serving 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 Gentle lady from Connecticut, Congresswoman Delahunt, and 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 introduced H.R. 2931, the Kyle Barhelt 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 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 service as a nation failed to give him the mental health treatment he needed and deserved. Ultimately, by mandating in person mental health screenings, we will reduce the incidence of suicides and substance abuse among active duty personnel and veterans.

Chairman, 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.

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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 Gentle lady from Connecticut, Congresswoman Delahunt, and also thank Chairman SKELTON and Chairwoman SLAUGHTER for the opportunity to consider this amendment to the National Defense Authorization Act.
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.

SEC. 248. AUTHORITY FOR NATIONAL AEROSPACE SYSTEMS
INTEGRATION TEST & EVALUATION.

(c) FUNDING.—
(1) FUNDING INCREASE.—The amount otherwise
provided for TRICARE funding is hereby increased by $50,000,000 to be
provided for purposes of this title.

(2) OFFSETTING REDUCTION.—Reduce the amount of Operations and Main-
tenance, Army, by $25,000,000 to be derived from the Service-wide Com-
munications.

Reduce the amount of Operations and Main-
tenance, Navy, to be derived from Service-wide Com-
munications.

Reduce the amount of Research Develop-
ment Test & Evaluation, by $10,000,000, to be
derived from Advanced Aerospace Systems
Integrated Sensor IS Structure, PF 68286E.

AMENDMENT NO. 66 OFFERED BY MR. MCDEMOTT

The text of the amendment is as fol-
los:

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 Recomendation 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 inter-
national 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 con-
trol of armed groups in the Democratic Rep-

The Secretary of Defense shall con-
firm that all covered members re-
cieve 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 sec-
tion, the Secretary shall ensure the fol-
lowing:

(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 in-
mEDIATE evaluation and treatment by a quali-

fied mental health care provider.

(3) If a covered member is identified under
paragraph (2), the Secretary shall confirm
that the member has received the evalua-
tion and any necessary treatment.

(b) REGULATIONS.—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 sec-
tion, a “covered member” is a member of the
Individual Ready Reserve who has completed
at least one tour in either Iraq or Afghan-
istan.

AMENDMENT NO. 67 OFFERED BY MR. SCHIFF

The text of the amendment is as fol-
los:

At the end of subtitle C of title XII of the
bill, add the following new section:

SEC. 248. AUTHORITY FOR NATIONAL AERO-

NAUTICS AND SPACE ADMINISTRA-

TION FEDERALLY FUNDED RE-

SEARCH AND DEVELOPMENT

ERIES TO ESTABLISH MERIT-

BASED TECHNOLOGY RESEARCH AND

DEVELOPMENT PROGRAMS.

Section 217(t)(i) of the National Defense
Authorization Act for Fiscal Year 1995 (Pub-
lic Law 103-337; 108 Stat 2695) is amended by
adding at the end the following new subpar-

(a) IN GENERAL.—Section 1077 of title 10,
United States Code, is amended—

SEC. 208. TREATMENT OF AUTISM UNDER
TRICARE.

(a) IN GENERAL.—Section 1077 of title 10,
United States Code, is amended—

(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 authorized to be used for the purposes of
this subsection, treatment of autism spec-
trum disorders shall be provided if a health

care professional determines that the treat-
ment is medically necessary. Such treat-
ment shall include the following:

(A) Habilitative or rehabilitative care.

(B) Pharmacological agents.

(C) Psychiatric care.

(D) Psychological care.

(E) Speech therapy.

(F) Occupational therapy.

(G) Physical therapy.

(H) Group therapy, if a health care profes-
sional determines it necessary to develop,
maintain, or restore the skills of the bene-
ficiary.

(I) Any other care or treatment that a
health care professional determines medi-
cally necessary.

(2) Beneficiaries under the age of five who
have developmental delays and are consid-
ered at risk this subsection may not be denied
access to treatment described by paragraph (1)
if a health care professional determines that
the treatment is medically necessary.

(b) The Secretary shall consider the use of
applied behavior analysis or other struc-
ted behavior programs under this sec-
tion to be in accordance with the treat-
ment of autism spectrum disorders for purposes of
section 1077(a)(9) of this title.

(c) 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 Health Analyst Certification
Board, or other accredited national certifica-
tion board; and

(B) if applied behavior analysis or other
structured behavior programs is provided by
an employee or contractor of a person au-
thorized to provide such treatment, the em-
ployee or contractor shall meet minimum
qualifications, training, and supervision re-
quirements consistent with best practices in
the field of behavior analysis and autism
services.

(d) (A) The Secretary shall ensure that—

(i) this chapter;

(ii) paragraph (A) of title XVIII of the Social
Security Act (42 U.S.C. 1395c et seq.); or

(iii) any other law.

(B) In this section—

(1) The term ‘autism spectrum disorders’
includes autistic disorder, Asperger’s syn-
drome, and any of the pervasive develop-
mental disorders as defined by the most re-
cent edition of the Diagnostic and Statis-
tical Manual of Mental Disorders.

(B) The term ‘habilitative and rehabilita-
tive care’ includes—

(i) professional counseling;

(ii) guidance service;

(iii) treatment programs, including but 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.

(b) The term ‘health care professional’ has
the meaning given that term in section 1094(e)(2)
of this title.

(c) 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).

(d) Funding.—
(1) The amount otherwise
provided for this section in page
613, line 8, insert the following new subsection:

SEC. 708. SUICIDE AMONG MEMBERS OF THE IN-
DIVIDUAL READY RESERVE.

(a) FINDINGS.—Congress finds that veterans
who are members of the Individual Ready Reserve
(‘‘IRR’’) and are not assigned to units that
must regularly and have an established
support system are less likely to be helped
by existing suicide prevention programs run
by the Secretary of Defense and the Sec-

etary of Veterans Affairs.

(b) REQUIREMENTS.—In preparing to
provide for the Individual Ready Reserve,
the Secretary of Defense shall ensure that—

(1) There shall be a ‘‘covered member’’
defined for purposes of this subsection:

(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 im-
nEDIATE evaluation and treatment by a quali-

fied mental health care provider.

(3) If a covered member is identified under
paragraph (2), the Secretary shall confirm
that the member has received the evalua-
tion and any necessary treatment.

(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 Health Analyst Certification
Board, or other accredited national certifica-
tion board; and

(B) if applied behavior analysis or other
structured behavior programs is provided by
an employee or contractor of a person au-
thorized to provide such treatment, the em-
ployee or contractor shall meet minimum
qualifications, training, and supervision re-
quirements consistent with best practices in
the field of behavior analysis and autism
services.

SEC. 248. AUTHORITY FOR NATIONAL AERO-

NAUTICS AND SPACE ADMINISTRA-

TION FEDERALLY FUNDED RE-

SEARCH AND DEVELOPMENT

ERIES TO ESTABLISH MERIT-

BASED TECHNOLOGY RESEARCH AND

DEVELOPMENT PROGRAMS.

Section 217(t)(i) of the National Defense
Authorization Act for Fiscal Year 1995 (Pub-
lic Law 103-337; 108 Stat 2695) is amended by
adding at the end the following new subpar-

(C) A federally funded research and devel-

opment 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 search, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such programs. Such programs shall be 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. 8 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 DURING WORLD WAR II

(a) Recognition of the Suffering of the Residents of Guam.—The United States recognizes that, as described by the Guam Claims 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 bodily harm, or imprisonment.

(b) 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 appropriated authorization to be appropriated under this title, after receipt of notification 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 (b) and (c) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the injury 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 subsection (c)(2) but has suffered an injury described in subsection (c)(2)(C), $15,000.

(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 Decreased 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) of this section.

(b) 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 disfigurement, scar, loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not described in subparagraph (A) (such as disfigurement, scar, loss of a limb, dismemberment, or paralysis).

(C) Forced march, internment, or hiding to evade internment.

(3) Definitions of Severe Personal Injuries and Bodily 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).

(c) Adjudication.

(1) Authority of Foreign Claims Settlement Commission.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1603.

(2) Rules and Regulations.—The Foreign Claims Settlement Commission shall promulgate 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.

(3) Claims Filed after the Amendment.—For purposes of paragraph (2) of section 1603, claims filed after the date of the enactment of this Act shall be treated as claims filed under such section.

Amendment No. 8 offered by Ms. Bordallo.
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 to 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 this subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, 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 section 1605, 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:

SEC. 665. POSTAL BENEFITS PROGRAM FOR SENDING FREE MAIL TO MEMBERS OF THE ARMED FORCES SERVING IN DIRECT SUPPORT OF OPERATIONS AND HOSPITALIZED MEMBERS.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense shall establish a postal benefits program 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 package or parcel post not exceeding 15 pounds in weight; (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.

(d) NUMBER OF VOUCHERS.—A member of the Armed Forces shall be eligible for one voucher per 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 Armed Forces described in subsection (d).

(f) LIMITATIONS ON USE; DURATION.—A qualified mailing may not be used—

(1) for mailing that is first-class mail, 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 under 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, an amount equal to the estimated cost of postal benefits that 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 SOURCE AND LIMITATION.—In addition to the amounts authorized to be appropriated in section 301(1) for operation and maintenance for the Army for fiscal year 2010, $50,000,000 is authorized for postal benefits provided in this section.

(j) OFFSETTING REDUCTION.—Funds authorized to be appropriated in section 301 in fiscal year 2010 for operation and maintenance for the Army, Department of Defense shall be reduced by $50,000,000.

(k) For operation and maintenance for the Air Force, Department of Defense, the Secretary of the Air Force, System-Wide Air Force Communications Reductions is reduced by $30,000,000.

AMENDMENT NO. 60 OFFERED BY MR. GARRETT OF NEW JERSEY

The text of the amendment is as follows:

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 the Israeli Prime Minister, Ehud Olmert, 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.
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 allowing 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 provided 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 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, has 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. Mr. Bean was VA diagnosed with PTSD, but he 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. McKENNY. 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 gentleman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Thank you, Mr. Chairman.

My amendment helps to build support for military construction 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 Chair- man SKELOX and Ranking Member McKENNY for accepting this amendment on 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 oppor- tunity, Mr. Chairman, to recognize several of our staff who, after wonderful service, are going on to new chal- lenges in their careers:

Loren Dealy, who will handle commu- nications for the Office of Legisla- tive Affairs at the Department of De- fense; 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; Sashaba, who is off to get a master’s of public policy; Christine Lamb, who is off to get an MBA; and Ben Glum, 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, Cori Davis, 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 strong 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 Sher- ry Drumheller, and other legislators 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. McKENNY. 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 the amendment, I will 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 bal- ance of my time.

Mr. SKELTON. Mr. Chairman, let me say a special word of thanks to our ranking member, BUCK MCKENNY. As we welcome you and you are off and run- ning, you are doing an excellent job, and we thank you for your first-class efforts in this journey 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 unani- mously 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 im- portant allies, and that our government should pledge our continued support of Israel’s de- fense 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 De- fense Forces. Three years ago today, Cpl. Shalit and his fellow soldiers were attacked by Hamas terrorists on the Israeli 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 Pales- tinian leadership, has held Cpl. Shalit in captiv- ity, in clear defiance of the Geneva Conven- tion and basic human decency. Hamas has not allowed the Red Cross or others to visit Cpl. Shalit. Instead, Hamas released videos highlighting the torture 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 Pales- tinian government continues to exploit his con- dition and his family’s suffering.

In 2007 and 2008, I called for the release of Cpl. Salt, as well as Sergeant Major Ehud “Udi” Goldwasser and Sergeant First Class Eldad Regev. On July 16, 2008, Hezbollah re- turned the bodies of SGM Goldwasser and SFC Regev in exchange for over 200 con- victed terrorists and other Palestinian pris- oners. Despite these efforts, 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 fur- ther demonstrates Hamas’s unwillingness to be a responsible member of the global com- munity.

As a nation that has experienced terrorist attacks, we know that this issue is not solely local or regional; it is a challenge for all of Israel alike. 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 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 adv- anced defense capabilities to protect its exist- ence as a democratic, Jewish state.

While this amendment addresses the totality of the U.S.-Israel military and security relation- ships, 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 de- fense, 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, includ- ing 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, relent- less, 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, in- cluding Israeli children.

But the missile defense 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 des- igns 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 rock- ets 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 mis- sile that would enable Syria to launch attacks on other population centers.

And, as a nation that has experienced terrorist attacks, we know that this issue is not solely local or regional; it is a challenge for all of Israel alike. 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 Gilad Shalit.
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. 1714d) 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 fuel 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;

“(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 529, 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 taxpayers are not asked to subsidize highly polluting technologies.

Originally contained in the Carbon Neutral Government Act and incorporated in the Energy Independence and Security Act of 2007, 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 at least 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 researching 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 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.

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 eliminating 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, 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 petroleum 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 don’t touch it. 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.
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 the handshake 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 liquefaction 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 appreciate 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. SCHRIF). 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 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 charted 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 recent Science magazine 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 Laboratory 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. We 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 JPL and DOD will continue.

Mr. POLIS. Mr. Chair, I rise in support of the amendment offered by Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

Mr. CONNOLLY of Virginia. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question was taken; and the Acting Chair announced that the ayes appeared to have it.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment ordered by the gentleman from Virginia will be postponed.
The vote was taken by electronic device, and there were—ayes 224, noes 190, not voting 25, as follows:

[Table]

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. 1 OFFERED BY MR. MCCOZERO

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.
CONGRESSIONAL RECORD — HOUSE

The vote was taken by electronic device, and there were—ayes 171, noes 244, not voting 24, as follows:

(Roll No. 455)

AYES—171

[...] (continued)(A25JN7-111)

NOT VOTING—25

[...] (continued)(A25JN7-111)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

[...] (continued)(A25JN7-111)

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 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 186, noes 226, not voting 24, as follows:
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
Balz
Bass
Blumenauer
Bono
Boucher
Bradley (PA)
Boswell
Boccieri
Bolling
Bono (TX)
Bosum
Boren
Bourne
Bowser
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Broun (GA)
Brown-Waite, Ginny
Brown (SC)
Brown-Walden
Budd
Buijtendorf
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Colfax
Coleman
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Coster
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Culbertson
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Culver, Dan
Culver, E.
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Culver, G. E.
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Davidson
DeBoer
DeBella
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The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 23, as follows:  

[Roll No. 458]

AYES—416

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Austin
Baca
Bachmann
Baird
Balderston
Barrow
Barrett (SC)
Bean
Berger
Bibb
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
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Boucke
Boozman
Boyd
Bradley (PA)
Brady (TX)
Bright
Bronn
Brown (NC)
Brown (SC)
Brown, Corrine
Brown-Waite
Buchanan
Burges
Burton (IN)
Butterfield
Calvert
Camp
Cantor
Capito
Carbajal
Carbone
Carson
Carson (IN)
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Castle
Chandler
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Cleaver
Coble
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Cullen
Cummings
Dahlkemper
Davis (AL)
Davis (VA)
Davis (TN)
Deal (GA)
Delaney
Diaz-Balart
Dingell
Dineen
Dreier
Duncan
Ellsrewth
Emerson
Enns
Etheridge
Fallin
Fleming
Forbes
Fortenberry
Fox
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Franks (AZ)
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Gingrey
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Gordon (TN)
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Hall (TX)
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Johnson, Sam
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Not voting—23

So the result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BERMAN. Mr. Chairman, 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 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.
Mr. FORBES. Yes, sir, I am, in its current form.

The SPEAKER pro tempore. The gentleman opposed to the bill?

Mr. Speaker, this motion to recommit improves this bill by shaving a few dollars in programs that I think can be found in other places. I think it is a responsible way to bring this bill back to the House forthwith, with a recut to the bill (H.R. 2647) to authorize appropriations for defense activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, pursuant to 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.

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 servicewomen 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 preparing an investigator 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, we 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 and 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 really find interesting in this is that the budget will cut the cleanup for radioactive waste and acres 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.

Mr. 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 shuffle 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.

Mr. ABERCROMBIE. Mr. Speaker, I really feel very, very deeply that this motion to recommit. I feel was not done in the committee.

The SPEAKER pro tempore. The gentleman may not yield blocks of time.

Mr. ABERCROMBIE. Mr. Speaker, 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 question is on the motion to recommit.

The vote was taken by electronic device, and there were—ayes 170, noes 244, not voting 19, as follows:

[A full list of individual votes is provided, with a total of 496 votes cast.]

The vote was taken by electronic device, and there were—ayes 170, noes 244, not voting 19, as follows:

[A full list of individual votes is provided, with a total of 496 votes cast.]

The vote on the question in rule 12, the Chair will reduce to 5 minutes the maximum time for any electronic vote on the question of passage.

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 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. If the question is on the motion to recommit. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the maximum time for any electronic vote on the question of passage.
June 25, 2009

CONGRESSIONAL RECORD — HOUSE

H7389

Mr. CROWLEY. Mr. Speaker, on June 25, 2009, I was absent for eight rollcall votes. If I had been present, I would have voted "aye."

The Motion to Reconvene

So the motion to reconvene 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/Pingrey 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 "aye."

On the inclusion of the Connolly Amendment. Had I been present, I would have voted "aye."

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 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.

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 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;"

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So the bill was passed.

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The title was amended so as to read: "A bill to authorize appropriations for 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.
The RECORD on the bill that was just passed.

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 the RECORD. I had 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 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. LOFGREN of California. Mr. Speaker, I ask unanimous consent to be recognized to state my personal and, if present, I would have voted “no” on the Akin amendment, and would have voted “yes” on the Republican motion to recommit.

Mr. CAPUANO. Mr. Speaker, earlier today, at the appropriate point in the reading. At the request 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 debateable 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 an amendment are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B of the report of the Committee on Rules; (3) to not 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 debateable 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 an amendment 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 if offered by 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 taken by the House 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 and to the motion except one motion to recommit with or without instructions.

SUC. 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.

SUC. 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).

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 5-hour 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 debateable 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 an amendment 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 taken by the House 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 and to the motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. TAUSSCHER). The gentleman from Colorado is recognized.

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 for presentation.

**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.

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 $32.5 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 2009 enacted levels.

These funds are absolutely critical in addressing the problems that have come with historic unfunding 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 reduction from EPA prior year STAG account funds 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 3 1/2 minutes. I appreciate my colleague from Colorado. I feel extremely fortunate to live where I live in my district—and 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 will increase 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 must 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 gentleman 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 ask unanimous consent 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 Nick Rahall 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.

It is an incentive that 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 protecting 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 short cut out of the way.

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 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 right to be heard. Yet here, in this penthouse of democracy, we are going exactly the opposite direction by trying to silent almost 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. OBAMA, 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 ability to do that 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 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, harnessing my years of appropriations as chairman of my Appropriations Committee, to make sure that the natural resources of our nation are protected. 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 colleague, 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 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.

I yield.

Mr. SIMPSON. The gentleman from Utah (Mr. BISHOP), for an answer.

Mr. BISHOP. I would like to respond that what you are hearing today is the equivalent of a 1-year spending bill for Interior agencies. Interior agencies need, which helps fulfill conservation efforts while protecting 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.
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 reasons that we found 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 arrest 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 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 had 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 illegal cutting of 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, and by any of these areas were to be created as wilderness, this would have to be, by the memo of understanding, moved.

Now those are the issues that are at hand that the issues that need to 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 want to 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 bill. That’s how all our amendments will work together very effectively; and we had an open process, an open subcommittee markup where any member could have offered any amendment that they wanted, and 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 open amendment—bills passed. 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. BOEHRNER. They talked to Mr. LEWIS, who is here on the floor. And I 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 has been 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 Park Service 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, if you want 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. We want to have a better budget of the land; it helps us combat 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 amending 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, this is 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 106 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 Democratic 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 mistake, this will be 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: I now know power; I see more witnesses; I see more witnesses, 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 not yield. They will not back down. They will 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. 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 on 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 the 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 with 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, we have an impasse in the Senate, 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 our economy 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 Gunnison 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 funding for 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.

Ms. FOXX. Madam Speaker, our colleagues and I have an impasioned 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? Valdez is the only town and must 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 to not 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 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 any aspect of its new 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 environmental 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. If this amendment could have removed a threat so that we can consider climate change legislation in an open, deliberative process.

Mr. BLACKBURN had similar amendments, if we had an open rule, we could debate and impose its will on the House by defeating this embarrassing rule.

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 would 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 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 $2.77 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 with just as much pride one day just as I and many of my colleagues did.

We provide over $500 million to operate the National Wildlife Refuge System, $30 million above the request. These programs provide critical 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 $300 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.

Aproviding 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’ determination. 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 this economic downturn 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 ambitious 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, on this 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 has been raised 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 blocked the Treasury to return more than $3 billion to the Treasury through oil, gas, and coal revenues, grazing and timber fees, recreation fees and the revenues from the sale of 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 is left.

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 our magnificent public 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 block the 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’ best interests. 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 decision-making and instead has anointed itself as the sole appropriators in this legislative body. The Democrats in charge are limiting what bills 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 significant 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 after a process that allows open, full, and fair debate, consisting of a full amendment process that allows 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?

Madam Speaker, it’s very concerning to me that the Democrats in charge have chosen to silence the minority yet again. In years past, 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 would have to bear 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 86 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 2055; 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 Colorado (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 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.

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 how things 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 anything useful on work of 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
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 and Reinvestment Act. 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 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 shall be waived. 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 on Appropriations shall have a record priority in recognition on the basis of whether the Member offering an amendment has created it to be printed in the portion of the Committee Report 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 point of order 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 this moment, to offer an amendment. It is a vote about what the House should be debating.

Mr. Clarence Cannon’s Precedents of the House of Representatives (VI, 398-39) 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 before it is decided 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 15, 1909, that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition,” 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 North Carolina, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to this right of 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 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), where it’s shown how the 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 a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.21.) Section 21.21 describes the re-jection 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 to refocus and alter the 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 rule that was appeared to have been granted.

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 read 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, reject 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 $757 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 created the twelve-bill Appropriations process for FY 2009;
 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 pre-printing requirement 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 after just 22 minutes of amendments, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010, contains $56.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;
 Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 19, 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, 9.23, 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 peak during the handling of H.R. 2477, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009;
 Whereas H.R. 2477, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010, contains $56.4 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 pre-printed 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 $3.02 billion in H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;
 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 ayes being cast for the motion, and in the noes being cast for the motion;
 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.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;
 Whereas on June 18, 2009, 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 10 amendments for 10 more amendments, out of the 127 amendments originally filed;
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 pre-printing requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

Mr. PRICE of Georgia. I do, Madam Speaker. The SPEAKER pro tempore. The gentleman from Georgia under the gentleman's resolution.

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, the Chair is not presented 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 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 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] YEA—245

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.

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair. 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. Now, therefore, be it

Representatives: Now, therefore, be it the House of Representatives recommit House Resolution 578, with amendments offered to H.R. 2847, the Commerce, Science, Justice, Appropriations Act, 2010, to the Committee on Appropriations for the purpose of deliberating, amending, and reportin—

Mr. PRICE of Georgia. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, shall the Chair stand as the judgment of the House?
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 question of the previous question on House Resolution 578, on which the yeses and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the order of the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 182, not voting 11, as follows:

[Roll No. 463]

YEAS—241

Abercrombie
Aderholt
Ackerman
Adler (NJ)
Alquist
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (GA)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

NAYs—182

Aderholt
Akin
Alexander
Austria
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Blair
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Bouzany
Bradby
Brady (TX)
Broun
Brown (SC)
Brown-Waite, E.

The result of the vote was announced by the Clerk.

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
Aderholt
Ackerman
Adler (NJ)
Almquist
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (MD)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clare
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

NOT VOTING—10

Bachman
Baxley
Boggs
Boehner
Boustany
Braun
Bray (PA)
Brewer
Bullock
Burke
Buxton

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
Aderholt
Ackerman
Adler (NJ)
Almquist
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (MD)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clare
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

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
Aderholt
Ackerman
Adler (NJ)
Almquist
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (MD)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clare
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

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
Aderholt
Ackerman
Adler (NJ)
Almquist
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (MD)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clare
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

The vote was taken by electronic device, and there were—yeas 238, nays 184, not voting 11, as follows:

[Roll No. 463]

YEAS—238

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Adler (NJ)
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Arcuri
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Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (MD)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clare
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LYNCH). There is 1 minute remaining in this vote.

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
Aderholt
Ackerman
Adler (NJ)
Almquist
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (MD)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clare
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

NOT VOTING—10

Bachman
Baxley
Boggs
Boehner
Boustany
Braun
Bray (PA)
Brewer
Bullock
Burke
Buxton

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
Aderholt
Ackerman
Adler (NJ)
Almquist
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (MD)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clare
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

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
Aderholt
Ackerman
Adler (NJ)
Almquist
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Beaum
Becerra
Beckley
Berman
Berry
Bingham (MD)
Bishop (NY)
Blumenauer
Boehner
Boren
Bowser
Boucher
Boyd
Brady (PA)
Bradley (IA)
Bright
Brown, Corrine
Capps
Capuano
Cardoza
Carbajal
Carney
Caster (FL)
Chandler
Clare
Clay
Cleaver
Clyburn
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahleke
Davis (AL)
Davis (CA)
Davis (IL)

NOT VOTING—10

Bachman
Baxley
Boggs
Boehner
Boustany
Braun
Bray (PA)
Brewer
Bullock
Burke
Buxton

The vote was taken by electronic device, and there were—yeas 238, nays 184, not voting 11, as follows:

[Roll No. 463]
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:

Sincerely,

JOHN KLINE, Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

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 Members of the House to the United States-Canada Interparliamentary Group:

Mr. King, Vermont

APPPOINTMENT 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
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 piece of legislation has been 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 you 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 provides the legislation 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 $688 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 oil sold, produces 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 recent recommendations 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 restore important ecosystems. The bill invests $667 million to restore major American lakes, estuaries, and bays. It fully funds the President’s request of $175 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 $185 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 $5.66 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 natural and cultural heritage. I am 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 Humanities and the National Endowment for the Arts, as well as $10 million for the Smithsonian Institution, the world’s largest museum complex, with an increase of $43 million above 2009. I am 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 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. And I am also particularly grateful to Pete Modaff and Ryan Shauers on my staff, and Malissah Small and Megan Milam from Mr. SIMPSON’s staff who 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 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 opening remarks 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’s allocation, we have achieved 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 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 OBRY has provided in this bill.

The 302(b) allocation for this bill is $323.2 billion, a $4.7 billion, or 17 percent, increase over last year’s enacted level. This increase comes on the heels of this history of this subcommittee’s spending in recent years.

Interior and the Environment spending between 2007 and 2009—including base bills, emergency supplemental, and the American Recovery and Reinvestment Act—has increased by 41 percent—and that’s before this year’s 17 percent increase.

Chairman OBRY 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.

Bat it’s not 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, energy, infrastructure, 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 OBRY, 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 it now.” Z, or for our homeland security depends upon it.

Well, today many of our priorities are at risk of 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 monies this subcommittee and other committees have already provided? Are we spending $120 million on climate change next year to learn something new or relearn what we already know? I’m 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 healthy as our economy the amount 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 a healthy economy.”

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. This is why I questioned the $2.3 billion budget for the EPA—a 38 percent increase from last year. This is on top of the $7.2 billion 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 the Office of Personnel Management.

It’s 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 new contingency fund. 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 wild fire 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 over 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.

I do want to thank both the 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 House, 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 ST Ag Earmark Grant Authorization for Riley Co., Kansas.

Hon. Todd TIAHRT,
Rayburn House Office Building,
Washington DC.

Dear Representative TIAHRT: Representative Boyd requested funding for Riley Co. for the Konza sewer main extension in a letter to the Chairmen Obey dated March 14, 2007: By the time that grant was authorized, the sewer project was nearly completed.

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.

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 this 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 recognize again, I would like 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 their own Memorials of Congress to designate and preserve 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 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?

Mr. CONNOLLY of Virginia. Yes. I agree with the distinguished chairman. In order to additonal enhancements on 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 free black 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 the ever-present 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 Chairwoman, 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 Chairwoman, 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 a mistake. The bill has now been defeated unilaterally by the termination policy of the 1960s, 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 have been terminated.” This includes the reestablishment of Jones Academy of Oklahoma as part of the Bureau School System.

Mr. Chairmen, 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 school 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 to accelerate the moratorium on the BIA directly responsive to the committee report language, to work to remove the moratorium within 180 days after the enactment of this Act?

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 of 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 Choctaw from reconstituting its school board.

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 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 is located in 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 1st-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 Kiambichi 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— Orientations, 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.)

Horseshoe 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 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

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

Motive Arrangements (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 on a private home campus about 200 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 1985, Wheelock, a non-reservation school for Indian Education for Health Services and follow-up appointments as needed

All students receive eye checks with follow-up and glasses purchased as needed

Nutm...
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 of which I was a member. 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 the 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 if 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 members of the Senate and House Committees 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.

Mr. BUYER. Thank you, gentlemen.

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.

Following, 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. LATOURRETTE. 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. BROUN).

Mr. LATOURRETTE. 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, I can support the bipartisan strategy of 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?

Yield to the gentleman.

Mr. DICKS. The gentleman from Ohio is indeed correct. 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. LATOURRETTE. 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 floor open rule 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 appropriation 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 has 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 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 a structured rule. I propose a rule 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 leadership imposed spending 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 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 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, 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 on. All 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 has laid a foundation 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 conservation 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 the protection of our environmental heritage. 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 $16.5 million. The projects these organizations undertake in all 50 States not only protect our cultural identity, but they also enrich 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. Chairman, 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 engines with newer, lower emission, and more efficient technology.

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 government 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.

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. Even 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 dropped, 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 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 $80 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 nationally, 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 Chairman. The gentleman from Washington has 3 1/2 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 Calvert and you in the past year’s bill, the DERA program is slated to receive $60 million.

As I have said, since we started the markup, you know that my major concern is the overall spending level in this bill. But I think that 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. Oliver, who have 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 more recognition that the laws we 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. 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 Chair 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. The gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Mr. DICKS. Madam Chairman, I have an amendment to the Great Lakes Restoration Initiative.

The Great Lakes Restoration Initiative has been noncontroversial and has been offered on an appropriation bill, noncontroversial—when they have ever been offered. It saddens me that we are here with a manager’s amendment. I yield to the gentleman from California.

Mr. CAMPBELL. Madam Chairman, I have an amendment at the desk.

The Clerk will designate the amendment.

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

Mr. DICKS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. HUNTSINGER. Mr. DICKS. Madam Chairman, I yield to the gentleman from Ohio.

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Ohio.

The Acting CHAIR. 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 Texas (Mr. HENSARLING) 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 his designee 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:

Be it enacted by the Senate and House of Representaives of the United States of America in Congress assembled, That the following sums, to be derived from any available 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 LANES 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 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. 3156(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 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 gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Chairman, I would claim time in order.

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 is 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 rolled it into a manager’s amendment. This is 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 over the past several days, 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 non-controversial.

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 for my 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 non-controversial, so I urge adoption of the amendment.

I reserve the balance of my time.

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 of annual mining claim fees so as to result in a final appropriation estimated at not more than $6,500,000, and $2,000,000, 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 $65,000,000, and $2,000,000, 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 $65,000,000, and $2,000,000, to remain available until expended.

CONSTRUCTION

For constructing buildings, recreation facilities, roads, trails, and appurtenant facilities, $5,590,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 303 of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, $35,329,000, 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 State of California, and on Federal lands in the two land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing/conveyances to such grant lands: $11,557,000, 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 Railroad-grant lands transferred to the General Fund in the Treasury in accordance with the second paragraph of section (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 102-361, funds made available in the Forest Ecosystem Health and Recovery Fund can be used through fiscal year 2015 for the purpose of planning, implementing, and monitoring salage 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 implementation of Federal range programs to sections 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 payments in lieu of Federal leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $30,000,000, 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 public land documents, for monitoring construction, operation, and termination of facilities in connection 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 93-331 remain available: 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 304 of that Act (43 U.S.C. 1734), 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.

Additionally, provided further, that 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
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, 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:

Page 10, line 13, after the dollar amount, insert “(reduced by $2,000,000)”. Page 10, line 10, after the dollar amount, insert “(increased 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 Acting CHAIR. 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 high- lights of the 110th 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 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 since the beginning at $3 million per 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 preserving critical open space in the region to preserve the remaining open space in the Northeast region and help protect cherished natural resources that are extraordinary environmental and recreational values.

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.”

But 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 preserved from being developed.

Preservation of the Highlands is neither a Republican nor 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 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 Land, 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 urge my colleagues to come here to Congress to ensure that other families as well will have that same opportunity in the future.
Mr. MR. GARRETT of New Jersey (Mr. GARRETT). I yield to the gentleman from Washington (Mr. GARRETT). I yield back the time to present witnesses. Also, I think this is a very good amendment.

Mr. GARRETT. I ask unanimous consent to do that today.

The Acting CHAIR. Without objection, the gentleman from Washington is recognized for 5 minutes.

Mr. GARRETT. 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. DICIES. 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. DICIES. 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 for the Snake River Waters 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, 1976 (16 U.S.C. 715a), $141,000,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended, $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. 6101 et seq.), $5,250,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND FUND


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 Coordination Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitats, including species that are not hunted or fished, $115,000,000, to remain available until expended: Provided, That 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 the Secretary shall apportion the remaining amount 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 one 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 one 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.

FEDERAL SHARE OF PLANNING GRANTS TO STATES, TERRITORIES AND OTHER JURISDICTIONS

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 of scientific and technical personnel, and partnership arrangements authorized by law, for expenses necessary to carry out programs and the Federal share of implementation of these programs: Provided further, That the Secretary may, under cooperative cost sharing and matching arrangements authorized by law, procure printing services from cooperators in connection with solely produced publications for which the cooperators have at least one-half the cost of printing either in cash or services.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary 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 $9,962,000 for planning and Interagency cooperation in support of Park Service facilities; $25,000,000, to remain available until expended, in that the amount apportioned in 2010 to any State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: Provided further, That the amounts apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reallocated to States, territories, and other jurisdictions with approved plans: Provided further, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such plan is not resubmitted by such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: Provided any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reallocated to States, territories, and other jurisdictions with approved plans:

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; for expenses necessary to carry out Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitats, including species that are not hunted or fished, $115,000,000, to remain available until expended.

FEDERAL WILDLIFE COORDINATION ACT

For expenses necessary to carry out the provisions of the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 1671 et seq.), $141,000,000, to remain available until expended, in that the amount apportioned in 2010 to any State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: Provided further, That the amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reallocated to States, territories, and other jurisdictions with approved plans.
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.

For expenses necessary to carry out the United States Geological Survey to perform surveys, studies, and investigations for the purpose of acquiring topographic, 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 permits and Federal Energy Regulatory Commission licenses; administer the minerals exploration program (30 U.S.C. 461); conduct inquiries into the economic conditions affecting mineral commodities (30 U.S.C. 3, 21a, and 1605; 50 U.S.C. 96g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the geology and resources of the United States, which shall 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 for which $40,150,000 shall remain available until expended for satellite operations; and of which $7,321,000 shall be available only for cooperation with States, municipalities, other States, or Federal political subdivisions for coastal land improvement projects that exceed $100,000 in cost and of which $2,000,000 shall be available for the cost of topographic mapping or 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

In addition to other uses set forth in section 4707(f) of Public Law 105–261, franciscan 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, lands, or Federal preserve which are administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands, easements, or interests in lands, in accordance with the statutory authority applicable to the National Park Service; $103,222,000, to be derived from the Water Conservation Fund and to remain available until expended, of which $30,000,000 is for the State assistance program.

For expenses necessary to carry 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 Land and Water Conservation 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, nationally 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, $3,231,000 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 108 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 the Mississippi River in the State of Minnesota to the Gulf of Mexico.

LAND AND WATER CONSERVATION FUND (RECESSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 460–1a is rescinded.

LAND ACQUISITION AND STATIST STABILITY

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460–4 through 11), including administrative expenses, and for acquisition of lands, easements, or interest in lands, 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.

THE AIRPORT AND WATERWAY CONSTRUCTION ACT

For an additional amount, $10,000,000, to remain available until expended, which shall be credited to the account and shall be available until expended for necessary expenses of the United States Geological Survey for the purpose of chapter 57 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 the civil service retirement system, but shall not be considered to be Federal employee for any other purposes.

MINERALS MANAGEMENT SERVICE

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 affecting 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, including the matching of grants or cooperative agreements, $174,317,000, to remain available until September 30, 2011, of which $69,586,000 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 for the receipt results from increases in rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding title 31 U.S.C. 9701, there 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 construction of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (30 U.S.C. 1333), in fiscal year 2010, there may retain up to 4 percent of the amounts which are disbursed under section 3(b)(c), 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 years 2010, and 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 the account 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 6201 of the Oil Pollution Act of 1990, $63,000,000, which shall be derived from the Oil Pollution Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 4201 of the Mineral Leasing Act (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international assistance, cooperative agreements, and other activities, and grant administration, not otherwise provided for, $59,366,000.
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 appropri-ations 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 of the recoveries made by the Secretary 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 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. 460l), as amended, the Indian Reorganization Act Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2561 et seq.), as amended, $127,321,900, to remain available until September 30, 2011; except as otherwise provided herein: of which not to exceed $6,500 may be for official reception and representation expenses; of which not to exceed $2,300,099,000, to remain available until September 30, 2011; except as otherwise provided herein: of which not to exceed $37,185,000 shall be for the Indian Financing Act of 1974, as amended, not to exceed $58,895,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, administrative and enforcement support, Indian Land Reconciliation Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, the Secretary is authorized to transfer to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,375,000 within and only from such amounts made available under this heading for school operations shall be available for administrative cost grants associated with ongoing contracts and agreements entered into on or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $50,000 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 such cap, from the amounts provided herein, 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 travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

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 addition of land and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–893, $200,000,000, to remain available until expended: Provided, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2011 to the 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 fund 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 for forms or other identifying articles of clothing for personnel.

ADMINISTRATIVE PROVISION

Provided further, 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 the cost of guaranteed loans, in addition to the total loan principal, any part of which is to be guaranteed or insured, not to exceed $83,807,856.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with determining 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, 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 and Grants Account, the Indian 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 exhibitions.

Notwithstanding any other provision of law, all funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services in support of Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements. Appropriations for Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal
For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $83,955,000, of which: (1) $77,000,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiatives, 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. 502); (c) $10,000,000 shall be available for official reception and representation expenses; and 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 assistance, as authorized by law (48 U.S.C. 502); and (d) of which not to exceed $1,000,000 shall be available 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 of 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 funds made available under this Act for the purpose of paying the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 309(a)(1) of the Consolidated Farm and Rural Development Act for construction projects in those territories shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 309(a)(1) of the Consolidated Farm and Rural Development Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere where requirements, and shall be made available in addition to funds otherwise made available to make or guarantee loans under such authorities. OFFICE OF THE SOLICITOR OFFICE OF INSPECTIONAL LAW SOLARIS AND EXPENSES. FOR necessary expenses of the Office of the Solicitor, $65,076,000. OFFICE OF INSPECTIONAL LAW SOLARIS AND EXPENSES. For necessary expenses of the Office of Inspector General, $46,580,000. OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS FEDERAL TRUST PROGRAMS. 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 $56,338,000 shall be available for the purpose of furnishing or promoting loans under the Indian Homeowner's Loan Act; $12,136,000 for consolidated appraisal and technical assistance 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 that term is expended in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2025b), except that a charter school that is in existence on the date of the enactment of this Act and that has operated as a free-standing school 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 charter 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 71 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 cost disbursements from or deposits to Individual Indian Money or Tribal accounts, under section 113 of title I of appendix C of Public Law 106-113, that are allocated for Guam, to the Secretary of Agriculture for the support of a loan guarantees, plus (c) grants to the Government of the 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 funding shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the funds 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 appropriated disaster assistance under 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 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c). COMPACT OF FREE ASSOCIATION FOR grants to the compact of free association, $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 Act (60 Stat. 771): Provided further, That any appropriated disaster assistance under 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 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c). ADMINISTRATIVE PROVISIONS. FOR grants to the Office of Inspector General, $3,000,000, to remain available until expended, as provided for in sections 801 and 802 of the Inspector General Act (5 U.S.C. 730A; 15 U.S.C. 1221). ADMINISTRATIVE PROVISIONS. For necessary expenses of the Office of Inspector General, $110,530,000, of which: (1) for necessary expenses of the Office of Inspector General for legal services provided under section 502 of the Congressional Budget Act of 1974: Provided further, That such amounts shall be made available until expended: Provided further, That such amounts shall be made available until expended: Provided further, That such amounts shall be made available until expended: Provided further, Provided further, Provided further, That any appropriated disaster assistance under 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 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c). ADMINISTRATIVE PROVISIONS. For necessary expenses of the Office of Inspector General, $110,530,000, of which: (1) for necessary expenses of the Office of Inspector General for legal services provided under section 502 of the Congressional Budget Act of 1974: Provided further, That such amounts shall be made available until expended: Provided further, That such amounts shall be made available until expended: Provided further, That such amounts shall be made available until expended: Provided further, Provided further, That any appropriated disaster assistance under 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 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).
June 25, 2009
DEPARTMENT-WIDE PROGRAMS
WILDLAND FIRE MANAGEMENT

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(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 nonFederal 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

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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

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.

(INCLUDING TRANSFER OF FUNDS)

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

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

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ADMINISTRATIVE PROVISIONS

(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

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further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Sauc. 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 a facility 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 airport operations to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including any other monetary consideration, or by exchange; and the Secretary is authorized to negotiate and enter into non-refundable contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

Sauc. 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”.

Sauc. 111. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency, institution, or private 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; 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.

Sauc. 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 and water within the scope of the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

Sauc. 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, easement, or other agreement, regardless of form, for use of the Outer Continental Shelf (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.

Sauc. 114. (a) In fiscal year 2010, the Minerals Management Service 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. 1384(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) $6,500 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.

Sauc. 115. Section 4 of Public Law 89–565, as amended, (16 U.S.C. 2502), relating to the San Juan Island National Historic Park, is amended by striking “$5,575,000” and inserting “$13,575,000”.

Sauc. 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 Act as an addition to the Minidoka National Historic Site and administered in accordance with section 313(c)(5) of Public Law 119–229.”

Sauc. 117. 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”.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For scientific research, 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 reimbursing expenses in support of research and development, $431,669,000, 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; expenses for personnel and related costs; and expenses 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; administrative costs of the brownfields program under the Small Business Liability Relief and Environmental Restoration 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 authorized under this heading, not less than $626,941,000 shall be for the Geologic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL


BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, including, but not limited to, the Emergency Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 106(a), 108(a), 108(b)(1), and 108(c)(1) (42 U.S.C. 9606), $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 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 for grants, including associated program support costs, to States and Indian tribes for purposes of the Energy Policy Act of 2005, as amended; and $1,115,466,000 shall be for grants, including associated program support costs, to States and Indian tribes for purposes of the Environmental Protection Agency, as defined by section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator: Provided further, That of the funds appropriated under section 122 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, $14,000,000 shall be for grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, and, in addition to the amounts described under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Federal Water Pollution Control Act and section 518(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, 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 administrative expenses: Provided further, That for fiscal year 2010, and notwithstanding section 518(c) of the Act, the Administrator is authorized to make grants for use in fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 318(h) and 318(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(j) 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 made under section 1452(j) of the Safe Drinking Water Act for American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and United States Virgin Islands: Provided further, That for fiscal year 2010, in addition to the amounts specified in section 265(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 Mariana Islands, and United States Virgin Islands: Provided further, That for fiscal year 2010, in addition to the amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for State Revolving Funds 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 governmental or other political subdivision unless the government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of permanent colo- nial communities and the construction of any new home, business, or other facility to serve as a single media pollution prevention, control and Emergency Deficit Control Act of 1985, 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 Concurrence 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 $75,000,000 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, Housing and Urban Development, Transportation), with the concurrence of such head, to carry out activities that would support the Great Lakes Environmental Protection Agency’s Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with another Federal department or agency to carry out these activities; and to make grants to governmental entities, non-profit 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 combination thereof), except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $4,100,000,000.

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 Drinking 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. 1351(e) 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 section 1381 et seq., or with assistance made available under section 206(m) of that Act (33 U.S.C. 1385(m)), or both.

For fiscal years 2010 and each fiscal year thereafter, the requirements of section 1506(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 range-land research as authorized by law, $306,612,000, 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 other areas of the Department of Agriculture, 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 reads as follows:

NATIONAL FOREST SYSTEM
(Including Transfers of Funds)
For necessary expenses of the Forest Serv-ice, not otherwise provided for, for manage-ment, protection, improvement, and utiliza-tion of the National Forest System, $1,564,801,000, to remain available until expended, which shall include 50 percent of all money from 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. 460-6a(1): Provided, That, the Secre-tary may authorize the expenditure or transfer of up to $10,000,000 to the Depart-ment of the Interior for Land Man-age-ment, for removal, preparation, and adop-tion of excess wild horses and burros from National Forest System lands, and for the performance of any of the acts, to de-signate the boundaries of such lands: Provided further, That up to $10,000,000 may be trans-ferred to and made a part of other Forest Service accounts if the transfer enhances the efficiency or effectiveness of Federal activi-ties.

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 SYS-TEM" inserted 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 evening. 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. Ose), 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 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 of California. 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 Na-tional forests currently being overrun by illegal marijuana cultivation. This week two men opened fire on law enforce-ment officials during a raid on a marijuana garden near a popular fish-ing stream. Interestingly, in another instance, two Lassen Coun-ty sheriff’s officers were shot when they came across another marijuana garden. Thankfully, these officers sur-vived 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 Gov-ernment is doing its part to provide the resources we need to address this seri-ous 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 Idaho. In many States, this has become a tremendous problem. Drugs are being grown, mari-juana particularly, on Federal lands. I think we have to do more on enforce-ment. I commend the gentleman for his leadership in presenting this amend-ment. 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 amend-ment 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 3 minutes.

Mr. SMITH of Texas. Madam Chairman, first of all, I would like to con-sider this the Smith-Herger amend-ment 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 na-tional parks and forests into farms for their illegal crops, damaging these pro-tected ecosystems and threatening the safety of visitors and employees.

The Drug Enforcement Administra-tion calls marijuana the “cash crop” that finances the cartels’ drug traf-ficking 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 mari-jana in remote areas of public lands where there is a limited law enforce-ment presence.

The two primary regions for these marijuana sites are the Western region, comprised of California, Hawaii, Oregon, and Washington, and the Appa-lachian 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 enforce-ment 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 investiga-tions, together with their Federal, State, and local partners, seized 2 mil-lion marijuana plants from more than 300 sites during the 2008 growing sea-son. 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 communities 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’ ability to operate.

The amendment will help the only 175 law enforcement officials to patrol the 36 million acres of wilderness area, and 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 line 119, line 35 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, $560,837,000, 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 unobligated balances from previous years, to provide for decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passageways, especially in areas where Forest Service, California, is experiencing 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, located on National Forest System lands, for emergency fire suppression, or on adjacent to such lands or other lands under fire protection agreement, hazardous fuels management, and other purposes.

For emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels management, and other purposes, $11,600,000 is available until expended. Provided further, That public comment should be provided before system roads are decommissioned: Provided further, That the decommissioning of roads may not be contributing to hazardous fuels, and that 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 to 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 of the Forest Service to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460i–4 through 1), including administrative expenses necessary for the purchase 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

For acquisition of lands within the exterior boundaries of Units, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, Utah, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, in such sums, to be derived from funds provided by State, county, or municipal governments, public school districts, or other public school authorities, for acquisition of lands for State, county, or municipal governments, public school districts, or other public school authorities, $1,000,000.

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 and Territories, including administrative expenses, $24,252,000, to be available until expended: (16 U.S.C. 461-461a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and 78-310).

GIFTS, DONATIONS AND BEQUESTS FOR WILDFIRES 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.

WILDFIRES AND Rangeland RESEARCH (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire protection and suppression of the Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels management, and other purposes, $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 accounts previously transferred for such purposes: Provided further, That such funds shall be transferred to reimburse other co-operating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for such emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, $8,000,000 appropriated under this provision shall be used for Fire Science Research in support of 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, $14,000,000 is for fire assistance on Federal lands and $12,928,000 is for forest health activities on State and private lands; Provided further, That the 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 wildfire management, fish and wildlife rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That of the funds provided, $24,252,000 is for forest health activities and to make competitive research grants pursuant to the Forest and Rangeland Research Act, as amended (16 U.S.C. 1614 et seq.), $80,000,000 is for State fire assistance, $10,000,000 is for volunteer fire assistance, $14,000,000 is for fire assistance on Federal lands and $12,928,000 is for forest health activities on State and private lands; Provided further, That the 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 wildfire management, fish and wildlife rehabilitation, and wildlife and fish habitat management and restoration: 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 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, State, and 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 $5,000,000, in Federal, State, and non-Federal departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That such funds shall be used to ensure that the benefits of hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service, for projects that are consistent with the purposes of this Act, and which are consistent with the purposes of any other provision of law; Provided further, That funds provided herein shall be available for wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for such emergencies are fully repaid by the responsible emergency management agency.
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 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 public lands or adjacent lands or other lands under fire protection agreement, $282,000,000, to remain available until expended: Provided, That the amounts transferred and expended only if all funds appropriated for fire suppression under the heading “Wildland Fire Management” shall be fully obligated with respect to any fiscal year shall be sub-

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. 3009).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative, and other necessary functions. Such as-

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service 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 par-


**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 Indian Tribal Self-Governance 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. 2381(b) and 2382 for services furnished by the Indian Health Service: Provided, That funds made available to tribal and tribal or inter-
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 which the funds are appropriated: 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 and Urban Development Department of Housing and Urban Development: Provided further, That not to exceed $2,700,000 from this account and the “Indian Health Service” 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 contract or contracts with the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition and Equipment account, 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 of publications; construction of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations prescribed 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 96–121, 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 Housing and Urban Development. Funds appropriated under 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 re-budgeted 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 involved.

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 insurance coverage. 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 Service is authorized to provide goods and services to those entities, on a reimbursable basis, in accordance with an appropriate reimbursement agreement. 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 rendered 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

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 (Superfund Amendments and Reauthorization Act of 1986) transfers from the Department of the Treasury to the National Institutes of Health to the extent covered by transfers which are not limited to the National Institutes of Health, that amounts provided herein, not to exceed $79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL HEALTH SCIENCES

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, 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 the toxicological profile conducted 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 the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i)(6)(A) of CERCLA: Provided further, That existing profiles may be updated as necessary.
For necessary expenses for capital repair, restoration, and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, to carry out the provisions of the Act of October 24, 1968 (62 Stat. 916) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $12,225,000, to remain available until expended.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

SALARIES AND EXPENSES

For essential expenses of the National Endowment for the Arts, and for carrying out the provisions of the Arts Act of 1965, as amended, $170,000,000, to remain available until expended:

NATIONAL ENDOWMENT FOR THE HUMANITIES

SALARIES AND GRANTS

For necessary expenses to carry out the National Endowment for the Humanities Act of 1965, as amended, $170,000,000, to remain available until expended.
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, and $1,280,000 provided for carrying out the matching grants program pursuant to section 10(a)(2) of the Act including $9,500,000 for the purposes of section 10(b), and $1,380,000, provided for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amount 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)(A) and (B) during the current fiscal year 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 none of the funds appropriated 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

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000 to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000 to remain available until expended.

Dwight D. Eisenhower Memorial Commission

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 105–76, $2,000,000, to remain available until expended.

TITILE IV—GENERAL PROVISIONS

SEC. 401. The expenditure of any appropriation under this Act, including the costs of construction design, of any project or program as set forth in such Act, and 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. 402. No part of any appropriation contained in this Act shall be used for any activity beyond the current fiscal year unless expressly so provided herein.

SEC. 403. 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. 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. (a) Limitation of funds. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be subject to an annual budgetary justification and subject to approval by the Committee on Appropriations. Changes to such estimates shall be presented to the Committee for approval: Provided, That none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States: Provided further, That no transfer may be made, or transferred from any department, agency, or instrumentality of the United States: Provided further, That no transfer may be made, or transferred from any department, agency, or instrumentality of the United States.
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. If the plan is revised, such plan and any proper jurisdiction may order completion of the plan on an accelerated basis.

Suppression.

Any and all costs incurred or assessed, in the United States or for 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 activities of a firefighter's role in fire suppression or presuppression, except that if the foreign fire organization agrees to assume any and all liability for the acts or omissions committed while 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 which the foreign 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 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 agrees to provide such suppression 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.

412. In awarding a Federal contract with the authority of this Act or withstanding 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 and workers in economically disadvantaged rural communities, including the historically timber-dependent areas that have been affected by reduced timber harvests, including areas in the Commonwealth or Puerto Rico and the Commonwealth of the Northern Mariana Islands (GNMI), and all others similarly situated.

413. None of the 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. 1767), as in effect before enactment of the Energy Policy Act of 2005 (Public Law 109-58), and without regard to the amendments contained in sections 234(b) and 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

420. Section 331(e) 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, is further amended by striking "September 30, 2009" and inserting "September 30, 2014".

421. None of the funds in this or any other Act may be used to implement any rule that requires mandatory greenhouse gas emissions from manure management systems.

425. (a) None of the funds made available in this or any other 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 Commonwealth of the Northern Mariana Islands (CNMI), 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 from the time the plan described in subsection (c) is received.

(c) The President shall submit to the Congress, in writing, a comprehensive plan regarding the proposed release of such individual who is detained, as of April 30, 2009, at Naval Station, Guantanamo Bay, Cuba, to any of the United States territories of Guam, American Samoa (AS), the Commonwealth of the Northern Mariana Islands (CNMI), 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 from the time the plan described in subsection (c) is received.

426. In any Federal, state, local or non-profit youth groups, or 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 concerns under purchase orders, contracts, subcontracts, or cooperative agreements is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meaning as in section 2274a of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this Act or anything contained in relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

428. None of the funds in this Act or any other Act may be used to implement any rule that requires mandatory greenhouse gas emissions from manure management systems.

432. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the bill 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 Forest System” in any other Act.

433. None of the funds made available in this Act, or any other Act may be used to implement any rule that requires mandatory greenhouse gas emissions from manure management systems.
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 personal security of the United States that is posed by the transfer of the individual.

(2) The costs associated with not transferring the individual.

(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 the House of Representatives and the Senate the plan for such mitigation.

(6) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of April 30, 2009, or a freely associated State for the acceptance of such individual.

The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

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 proposed location. 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 proposed location. The BLM has under consideration multiple sites for this particular facility, all of which are better suited than the chosen location.

Mr. SIMPSON. I thank the gentleman from Nevada for the opportunity to present this amendment. The Acting CHAIR. Pursuant to House Resolution 578, the gentleman from Nevada (Mr. HELLER) and a Member opposed each will control 5 minutes.

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 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 project, so we should not stop or unduly delay its implementation. Both the Interior Department and the Forest Service have budgeted this for their programs because people’s lives are at stake. So I urge a “no” vote on this misguided amendment.

I reserve the balance of my time.
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. 1. 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 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 over $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 the budget and 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; 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, 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 2009; 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: 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 2009; living on the 2008 appropriated levels. Let’s do that.

Interestingly, in decreasing spending in this bill by 21 percent, that $5.7 billion from the bill would have serious consequences on health, jobs, energy programs, young people and communities.

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. This will jeopardize 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 $185 million. It includes a $403 million reduction below the President’s request for 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 $2.1 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 are 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.

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 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.

I urge a “no” vote on 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, 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. OBERRY 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. Jones).

Mr. JORDAN of Ohio. Madam Chairman, I demand a recorded vote.

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. 2. 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) asks unanimous consent that a quorum call be now taken.

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. With the economy contracting and unemployment rising, it would simply be irresponsible to increase the EPA by almost 4 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 $235 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.

Mr. 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 sacrifices 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 say 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 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 say enough and 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 rejected 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 Fund, which would not properly certify new vehicles, fuels, and engines sold in the United States to make sure they conform to EPA’s emissions 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 the American Dream of many 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 Chair, I rise to 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 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 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 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. 461. 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 Chair, 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 a 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 addition, 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’s the kind of thing that we need.

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.

So, the question before us, Madam Chair, is with 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 need 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. What 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 on this matter—also includes 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 and the building and the equipment at which this lodge is located to expand their current educational program. The learning center provides valuable hands-on experience and inspires environmental and ecological 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 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. Is the way that we 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 benefit 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 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. 7. 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 third, second, and fourth quarters under such heading are each hereby reduced by $150,000.

The CHAIR. Pursuant to House Resolution 378, the gentleman from California (Mr. CAMPBELL) is a Member opposed each of which 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, the Additional Arctic 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 Googled 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 think he has several—would go greater power and the 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 are many high unemployment rates 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.

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 $25 million, four-six cents of every 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 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 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 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 about 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 Statue 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.

As I have said to the gentleman from New York, the only thing that came up over others. 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.

Mr. MCHUGH. If that were the case, I doubt there would be any animosity towards Canton, quite frankly. With no disrespect to the gentleman from New York, I doubt there would be any animosity towards Canton, quite frankly. 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.

Mr. M CHUGH. I want to thank the gentleman from New York.

Mr. CAMPBELL. Reclaiming my time. 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 there was nothing to do with what the offer was 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 the question. I know 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. 2CA. 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 Mozarteum 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 am sure I’m going to butcher the pronunciation of this—but the Mozarteum 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, quite simply, 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 1,000 and a full-service 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 and the hall itself is not able to 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 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 to perform 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.

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 frum 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 fully support. I fully 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 Music Hall, are expected to fund 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 in our economy. 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 $194 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 consistent with reforms instituted this year by Chairman OBRY.

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—argue against just this one. There are others that could have been brought up as well—but that this is essentially a charitable contribution. Whether it’s our 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 is 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 response of the Members of my 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 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 next one 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. 1. 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 Parks 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 at 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, as a fan of historical preservation, 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 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; 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 so unique is that 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, if they ever were taken to 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 generations of debt. 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 that 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 nays appeared to have it.

Mr. CAMPBELL. Madam Chair, I demand a recored 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:

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

Sixth. 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, that these are our 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.

But there are so 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 our children’s children. 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 there are so many 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 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, and in building around 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.

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 urge 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 area 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 appreciate an 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 unsustainable and unsustainable.

Madam Chair, I understand this is only $150,000, but the journey of 1,000 miles begins 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 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 gentleman, 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. 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.
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 part of their world, and try to 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.

Twelve months 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 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 His favor be upon 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 Chairman 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 Senate 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 1870 for the patent operations in order to avoid furloughs and reductions-in-force.

S. 3358. 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 Senate appointed by House Resolution 555 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 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 allocations 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
REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2010 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 13—Continued
(Reflecting Action Completed as of June 19, 2009 (On-budget amounts, in millions of dollars))

<table>
<thead>
<tr>
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<th>Fiscal Year 2010</th>
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<th>Fiscal Years 2010-2014</th>
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<td><strong>Appropriate Level:</strong></td>
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<td>Budget Authority</td>
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<td>3,360,595</td>
<td>2,283,197</td>
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**Revenues:**
- 1,532,579
- 1,666,000
- 11,294,350


Enactment of measures providing new budget authority for FY 2010 in excess of $1,587 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.

**Revenues:**
- 1,532,579
- 1,666,000
- 1,295,918
- n.a.
- 3,529
- 715,652
- n.a.

Revenues: 0

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 $715,652 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.

**BUDGET AUTHORITY**

Enactment of measures providing new budget authority for FY 2010 in excess of $1,587 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**

Enactment of measures providing new outlays for FY 2010 in excess of $715,652 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 in 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.
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)

<table>
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<tr>
<th>Appropriations Committee</th>
<th>302(b) Suballocations as of July 8, 2008 (HRpt. 110-114)</th>
<th>Current Level Reflecting Action Completed as of June 19, 2009</th>
<th>Current Level minus Suballocation</th>
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<td>Agriculture, Rural Dev., FDA</td>
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[Budget Authority in Millions of Dollars]

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<td>Financial Services and General Government</td>
<td>62,075</td>
<td>43,100</td>
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<tr>
<td>Interior, Environmental</td>
<td>27,867</td>
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<tr>
<td>Legislative Branch</td>
<td>4,046</td>
<td>4,340</td>
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<tr>
<td>Military Construction, Veterans Affairs</td>
<td>72,729</td>
<td>69,880</td>
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<tr>
<td>State, Foreign Operations</td>
<td>36,620</td>
<td>36,000</td>
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<tr>
<td>Transportation, HUD</td>
<td>54,997</td>
<td>114,900</td>
<td>114,900</td>
</tr>
<tr>
<td>Total (Section 302(a) Allocation)</td>
<td>1,086,659</td>
<td>1,086,659</td>
<td>1,306,614</td>
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</table>

Direct Spending Legislation—Comparison of Current Level with Appropriations Committee 302(a) Allocation and Appropriations Subcommittee 302(b) Suballocations

(In millions of dollars)

<table>
<thead>
<tr>
<th>Appropriations Committee</th>
<th>302(b) Suballocations as of July 8, 2008 (HRpt. 110-114)</th>
<th>Current Level Reflecting Action Completed as of June 19, 2009</th>
<th>Current Level minus Suballocation</th>
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<tr>
<td>Agriculture, Rural Dev., FDA</td>
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<tr>
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<tr>
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<tr>
<td>Energy and Water Development</td>
<td>21,900</td>
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</tr>
<tr>
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<td>27,867</td>
<td>26,380</td>
<td>26,380</td>
</tr>
<tr>
<td>Labor, Health and Human Services, Education</td>
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<td>112,646</td>
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The Mission of the U.S. Congress

As a result of the enactment of the Budget Act of 2010, the Congress has cleared and the President has signed the following acts that affect the budget for Fiscal Year 2010, as approved by the Senate and the House of Representatives:

- The Helping Families Save Their Homes Act of 2009 (Public Law 111-21)
- The Food and Drug Administration Safety Act (Public Law 111-17)
- Thes.
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.

FISCAL YEAR 2009 HOUSE CURRENT LEVEL REPORT THROUGH JUNE 19, 2009

<table>
<thead>
<tr>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previously Enacted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revenues</td>
<td>n.a.</td>
<td>n.a.</td>
</tr>
<tr>
<td>Permanents and other spending legislation</td>
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<td>2,119,986</td>
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<td>Appropriation legislation</td>
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<td>Offsetting receipts</td>
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<td>−640,548</td>
</tr>
<tr>
<td>Total, Previously enacted</td>
<td>3,578,012</td>
<td>3,369,025</td>
</tr>
</tbody>
</table>

| Exacted this session |         |          |
| 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) | −524 | 3,266 | 0 |
| Total, exacted this session | −513 | 3,268 | 8 |

| Passed, pending signature |         |          |
| Supplemental Appropriations Act, 2009 (H.R. 2346) | 19,692 | 26,992 | 0 |
| Total Current Level | 3,675,938 | 3,359,124 | 1,532,579 |
| Total Budget Resolution | 3,675,938 | 3,359,124 | 1,532,579 |
| Adjustment to budget resolution for disaster allowance | −1,310 | −1,788 | n.a. |
| Adjusted Budget Resolution | 3,664,788 | 3,357,336 | 1,532,579 |
| Current Level Over Budget Resolution | n.a. | 3,259 | 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 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 2009, which are not included in the current level totals, are as follows: |
| Supplemental Appropriations Act, 2009 (H.R. 2346) | 89,682 | 26,992 | 0 |
| Total Budget Resolution | 3,675,938 | 3,359,124 | 1,532,579 |
| Total Current Level Over Budget Resolution | n.a. | n.a. | n.a. |
| Total Current Level Under Budget Resolution | 1,587 | n.a. | n.a. |

| Memorandum |         |          |
| Revenues | 1,642,620 | 1,625,731 | n.a. |
| Appropriation legislation | 0 | 600,500 | n.a. |
| Offsetting receipts | −600,251 | −600,251 | n.a. |
| Total, Memorandum | 952,369 | 1,535,980 | 1,665,986 |

| Previously Enacted |         |          |
| 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 | −600,251 | −600,251 | n.a. |
| Total, Previously enacted | 952,369 | 1,535,980 | 1,665,986 |

| Exacted Legislation |         |          |
| 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) | 318 | 11,346 | 0 |
| Total, Exacted Legislation | 328 | 11,359 | 46 |

| Entitlements and mandates |         |          |
| Budget resolution estimates of appropriated entitlements and other mandatory programs | 723,491 | 702,328 | 0 |
| Total Current Level | 2,892,467 | 3,004,497 | 1,653,728 |
| Total Budget Resolution | 2,892,467 | 3,004,497 | 1,653,728 |
| Adjustment to budget resolution for disaster allowance | −10,350 | −5,448 | n.a. |
| Adjusted Budget Resolution | 2,882,117 | 2,999,049 | 1,653,728 |

| 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, Director. |

FISCAL YEAR 2010 HOUSE CURRENT LEVEL REPORT THROUGH JUNE 19, 2009

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| Adjusted Budget Resolution | 2,882,117 | 2,999,049 | 1,653,728 |

| SOURCE: Congressional Budget Office. Note. n.a. = not applicable; P.L. = Public Law. |
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 Document 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 entered her 65th year of dedicated Federal service.

Throughout her career, Virginia Saunders served the American people for the past 40 years. 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.

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.
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 TEMPOR

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 TEMPOR,

To the Senate:

Under the provisions of rule 1, 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 wish to thank 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 Har- old Koh to be Legal Adviser to the Department of State. We hope some of the post cloture 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.
HEALTH CARE REFORM

Mr. MCCONNELL. Madam President, America's 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 our 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 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 force people off 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 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 safeguards could 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, under the Democrats, 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 government takeovers.

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
June 25, 2009

Congressional Record — Senate

S7027

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 upon the frankness 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 have 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 excellence in education and 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 reform work 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 time alternated 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 how much it will cost. 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 want to 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 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. Over the next 10 years, according to the Washington Post, than we spent in all of World War II 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 Medicaid funding. That means increased 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 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. In 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 that, 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.

Then what about allowing you to keep your insurance if you like it? Well, the Congressional Budget Office has said that 24 to 25 million uninsured Americans would choose to keep 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 power. 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 to 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 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. Far too often, 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 show resolve by finding 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.

The 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.

How can 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.

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 in 2008 to $24,000 in 2016.

As you can see, increases in the growth of health care costs have rapidly outpaced increases in family income. Median income has risen by $13,300 in the last decade, and it is projected to increase by just $1,400 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 $5,600, 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 $6,000, 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 have.” 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 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 like putting 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 purchasing power 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 the 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 a 10-15 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.

Coloradoan Jean Butler is the clerk and treasurer for the small town of Blanca in Costilla County. The town pays the full premium for the 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 other expenses 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, and similar plans with 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, 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 how she 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 someone in her office knows the first question asked will be:

Do you have a health care plan?

Whenever she brings someone in, she can prevent major medical conditions. 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 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 place to do business, 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 while the issue is under active consideration during 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 on 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 the district attorney, her professional experience in private practice, in academic law schools, and her 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 the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings. I have long advocated televising the proceedings of the Supreme Court and have introduced legislation to require the Court to televise its proceedings.

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. The C-SPAN2, the House is televisual on C-SPAN, and many of our hearings are similarly televisual. That is a great educational tool, and also it shows what is going on.

The Supreme Court of the United States, in a 1960 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 in 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 in 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 in 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 in 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 in 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 in 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 in 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 in 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 Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings. The Act of Congress has provided for the quorum call to be rescinded. The presiding officer will have introduced legislation to require the Court to televise its proceedings.
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 in side, 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.

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 our colleagues 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 going forward.

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 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 general 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 dialogue. I believe that even though we may have some substantial questions about Syria’s activities and Syria’s conduct, we could direct our efforts to achieve more 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 that the 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 Middle East.

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 Middle East. In connection with those travels, I have visited Syria 18 times and have studied the Syrian Government. I have gotten to know former Prime Minister Jaba Hafez al-Asad, President Bashar al-Asad, Foreign Minister Walid Mualem, who for 10 years was Ambassador to the United States and now is Foreign Minister.

I have been my view that a dialogue 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 there for a full 2 days. We discussed virtually every problem of the world and every problem of the Middle East. 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 for the direct conversations with Syria have resisted but have 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 1998 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 pursuing that kind of 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-Assad 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 summum 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 sensing 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 these kinds of lawyers 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 “bans” on torture and cruel treatment and rubberstamping without serious hearings presidentially introduced legislation ranging from the PATRIOT 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.

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 changes 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 this 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 our 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 can find out who the terrorists’ fans 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 national 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 legal scholarship that 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 an article in 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 warrant power to act on a lower level. We do not have a warrant power to act on a lower level.

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 and the 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
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.

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 and the world that are made 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—Denise Johnson, who was serving as chief of the Global Immunization Branch of the Centers for Disease Control and Prevention.

Denise Johnson serves as the Acting Director of the 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 school-based programs. During the last decade, Denise and her team helped immunize over 1 billion 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 in the world before the end of 2020. The bulk of our polio eradication efforts have taken place in poor African nations, such as India, Nigeria, Afghanistan, and Somalia. In addition to helping to vaccinate every child in the world, Denise oversaw the development of the Polio Eradication Initiative, an international effort that promised to end the scourge of polio forever. In 2006, Denise and her team helped the World Health Organization and UNICEF to end polio in the Americas, and by 2011, polio was eradicated from the Western Hemisphere. Denise is a champion of maternal health and worked closely 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.

Denise Johnson was a key advisor to the World Health Organization and UNICEF. She was a key player in the development of the Polio Eradication Initiative, an international effort that promised to end the scourge of polio forever. In 2006, Denise and her team helped the World Health Organization and UNICEF to end polio in the Americas, and by 2011, polio was eradicated from the Western Hemisphere. Denise is a champion of maternal health and worked closely 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.
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 scores of dedicated 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 in the fight against polio. Those were the needs of 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.

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 committee 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. 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 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 him to achieve the most important goal of the 2010 census, which is to encourage all people to respond to the census.
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. So the simple observation is 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 South Bronx, bigoted, bigoted, bigoted, 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 in a district court 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.

The message I hear is to make sure 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 provides better 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 one 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, he 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 rehabilitative care. 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 family. 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 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 this Nation demanding change—reaffirms why health care reform is so important.
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 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 medical needs and 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 more of her neighbors to say the economy is bad; we cannot do it now. The same people said why it is so important we do this 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.

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. The Senate passed 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 LUAR 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 September 11 was planned in Afghanistan. It helps us in Afghanistan, where we have thousands of American troops stationed and fighting as I speak.

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 Pakistani 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
June 25, 2009  

CONGRESSIONAL RECORD — SENATE  

S7037

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 if we ignore 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 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 in 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 Democrat issue, 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 bitter cold Wyoming road. His story rightly sparked an 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 co-sponsor of the bill inspired by Matthew’s tragic story. I do not want to see the same thing happen 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. One of the worst is 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 too.

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 most talented, brightest, and most 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 not only is 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 remember 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 the women’s suffrage movement 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 mention?

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 year, I and my colleagues on both committees continued to work on health care reform as 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 Medicine and How to Provide the people of Wyoming with the chance to see what I was working on and tovoice 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 held meetings with 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 to 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 short- and 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 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 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, 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 can work this bill together, and, most importantly, finish 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 speak about the need to reform 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 and not 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. That is why I am concerned that after we had not even one hearing on the floor, we already had an agreement between the two committee members which was taken to the leaders, which means 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 $59 billion. That is a bill that 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 bill 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, which is about $2 trillion of the Federal budget deficit of about $1 trillion over the 2010-2019 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 hearing 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 we are putting on 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 get that long-term care benefits right away, we will have another Federal Government program with a budget deficit. At the same time the world received notice of the preliminary analysis of the Kennedy bill, we got word that the CBO was postponing its response to 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 that deficit 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 this commitment 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 is that 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.

On a more serious note, 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 all is said and done, I am sure we will hear him repeat the line over and 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 tell 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 safe and sound and grandparents’ 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. I am checking back to 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 affordable 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 bureaucracy 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 does not provide incentives to encourage individuals to make wealthier choices. There is 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 Medicare. We are not 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 80 percent of the 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 the 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 part of the 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 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 process that has, unfortunately, unfolded in the Health, Education, Labor, and Pensions Committee, where we have been tediously working through. There have been comments about how many amendments we have had. We had 389 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, types—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 hope in good faith that bipartisanship, 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 a small child, 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 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. They can assume that 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 that the money will end up in 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 Demo-
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 raise 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 other countries to enact mandatory emission reductions. In other words, we provide the leadership and they will follow. But recent actions 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 act, the rest of the world will not follow.

If you still believe—and there are fewer people every day who believe that science is settled—that manmade gases, anthropogenic gases, CO₂, methane are causing global warming—there are a few people left who believe that. If you are one of those who still believe that, stop and think: 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 of this bill will have on their States and other developing countries such as 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 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 act, the rest of the world will not follow.

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My colleagues in the Senate are rightly focused on the economic effects of this bill will have on their States and other developing 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 has no emissions. Well, China is doing it. 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 selling to the public what they are going to do. He isTodd 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—we are sitting back there just rejoicing because 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 CO₂. 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 CO₂ 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 China is an even stronger reason to oppose mandatory reductioe 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 respect intellectual property. 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—we have threatened, we have asked, we have negotiated—and they do not do it. So why would they do this? So for China, climate change will be no exception.

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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 reflects that time. 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 scientific that science dictates that any unilateral action by the United States is going to have to do and what 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 China 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 all of a sudden it is not. 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 event 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 mandates on 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 2030. 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 what China wants them to do. 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 have been 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, intensify 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 inalienable. 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 and continues to insist on 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 the type of binding reduction 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 justification 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 that 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 Democratic colleagues, 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 $3,500 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 in 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 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 and 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 reductions. 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 for the Kyoto treaty, 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 today.

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

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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 only because they have not gotten the active intervention 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 standards, or 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 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 all 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. There is 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 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 talk to those scientists who have taken the lead 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 ice melt in the Arctic is occurring faster than we had anticipated. I have seen 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 BING GING. 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, the man who did such an extraordinary job of work starting 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 known this for years. 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 market 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 the ravages of global warming in those places 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 horizons 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 does wonders. 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 see that there would be an endangerment finding, that our people are in danger if we don’t get out.

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.

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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 out of the Knots 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 made a comment. I just want to say we have gone through in their struggle.

INHOFE, said to me in the press I should make a comment. I just want to say we have gone through in their struggle. 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 closure 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 an 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 post cloture 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 Senate 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 includes 10 minutes for Senator KERRY to 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. 2018, 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 bill; 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 conferences 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 of the amendments which had been agreed to; and that no further amendments be in order; and that the substitute amend-

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 Senate has a terrific life, and I am proud of what she is doing with respect to this issue. It is the most interesting. I think it is important for us to talk 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 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 astronaut 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 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 that the Australians call 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 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 absorbs more of the heat from the sunlight, which then accelerates the rate of the melting and warming, rather than the sea ice 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 Newfoundland, just south of where I live, in the heart of Labrador, they are doing their animal harvesting, and they have a 20-mile ice road that used to exist that they are not able to use because the ice has melted. And in the Arctic, the permafrost had now broken apart months ago. It just broke apart months ago.

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 standards that you do. We have to find some other way of doing this.

But 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. China and other countries will all agree to reductions that are measurable, that are verifiable, and that are reportable.

So 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 idea that one can go from that experience. Throughout my career, both in and out of government, I have argued that the fact that international law can be used to protect and further the Constitution of the United States. Well, please, that is baseless beyond any kind of evidence that I have seen or any statement he has ever made. Let me repeat what Dean Koh, himself, has said about the primacy of our Constitution.”

That is definitive. No one should question 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 . . .”
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 constitutionality of 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 and supported 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. It is clear that 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 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 these 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 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 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.

It is heartening 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, and 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 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. He has been 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 obligations 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 the Senate has ratified or unratified treaties 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. That is my view, and it is the 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 have 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 adviser 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; instead, he has a radical view of 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 bear arms is 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 that is perhaps not the case 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 fight—and not just 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 about for years, but there’s a legitimate 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. 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 33rd 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 were a top legal adviser in the Obama administration, which filed suit against Gitmo 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 sue? Professor Koh, as Legal Advisor, would be 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 those 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 Senate 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 and political surveillance of 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 monitor the 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 political surveillance 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 rewrite the long-term objective 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 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 unaniuously 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. 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.” Dean Koh wrote, “I do not 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.

I urge my colleagues to oppose the nomination 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. SHAHSEN). 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:

YEAS—62

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Burris
Cardell
Cardin
Carper
Collins
Conrad
Durbin
Feinstein
Gillibrand

Nelson (NE)
Nelson (FL)
Prayor
Reed
Reid
Rockefeller
Sander
Schumer
Shaheen
Snowe
Specter
Stabenow
Teeter
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—35

Alexander
Barrasso
Bennett
Bond
Brownback
Bunning
Byrd
Chambliss
Collum
Cochran
Corker
Corvin

Crapo
DeMint
Reisig
Risch
Roberts
Sessions
Shaheen
Shelby
Tennent
Vitter
Wicker

Rear view of a man in a suit and tie standing in front of a large crowd.
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 processes 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 is ordered to be printed in the RECORD, as follows:

KOH FAILS THE DEMOCRACY TEST
(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 29, 2004), Koh explains how the system works: Transnational legal process encompasses the interactions of public and private actors—nation states, corporations, international organizations—in a variety of forums, to make, interpret, enforce, and ultimately internalize rules of international law. In my view, it is the key question why many 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 in order 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 transsubstantive 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 Koh argues elsewhere, key agents in promoting this process of internalization include transnational entrepreneurs, governmental norm sponsors, transnational private actors and entrepreneurs, governmental norm sponsors, transnational private actors and entrepreneurs. 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 who have a resistive interpretation—nation-state to internalize that interpretation into domestic law.

Koh notes that the crucial mechanism for incorporating the global norms that are “created” and “interpreted” in transnational forums into American constitutional law is the American judiciary. As Koh declares near the end of his book, “the American courts will 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, 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 same 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 the American norms 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 do the global norms, now part of international law and U.S. constitutional law, be repealed? Legislation to repeal the global norms could be deemed “unconstitutional.” And who decides? The advocates of the transnational norm enforcers, the governmental norm sponsors, “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 read the report.

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 appropriation 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.

The 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 drafting 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, as 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, had 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 $954 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 $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 civil service 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 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 $355.6 million, which is a 4-percent increase over the 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 full funding for the Digital Library and increased 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 $14 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 PRESIDENT pro tempore of the Senate, Mr. NELSON 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 have 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, while this year's 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—indeed, 2.4 percent. I would argue for those who say we need to keep our budgets flat: 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.

I think 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 that are to 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.

With 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. Now, 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 Library of Congress Library of Congress 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 U.S. Capitol Police and the Capitol 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 of 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 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. With the 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 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 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 will 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 Chairman, 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 for introduction 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, both the chairman 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 reducing appropriations necessary for the security of the United States Capitol complex.

Mr. VITTER. Madam President, I will outline my motion to commit slightly. First, on the instruction, 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. The amendment I 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 had, lost their homes 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 that is not at all without an amendment, 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. If amendments are germane, they 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 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 more money than we spent on legislative appropriations for the last fiscal year. That would constitute about a $7 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. Some 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 last year? Couldn’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 $7 million. 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. There are millions of other Americans who 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 the 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 of actually $101 million below the level that Senator MUSKOVITZ 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 amendment 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. I believe we 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 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 and we have discussed this number 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 responsibilities.

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 told by the Chair, Senator NUTVZ, 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
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, 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 government 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 really 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.

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. ISHOFEE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 31, as follows:

NAYS—31

Byrd
Barrasso
Bennett
Brownback
Running
Burr
Chambliss
Coburn
Corker
Cornyn
Crapo
DeMint
Specter
Rockefeller
Shaheen
Reed
Reid
Roberts
Rockefeller
Sanders
Schumer
Shelby
Snowe
Specter
Stabenow
Tennant
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wyden

YEAS—65

Baucus
Bayh
Begich
Benett
Bonham
Bonds
Brown
Burris
Cassidy
Carlin
Carper
Coar
Cochran
Collins
Conrad
Dodd
Downing
Durbin
Feinstein
Nelson (FL)
Johnson
Kloebuchar

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.
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. 136 TO AMENDMENT NO. 136

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 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 Omaha, NE. It is 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 that the Senator happens to be from that State. He may have 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, AZ, 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 pork barrel 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, $810 billion 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’ve got a bill totaling $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 when 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. The yeas and nays were ordered.

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 ask unanimous consent to insert a copy of the statement of resignation to be referred to the Impeachment Trial of Samuel B. Kent established by the Senate on June 24, 2009.

Mr. NELSON. Madam President, pursuant to the gentlemen’s agreement, the original statement of resignation executed by Judge Samuel B. Kent on the 24th day of June, 2009, at 4:44 p.m., as tendered copies of the same to Samuel B. Kent, United States District Court for the Southern District of Texas, hereby tender my resignation to the Senate on June 24, 2009, to the President of the Senate, as everyone knows. I tender my resignation as a Federal District Judge effective 30th June 2009.

SAMUEL B. KENT.

Mr. MCCAIN. 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 District Court for the Southern District of Texas, hereby tender my resignation as a Federal District Judge effective 30th June 2009.

Mr. MCCAIN. 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 District Court for the Southern District of Texas, hereby tender my resignation as a Federal District Judge effective 30th June 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. Everybody’s workload is heavy. When we come back a week from Monday, we will have a number of votes beginning at 5:30.

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. The yeas and nays were ordered.

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 ask unanimous consent to insert a copy of the statement of resignation to be referred to the Impeachment Trial of Samuel B. Kent established by the Senate on June 24, 2009.
aspects developing the House of Education.

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 Mr. 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 digitizing documents, 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 the 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. That is a project the Durham Museum seeks to begin on our national library's footsteps.

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” showcasing the Board at Fifty,” commemorating the 50th anniversary of the landmark Supreme Court decision in the case of Board 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 significant concern which 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 notion that funding within this budgetary request.

**OSHA Violations**

Mr. GRASSLEY. Madam President, as the Senate considers the fiscal year 2010 legislative branch appropriations bill, § 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 standards 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 Committee on the Budget, as the Senate considers the fiscal year 2010 legislative branch appropriations bill, § 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 standards 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 Committee on the Budget, 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 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 your concerns were raised during the subcommittee hearings. Citations from the Office of Compliance are required since 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 timeliness are applied that would not be applied outside the legislative branch, particularly to historic buildings.

As is said true to the will of the American people, not the will of foreign judges or courts.

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?

It 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 troublesome dangers. A number of academics, and even Federal judges, 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 S. State Dept. 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, we are subject to foreign laws that will 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 obeying 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 profound 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 impose their 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 national law is 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 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. First and foremost, reliance on foreign law as it is, not the way they might wish it to be.

Second, reliance on foreign law creates confusion rather than clarification as to the state of American law. Judge Sotomayor claims that foreign law can add to the story [sic] of our law. Foreign law is scattered and divergent. 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, her defense of it in speeches and in her judicial opinions 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, her defense of it in speeches and in her judicial opinions has really led to this controversy to which Justices Scalia and Thomas have responded.

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 justices 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 do in our cases. That is their responsibility.

Fourth, reliance on foreign law blurs the distinction between domestic and
June 25, 2009
CONGRESSIONAL RECORD — SENATE

S7059

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 on the part of their own law 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 country will now believe? Do you check with China? Do you check with Iran? Or maybe France? Where do we do this? How do they divine what all this 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 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: “I try to learn from foreign law and the international community when interpreting our Constitution is not the only one worth posing. As The Inmates Judge of the, 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 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: “[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 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 way they did it. 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 . . .

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 worse. 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. Begenich). 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.
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 309(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 22, 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 billion 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 budget scores 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:

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon. KENT CONRAD, Chairman, Committee on the Budget, U.S. Senate, Washington, DC.</td>
<td>DEAR MR. CHAIRMAN: The enclosed report shows the effects of congressional action on the fiscal year 2009 budget and is current through June 22, 2009. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.</td>
</tr>
</tbody>
</table>

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 405 of S. Con. Res. 13, provisions designating 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 for Federal oversight and regulation of 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

<table>
<thead>
<tr>
<th>(in billions of dollars)</th>
<th>Current level</th>
<th>Current level under (—) resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>ON-BUDGET</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Budget authority</td>
<td>3,668.5</td>
<td>3,667.6</td>
</tr>
<tr>
<td>Outlays</td>
<td>3,337.2</td>
<td>3,331.0</td>
</tr>
<tr>
<td>Revenues</td>
<td>1,535.6</td>
<td>1,535.6</td>
</tr>
<tr>
<td>OFF-BUDGET</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social Security Outlays</td>
<td>513.0</td>
<td>513.0</td>
</tr>
<tr>
<td>Social Security Revenues</td>
<td>663.1</td>
<td>663.1</td>
</tr>
</tbody>
</table>

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 the Senate Appropriations Committees. Section 403 of S. Con. Res. 13 (see footnote 1 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.

2. Includes 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

<table>
<thead>
<tr>
<th>(in millions of dollars)</th>
<th>Budget authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appropriation legislation</td>
<td>n.a.</td>
<td>n.a.</td>
<td>1,532,571</td>
</tr>
<tr>
<td>Appropriation legislation</td>
<td>2,186,897</td>
<td>2,119,086</td>
<td>n.a.</td>
</tr>
<tr>
<td>Appropriation legislation</td>
<td>2,031,683</td>
<td>1,851,797</td>
<td>n.a.</td>
</tr>
</tbody>
</table>
TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2010, AS OF JUNE 23, 2009—Continued

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previously Enacted 1</td>
<td>n.a.</td>
<td>n.a.</td>
<td>1,665.986</td>
</tr>
<tr>
<td>Revenues</td>
<td>1,653.70</td>
<td>1,666.00</td>
<td>12.30</td>
</tr>
<tr>
<td>Social Security Outlays 3</td>
<td>544.10</td>
<td>544.10</td>
<td>0.00</td>
</tr>
<tr>
<td>Current level under (-) resolution</td>
<td>187</td>
<td>202</td>
<td>n.a.</td>
</tr>
<tr>
<td>Budget resolution 1</td>
<td>1,788</td>
<td>2,240</td>
<td>n.a.</td>
</tr>
<tr>
<td>Current level</td>
<td>1,530</td>
<td>2,240</td>
<td>n.a.</td>
</tr>
<tr>
<td>Total</td>
<td>3,356,270</td>
<td>3,356,952</td>
<td>1,532,571</td>
</tr>
</tbody>
</table>

1 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.

2 Periodically, the Senate Committee on the Budget revises the totals in S. Con. Res. 13, pursuant to various provisions of the resolution.

3 Total, enacted this session

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

<table>
<thead>
<tr>
<th>Description</th>
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<th>Outlays</th>
<th>Revenues</th>
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</thead>
<tbody>
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</tr>
<tr>
<td>Total</td>
<td>3,356,270</td>
<td>3,356,952</td>
<td>1,532,571</td>
</tr>
</tbody>
</table>

1 Includes the Children’s Health Insurance Program Reauthorization Act of 2009 (P.L. 111–11); 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:

<table>
<thead>
<tr>
<th>Description</th>
<th>Budget Authority</th>
<th>Outlays</th>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current level</td>
<td>n.a.</td>
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<td>1,532,571</td>
</tr>
</tbody>
</table>

Total, enacted this session
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 Fowlie; 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; oversee 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 said, “Like Father, Like Son—Fellow botanists have a lot in common.” The phrase 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 turned his barn back into a 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 toasting 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 when we were sitting on Tom’s porch in the late afternoon sun, reminiscing.

Hub’s day job was a 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 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 said, ‘They gave me an exam, and I flunked it—’” Hub said. “And 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, they moved into a 120-acre Jericho homestead 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—all the way to 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 enough.”

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 certain trees 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.”

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. “I came back in January of 2002.” He camped out in his old room in the basement. 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 even 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 the state’s current musician— has a Ph.D. in atmospheric physics.
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: gun现行 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, 2009, 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 annually by other officers. Holding a .22-caliber rifle, this man entered a museum that welcomes 30 million visitors.

CLOSE THE SILO/ILIO LOOPHOLE ACT

Mr. BAUCUS. Mr. President, I have been extremely concerned about the problems that police officers face.

On June 1, a 24-year-old man shot and killed seven police officers, armed with three guns, in an assault rifle, ambushed and gunned down Officers Eric Kelly, Stephen Mayhle, and Paul Sciullo in Pitts- b,urgh, PA. A fourth officer, Timothy McManaway, was shot in the hand. This shooting came 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. SGt's 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 dedicated 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 suicides, and 10,000 unintentional gun deaths, and another 70,000 nonfatal gun injuries every year, there are still those who resist legislation aimed at reducing 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.

Mr. BAUCUS. 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.

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.

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 prize was awarded to CAPT Joshua James, 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 Warrant 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. MUKULSKI. 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 toward lesbian, 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 the effective and efficient 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 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 dangerous criminals without 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 expanded hate crime protection, and 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 harbor 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 Wyo-
ming’s history. In 1903 the Virginia 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 comfort-
able night’s sleep at the Virginian.

The area surrounding Medicine Bow has long been host to several energy in-
dustries. Coal and uranium mines brought jobs to the area. Presently, wind turbines secure Medicine Bow’s future and contribution to the Amer-
ica’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 this legacy.

In celebration of the 100th anniver-
sary of the town of Medicine Bow, I in-
vite my colleagues to visit this historic
place. I congratulate the citizens of Medicine Bow who stewed this impor-
tant 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 extra-
tordinary service and remarkable character of Reverend George Poulos of the Church of the Archangels in Stam-
ford, CT, who recently retired after over a half decade of service.

Reverend George 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 of-
tered 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 struc-
ture when 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 EFPREEPAN 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 ancient heritage.

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 grand-
children, I want to salute him for his service and assure him that his important con-
tributions 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 admis-
sion to the Union. This year I had the privilege to speak at a number of events to kickoff the 50th anniver-
sary 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 his-
torical figures; they are 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 an-
other 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 acknowled-
ge 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 serv-
ice 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 for his service. Red died last Friday at the age of 88. This Friday the people of Alaska will celebrate Red’s life at a memorial serv-
ice in Anchorage.

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 Alas-
ka’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 Alas-
ka. In fact, many of the tapes have al-
ready been acquired by the University of Alaska Anchorage Consortium Li-
brary for use by historians and schol-
ars.

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 mourn-
ing the loss of this exemplary Alaskan.

In the minds of many Alaskans these significant accomplishments are relatively minor. They would regard Red’s cre-
ation of the Alaska Goldpanners, Fair-
banks’ 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 nearly 20 Goldpanner alumni have gone on to play in the majors. There was Dan Pastorini who pursued a career in football as quarterback for the Hous-
ton Oilers, Oakland Raiders, Los Ange-
les 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 Mid-
night 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.”

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 Alas-
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ing 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 that are focused on providing a rigorous curriculum, innovative programs, and exhibiting an overall high standard of learning. Those receiving the award this year were Ben Franklin Career and Technical Center located 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. We pride ourselves 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 the 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 an 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 Intermediate 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 their peers.

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 enrolling 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 ability to receive and excellent education. Teachers and faculty strive to provide 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 and advanced 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 President reported 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.

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 methoxethene, sodium salt; Tolerance Exemption’’ (FRL No. 8418–7) received in the Office of the President of the Senate on June 22, 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 ‘‘2-Butenedioic acid (2Z)-, monobutyl ester, Polymer with methoxethene, sodium salt; 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–2104. 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 "Acetochlor Pesticide Tolerances" (FRL No. 8418–8) received in the Office of the President of the Senate on June 30, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2105. 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. 8418–7) received in the Office of the President of the Senate on June 18, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2106. 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–2109. 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" (RIN2090–A080) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2108. 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" (RIN2090–A077) 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, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Regional Air Quality Standards developed pursuant to the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source 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–2102. 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 "Revision of Source Category List and Source Category Information for Hazardous Air Pollutants: Area Source to Attainment for Ozone" (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, Environmental Protection Agency, 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. 8920–2) 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, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection Byproducts Rule and Change in References to Analytical Methods" (RIN2090–A080)(FRL No. 8920–6) 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, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision of Source Category List for Organic Compounds 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, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois: Ozone, Sulfur Dioxide, Nitrogen Oxides 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–2107. 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 "Approval and Promulgation of Implementing Provisions for Hazardous Air Pollutants: Area Source to Attainment for Ozone" ((RIN2090–A077) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Environment and Public Works.

EC–2108. A communication from the Acting Secretary, Bureau of Legislative Affairs, 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 23, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2109. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "False Statements Regarding Security and Governmental Affairs.

EC–2110. 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 "Acceptance of State and Local Submittal for the Review of Air Quality Standards for Ozone; Motion to Reconsider; Governmental Affairs.

EC–2111. 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 "multivariate, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Mine Rescue Teams" (RIN2119–A966) received in the Office of the President of the Senate on June 22, 2009; to the Committee on Health, Education, Labor, and Pensions.


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 and Governmental Affairs.

EC–2114. 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 18, 2009; 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; Rocks 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 23, 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; Ohio River Mile 663.2 to 667.0; 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–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 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–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. (RIN2155–A100)(Docket No. USG–2009–0289) received in the Office of the President of the Senate on June 22, 2009; to the
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; Maritime Vessel Launch, Marquette, Wisconsin’’ (RIN1625-AA00) 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) (Dock 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 ‘‘Commodity Risk Management 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 a continuing capability of items critical to 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 National Guard units 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 re-establishment of a continuing military fixed-wing aircraft procurement fund, 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 Boston, 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 San Francisco, transmitting, pursuant to law, the Bank’s 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2128. A communication from the Acting Assistant Secretary for Natural Resources and Environment, Bureau of Land 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 proposal to include as part of the National Defense Authorization Bill for fiscal year 2010, including as part of the National Defense Authorization Bill for fiscal year 2010, one relative to the authority to transfer defense articles no longer needed in Iraq and to provide defense services to the Security Forces of Processed Pakistan, and in 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 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 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 Viticulture Zone’’ (RIN1515–AB40) received in the Office of the President of the Senate on June 23, 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 Other Amendments Related to Permit Requirements, and the Expanded Definition on Roll-Your-Own Tobacco (T.D. TT–78)’’ (RIN1515– AB32) received in the Office 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. 2687. 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. 111–99; S. 1350.)

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 serve on the Judicial Survivors’ Annuitants 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 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. INHOPE, 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. VITTER):

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. VITTER):

S. 1350. A bill to encourage increased production of natural gas and liquefied petroleum gas vehicles and to provide tax incentives for the natural gas and liquefied petroleum gas vehicle infrastructure, and for other purposes; to the Committee on Finance.

By Mr. DE MINT (for himself, Mr. BRIDGES, Mr. CORBIN, Mr. CORYNM, Mr. GHASSELS, Mr. INHOPE, and Mr. VTTH):

S7069

June 25, 2009

CONGRESSIONAL RECORD — SENATE
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 at primary and secondary schools through empowerment of the National Guard, enhancement of the functions of the National Guard, 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. MENENDEZ, and Mr. LEUTHENHEIMER).

S. 1352. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum that is effective enough 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; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ (for himself, Mr. BATH, Mr. NELSON of Florida, and Mr. CRAPO).

S. 1353. 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. SCHUMER (for himself, Mr. ENSIGN, Mr. BAYH, Mr. VITTER, Mr. SCOTTER, Mr. ISRAEL, Mr. WINGSTROM, and Mr. NICHOLSON).

S. 1354. 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 Mrs. BOXER (for herself and Mr. WHITEHOUSE).

S. 1355. A bill to amend the Social Security Act to improve access to care for individuals residing in underserved rural areas and for other purposes; to the Committee on Finance.

By Mrs. BAXTER (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 Trails Commission; 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. MENENDEZ.

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 Ms. 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 Mr. COONS).

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, 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. MENENDEZ, and Mr. LEUTHENHEIMER).

S. 1362. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum that is effective enough 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; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MARTINEZ (for himself, Mr. BATH, 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. SCOTTER, Mr. ISRAEL, Mr. WINGSTROM, and Mr. NICHOLSON).

S. 1365. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on Finance.

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. REED, 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 commodities; to the Committee on Finance.

By Mrs. BOXER.

S. 1368. A bill to amend title 35, United States Code, to eliminate the requirement that a Federal entity, before advertising to the public soliciting the services of security services personnel in an emergency, must first request a recommendation from the Department of Defense, and to establish a registration program for individuals who are not Federal employees but who are qualified and registered to render security services; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. ENSIGN, Mr. NICHOLSON, and Mr. MARTINEZ).

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 Mr. WHITEHOUSE.

S. 1370. A bill to amend title 35, United States Code, to provide for the restoration of immunization requirements, and to provide for the establishment of the National Childhood Vaccine Injury Compensation Program; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. WHITEHOUSE).

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. COUCHMAN, and Mr. DODD).

S. 1372. A bill to designate the 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. LIBERMAN (for himself and Mr. COHEN).

S. 1373. A bill to provide for Federal agencies to develop public access policies relating to research conducted with effective support from the 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. FRINGEID).

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. BENNIT, Mr. BROWNBACK, Mr. KOUL, 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, Mr. LANDRIEU, Mr. INHOFE, Mr. FRINGEID, and Mr. DURBIN).

S. 1376. A bill to restore immunization and shellfish aquaculture programs 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 delivering care from 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 strength and hormone anaesthetics, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MUKULSKY).

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. THURSTON).

S. 1383. 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. BLUMENTHAL).

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. BURRIS).

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. 296. 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

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. CRUZ), 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 provide Permanent Property and Energy Tax Relief, and to amend the tax code for closed property under section 290F.

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 144, supra.

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.

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.

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) 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.

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.

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.

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.

At the request of Mr. BURR, the names of the Senator from Connecticut (Mr. LIENSBERGER) 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.

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.

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 retire pay by reason of their years of military service or Combat-Related Special Compensation.

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a co-sponsor 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.

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.

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.

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.

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.

At the request of Ms. MIKULSKI, the name of the Senator from Michigan...
(Mr. Levin) was added as a cosponsor of S. 866, 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 and awards to support recruitment for, and retention, research, and reinvestment in, the profession, and for other purposes.

S. 864

At the request of Mr. Dodd, the name 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. 864, 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 and for other purposes.

S. 866

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. Carper) 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. 961

At the request of Mr. Reid, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 961, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 964

At the request of Mrs. Boxer, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 964, 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. 1061

At the request of Mr. Lieberman, the name of the Senator from Colorado (Mr. Bennett) was added as a cosponsor of S. 1061, 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. 1159

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. 1280

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 support through integrated case management systems, evidence-based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1309

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. 1309

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. 1301, 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.

At the request of Mr. Gregg, the name of the Senator from Oklahoma (Mr. McCaskill) 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.

At the request of Mr. Coburn, the names of the Senator from Kentucky (Mr. McConnell) and 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.

At the request of Mr. Coburn, the names of the Senator from Kentucky (Mr. Bunning) and the Senator from Wyoming (Mr. Barrasso) were added as cosponsors of S. 1344, a bill to temporarily provide solvency of the Highway Trust Fund.

At the request of Mr. Reid, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 1345, a bill to aid and support pediatric innovation.

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 sponsors of S. 1344, a bill to temporarily provide solvency of the Highway Trust Fund.

At the request of Mr. Reid, the name of the Senator from California (Mrs. Boxer) was added as a cosponsor of S. 1345, a bill to aid and support pediatric innovation.

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 on the varnish used in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

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 co-sponsors 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.

At the request of Mrs. Lincoln, the name of the Senator from South Dakota (Mr. Johnson) was added as a co-sponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

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 Maine (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 deduction. The U.S. Small Business Administration’s, SBA’s, Office of Advocacy designed reforming the home office tax deduction as one of its top 10 regulatory review and reform initiatives for 2008. By establishing the 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 businesses that 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 a surprising 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 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, 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 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 forgo the home office deduction. So to encourage the use of the home office tax deduction, the bill we are reintroducing 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 technological advances 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 minimus 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 dedication of the tax reformers at the National Taxpayer Advocate, Ms. Olson, sent my office the following statement regarding our legislation:

I believe strongly in the value of the home office deduction and the importance of supporting small business owners. By reforming the current law, we’ll provide a simpler, more logical deduction that will encourage more small businesses to claim the deduction and ensure that it remains available as an option for millions of American small businesses across the country. The deduction is a simple and effective way to encourage entrepreneurship and economic growth. By reforming the current law, we’ll make the deduction more accessible and easier to use, which will encourage more entrepreneurs to claim the deduction and help strengthen our economy. The legislation we are introducing today is a key step towards achieving this goal and I am thrilled to reintroduce it as soon as possible.

I hope that my colleagues will join me in supporting this important legislation, and I look forward to working with them to ensure that small businesses have the tools they need to succeed and that the home office deduction remains a critical source of support for America’s small businesses. Thank you, Mr. President.
"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 employers 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’s Office of Advocacy reviewed the legislation and supports it.”

In closing, according to the SBA’s Office of Advocacy, America’s home-based solo 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 bill. 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 seek 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. A bill to encourage increased production of natural gas and liquefied petroleum gas vehicles and to provide tax incentives for natural gas and liquefied petroleum gas vehicle infrastructure and for other purposes; to amend title 26 of the United States Code, and for other purposes; to promote 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 reward companies 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 increasingly 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 propane 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.

In response, we are proposing the production of natural gas and propane vehicles for both individual and public transportation will provide a huge boost for Arkansas'
The Fueling America Act of 2009 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 abundant 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 Representa¬tives 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 vehicles development, demonstration, and development projects.

Sec. 103. Study of increasing natural gas and liquefied petroleum gas vehicles.

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 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) methane, 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 industry restructuring equity act: a legacy for users (42 U.S.C. 1601a) is amended—

(a) in section 6015 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (42 U.S.C. 1601a) is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(b) in section 6016 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (42 U.S.C. 1601a) is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(2) in subsection (c)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(3) in subsection (d)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(4) in subsection (e)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(b) in section 6015 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (42 U.S.C. 1601a) is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(2) in subsection (c)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(3) in subsection (d)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(4) in subsection (e)(5)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “one-half” and inserting “65 percent”;

(ii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iii) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

(iv) in the matter preceding clause (ii), by striking “one-half” and inserting “65 percent”;

"..."
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, and 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 cost of each such bus, including fueling infrastructure.

(b) In paragraph (B) of section 30B(k)(1) of the Internal Revenue Code of 1986, the term ‘qualified fuel vehicle’ would have meaning as the term ‘qualified alternative fuel vehicle refueling property’ would have under subsection (c) if ‘qualified natural gas vehicle refueling property’ would have under subsection (d) of this paragraph:

(i) by striking ‘‘one-fourth’’ and inserting ‘‘50 percent’’;

(ii) in the matter preceding clause (i), by striking ‘‘one-fourth’’ and inserting ‘‘50 percent’’;

(iii) by adding at the end the following:

‘‘(3) $75,000,000 for each of fiscal years 2010 through 2014.’’

(c) In section 30B of the Internal Revenue Code of 1986, ‘‘$75,000,000 for each of fiscal years 2010 through 2014.’’ is repealed.

SECOND TITLE—TAX INCENTIVES

SECTION 201. CREDIT FOR PURCHASE OF VEHICLES FUELED BY 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 30B 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.—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 this subsection if any qualified liquefied natural gas vehicle refueling property to which paragraph (6) does not apply:

(i) subsection (a) shall be amended by substituting ‘‘50 percent’’ for ‘‘30 percent’’;

(ii) subsection (b)(1) shall be amended by substituting ‘‘$50,000’’ for ‘‘$30,000’’; and

(iii) subsection (b)(2) shall be amended 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 motor vehicles fueled by compressed natural gas, and liquefied natural gas were treated as clean-burning fuels for purposes of section 179A(d).

(c) EXTENSION OF CREDIT FOR NATURAL GAS AND LIQUEFIED PETROLEUM 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 motor vehicles were treated as clean-burning fuels for purposes of section 179A(d).

(d) EXTENSION OF CREDIT.—Subsection (g) of section 30B of the Internal Revenue Code of 1986 is amended to read as follows:

‘‘(g) EXTENSION OF CREDIT.—Subsection (g) of section 30B of the Internal Revenue Code of 1986 is amended to read as follows:

‘‘(g) EXTENSION OF CREDIT.—Subsection (g) of section 30B of the Internal Revenue Code of 1986 is amended to read as follows:

‘‘(g) EXTENSION OF CREDIT.—Subsection (g) of section 30B of the Internal Revenue Code of 1986 is amended to read as follows:

(e) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2009.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles placed in service after December 31, 2009, in taxable years ending after such date.

SECTION 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:

‘‘(h) Higher Incremental Cost Limits for Natural Gas Vehicles and Liquefied Petroleum Gas Vehicles.—For purposes of this paragraph, the term ‘eligible natural gas motor vehicle’ means (except as provided in clause (ii)) a vehicle capable of operating on compressed natural gas or liquefied natural gas that is capable of operating on gasoline or diesel fuel.

‘‘(i) 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 that is eligible natural gas motor vehicle (for purposes of paragraph (3)) that is only capable of operating on liquefied petroleum gas, or

‘‘(j) 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 paragraph (3)) or an eligible liquefied petroleum gas motor vehicle (for purposes of paragraph (3)) .”

(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 by adding at the end the following new paragraph:

‘‘(5) $75,000,000 for each of fiscal years 2010 through 2014.’’

(c) TERMS.—In this section:

(i) the term ‘eligible natural gas motor vehicle’ means (except as provided in clause (ii)) a vehicle capable of operating on compressed natural gas or liquefied natural gas that is capable of operating on gasoline or diesel fuel.

(ii) 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 that is eligible natural gas motor vehicle (for purposes of paragraph (3)) that is only capable of operating on liquefied petroleum gas, or

(iii) 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 paragraph (3)) or an eligible liquefied petroleum gas motor vehicle (for purposes of paragraph (3)) .”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles placed in service after December 31, 2009, 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 again as many of us 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 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 to the Congress on issues 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 suffering from 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 passion 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 1968 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits; to the Committee on the Judiciary.

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 and to certain 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 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 services. The legislation would 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:

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—

(A) in subparagraph (A) 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

(C) in paragraph (C)(ii), by striking the period and inserting “:;”;

and

(D) by adding at the end the following:

“(ii) the term ‘employee 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 Care Modernization 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 and 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 that 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 dollars. 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 accept 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, have private insurance, or have no 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 shortage of doctors to help replace care 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 care 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—Dave 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 support patients in 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, with relocation 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.

Oregonans deserve 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 island 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 Joshua Whiteman's survey of California.

In 1855, the Western States Trail became the site of the world's first and leading 100-mile trail ride, and in 1874 became the world's first and leading ultramarathon race. 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 Trail 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 system.

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. To address this, 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 system in America the opportunity to invest in the education of their students by giving them 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 special challenges in recruiting and retaining qualified teachers as well as dealing with other issues related to their rural location. Disadvantaged urban schools must overcome similar difficulties. My Teach Act will reward teachers willing to work in rural or disadvantaged schools with an annual $1,000 refundable tax credit. Additionally, teachers who 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—especially for a child 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 an architecture of 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, have 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 Bureau to a 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 last year and further put 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 utilitarian in irregular warfare 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, may interact with 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 Governor’s 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 procure homeland defense 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 were not to formally endorse the bill after its introduction.

Everyone recognizes that if there is an emergency like Katrina or 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 civilian 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, SEC. 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:
"(4) CHIEF OF THE NATIONAL GUARD.—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 on Validated Requirements—Section 10504 of title 10, United States Code, is amended by inserting at the end the following new subsection:
"(c) Annual Report on Validated Requirements.—Not later than December 31 each year, the Secretary of the National Guard Bureau shall submit to Congress a report on the following:
"(1) the requirements validated under section 10503ab(1) of this title during the preceding fiscal year.
"(2) 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.
"(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 101 of title 10, United States Code, is amended by inserting after section 10501 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) develop and submit 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 develop 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 may prescribe.
"(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 in consultation through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process shall be known as the ‘National Guard Bureau Strategic Integrated Planning Process’.
"(2) Under the integrated planning process established by paragraph (1), 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.
"(i) 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 (1).
"(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):
"(1) 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.
"(B) The Chief of the National Guard Bureau shall—
"(1) make recommendations to the Secretary of Defense for purposes of this subsection:
"(2) make recommendations to the Secretary of Defense for purposes of this subsection:
"(2) The Chief and Vice Chief of the National Guard Bureau shall act as the ‘Federal Strategic Integrated Planning Committee’ composed of the following (as designated by the Secretary of Defense for purposes of this subsection):
"(1) 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 subparagraph (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: 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 provision of such 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 operations during such fiscal year.

(c) Clerical Amendments.—
"(1) The table of sections at the beginning of chapter 101 of title 31 shall be amended by inserting in 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 title 31 of such title is amended by adding at the end the following new item:
"10503a. Functions of National Guard Bureau: military assistance to civil authorities.

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
"(B) by inserting after section 10504 the following new section:
"§ 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.

(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) Length of Term.—The 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 position of 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 title 31 of such title is amended by striking the item relating to section 10505 and inserting the following new item:
"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 chapter 101 of the United States Code, is amended by inserting after chapter 15 the following new chapter:
"10154. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations.
"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. Such policies and procedures shall be 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 the State or possession.

(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. (c) 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, National Guard, $11,000,000.

(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, worldwide.

(2) Availability.—The amount authorized to be appropriated by paragraph (1) shall be available for 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 attacks on the United States homeland and natural and man-made catastrophes in the United States.

(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.

(d) 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 (J OCC) 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.

(e) Supplement Not Supplant.—The amounts authorized to be appropriated by subsections (a), (b), (c) for the purpose set forth in such subsection in addition to any other amounts authorized to be appropriated for fiscal year 2010 for the Department of Defense for such purposes.

SEC. 7. ENHANCED AUTHORITY 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 United States Northern Command and the Commander of the United States Pacific Command shall—

(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;

(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, for coordinating responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(d) Memoranda to Address Changes in Circumstances and for Such Other Purposes as the Secretary of Defense, 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.

(e) Authority to Modify Assignment of Commanders.—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 the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(f) 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) Memorandum of Understanding.—To the 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. KLOBUCAR, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LAUTENBERG):

S. 1382. A bill to provide grants to States and local educational agencies to ensure that all students in the middle grades are exposed to 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 local 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
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 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 legislation. I am pleased to co-sponsor 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 middle school. 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, non-proving 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 half of the time, and 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, local educational agencies 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 Investment Act of 2009 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 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 legislation. I am pleased to co-sponsor the Success in the Middle Act.

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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 middle school. 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, non-proving 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 half of the time, and 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, local educational agencies 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 Investment Act of 2009 funds on improving student achievement in the middle and high school grades.
SEC. 101. PURPOSES.

The purposes of this title are—

(1) improve middle grades student academic achievement and prepare students for rigorous high school coursework, postsecondary education, independent living, and employment;

(2) ensure that curricula and student support 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 collaborate in developing 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, including—

(1) a grant equal to 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) a grant equal to 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; and

(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 title;

(2) shall reserve one 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 five 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 middle grades students, which shall be determined as of the date of the application.

(2) MINIMUM ALLOTMENTS.—No State educational agency shall receive an allotment under this subsection for a fiscal year that is less than $500,000,000, or (3) increase the capacity of States and local educational agencies to develop effective, sustainable, and replicable 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 plans in order to deliver support and technical assistance to schools serving students in the middle grades; and

(5) shall not reduce the amount of any State's allotment to the remaining States in accordance with this section.

(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) GRANT.—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 an individual with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(d) SPECIAL RULE.—For any fiscal year for which the funds appropriated to carry out this title are less than $500,000,000, the Secretary is authorized to award grants to State educational agencies for the competitive basis other 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 reallocate the amount of the State's allotment to the remaining States in accordance with this section.

(2) UNEXHAUSTED FUNDS.—The Secretary may reallocate any amount of an allotment to a State if the Secretary determines that the State will be unable to use such amount for the purposes of this title.

(3) MIDDLE GRADES NEEDS ANALYSIS.—Within 120 days after the date of the application submitted under this subsection, the Secretary shall—

(A) offer the State an opportunity to receive a State application submitted under this title not later than 120 days after the date of the application unless the Secretary determines that the application does not meet the requirements of this title;

(B) shall not decline to approve a State's application before—

(A) offering the State an opportunity to receive a State's application;

(B) funding the State with technical assistance in order to submit a successful application; and

(C) providing a hearing to the State; and

(6) 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 to—

(A) to prepare and implement the needs analysis and middle grades improvement plan, as described in paragraphs (3) and (4), of the plan;

(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, to develop and implement a middle grades reform plan.

(B) 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.

(C) MIDDLE GRADES NEEDS ANALYSIS.—

(1) IN GENERAL.—The State educational agency that receives a grant under this title shall enter into a contract, or similar formal agreement, with work with entities such as national and regional technical assistance centers (as described in section 203 of the Educational Technical Assistance Act of 2002 (20 U.S.C. 2723)), 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.

(2) 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—

(A) middle grades curriculum instruction and assessment;

(B) education accountability and data systems;

(C) teacher quality and equitable distribution; and

(D) interventions that support learning in school.

(3) MIDDLE GRADES IMPROVEMENT PLAN.—

(A) IN GENERAL.—A State educational agency that receives a grant under this title shall use the grant funds to—

(1) establish a peer-review process to assist in the review and approval of proposed State applications; 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 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 provide feedback and to interact with peer-review panels, in person or by 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 the application unless the Secretary determines that the application does not meet the requirements of this title;

(5) shall not decline to approve a State's application before—

(A) offering the State an opportunity to receive a State's application;

(B) funding the State with technical assistance in order to submit a successful application; and

(C) providing a hearing to the State; and

(6) direct the Inspector General of the Department of Education to—

(A) review initial 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. 104. FUNDING.

(A) IN GENERAL.—A State educational agency that receives a grant under this title shall use the grant funds to—

(1) establish a peer-review process to assist in the review and approval of proposed State applications;

(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 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 provide feedback and to interact with peer-review panels, in person or by electronic communication, on issues that need clarification during the peer-review process; and

(4) shall approve a State application submitted under this title not later than 120 days after the date of the application unless the Secretary determines that the application does not meet the requirements of 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; receive funds as 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 include how the State educational agency will do each of the following:

(1) Ensure that the curricula and assessments aligned with high school curricula and assessments and prepare students to take challenging high school courses and successfully engage in postsecondary education; and

(2) Ensure coordination, where applicable, with the activities carried out through grants for F-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,

(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.

(2) Identify and disseminate information on effective schools and instructional strategies for middle grades students based on high-quality research.

(3) Include specific provisions for students most at risk of not graduating from secondary school, including English language learners and students with disabilities.

(4) 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).

(5) 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 subsection (1)(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 for the purpose of the school improvement process, such as—

(I) student attendance and absenteeism; and

(II) earned on-time promotion rates from grade to grade.

(6) Provide a description of the percentage of students falling a mathematics, reading or language arts, or science course, or failing 2 or more of any courses;

(7) Teacher quality and attendance measures;

(8) In-school and out-of-school suspension or other measurable evidence of at-risk behavior;

(9) Additional indicators proposed by the State educational agency, and approved by the Secretary that result in the peer-review process described in section 104(e)(2).

(vii) Ensure that such plan is coordinated with State activities to turn around other schools in need of improvement, including the use of effective practices in the middle grades and to improve middle grades education;

(2) support local educational agencies in implementing an improvement plan for the middle grades that shall—

(A) 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 identifying, evaluating, and implementing information 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 competitive educational agency that receives a grant under this title shall make competitive subgrants to eligible local educational agencies and eligible entities to provide effective middle grades education and eligible entities to improve low-performing middle grades in schools served by the agencies or entities.

(b) PLAN COMPONENTS.—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 funds 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); and

(2) a description of activities described in such plan that 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(g)(3) of such Act (20 U.S.C. 6316(g)(3)); and

(3) a description of activities described in such plan that 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); and

(2) set forth the eligible local educational agency or eligible entity will—

(A) identify eligible schools;
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—

(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 English language learners and teachers receive professional development on the use of these strategies.

(1) Ensure that school leaders, teachers, pupil service personnel, and other school staff understand the developmental stages of adolescents in the middle grades and strategies 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) Use a system for an early warning indicator and intervention system described in subsection (d)(2)(D) to identify struggling students and assist the students as the students progress through elementary grades 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 school-wide 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.

(b) 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, and social studies; and the opportunities for language instruction and understanding other cultures and the arts.

(2) Provide evidence-based professional development activities with specific benchmarks to ensure teachers and other school staff to appropriately monitor academic and behavioral progress, identify strategies, 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) Use and instructional coaches, including those available, scientifically valid school-wide programs, and targeted supports to promote effective and coordinated additional assistance to students transitioning from elementary to middle grades.

(4) Provide professional development for content-area teachers 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, from 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.

(1) 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 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 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 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, may receive funds 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) USE OF FUNDS.—Moneys made available under this title shall be construed to authorize an officer, employee, or contractor of the Federal Government to arrange, direct, limit, or control a program or activity of the State’s educational agency or local educational agency.

(3) EVIDENCE OF IMPACT.—An eligible local educational agency receiving assistance 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 implementation of policies and practices in the State, and any plan to overcome such barriers;

(C) evidence of the impact of changes to policies and practices on behavior and achievement 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 that receives 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 described in section 104(a)(4)(B)(v) for each eligible school served by the eligible local educational agency;

(2) the performance on the school performance indicators for each 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

(3) the use of funds by the eligible local educational agency or eligible entity and each such school.

(d) FEDERAL 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 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)); and

(2) the use of the funds by each eligible local educational agency in the State and by each such school.

(e) EVALUATION AND REPORTING.—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. 201. 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. 202. 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 education.

SEC. 203. 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. 

(b) CONTENT OF STUDY.—The study described in paragraph (1) shall identify promising practices currently being implemented for middle grades education. The study shall be conducted in an open and transparent way that provides information about promising practices identified.

(c) REPORT.—The contract entered into pursuant to this subsection shall require that the Secretary submit to the Committees on Education and Labor of the House of Representatives and on Labor, Health, and Education of the Senate a final report regarding the study conducted under this subsection not later than 2 years after the date of commencement of the contract.

SEC. 204. SYNTHESIS STUDY OF EFFECTIVE TEACHING AND LEARNING IN MIDDLE GRADES.

(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 clearancehouse described in section 202(c); 
(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 be introduced by Senator Merkley.

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 in the State of Oregon, to be 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 and 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 protect 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 peregrine falcon, 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. 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. 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.

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. Wasted 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 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 restrictions. According to a comprehensive Government Accountability Office study, even under normal climate conditions, water agencies 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 Treasury is 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.

This 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 even airports. The bipartisan legislation we are introducing today would authorize public water agencies to issue tax credit 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 Treasury is 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.

This 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.
There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1371

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 paragraph, 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 on which 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 under subsection (b) and shall not be reallocated.

"(b) National Limitation on Amount of Bonds Authorized.—

"(1) In general.—There is a national clean renewable water supply bond limitation for each calendar year before 2019. Such limitation is—

"(A) $100,000,000 for 2009,

"(B) $100,000,000 for 2010,

"(C) $150,000,000 for 2011,

"(D) $200,000,000 for 2012,

"(E) $200,000,000 for 2013,

"(F) $250,000,000 for 2014,

"(G) $250,000,000 for 2015,

"(H) $1,000,000,000 for 2016,

"(I) $1,000,000,000 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 before 2019 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. (As determined by the Secretary, such procedures may be designed to first-come, first-served basis, based on the order in which such applications are received from qualified issuers.

"(C) Allocation Requirements.—

"(1) 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 certification 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 subparagraph (II), in 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 or 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 subparagraph (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 result in the limitation under paragraph (2) for the calendar year to remain unallocated, based on applications for allocations prepared by the Secretary during the application period referred to in subparagraph (B).

"(C) Carryover of Unused Limitation.—If the clean renewable water supply bond limitation for the next succeeding calendar year exceeds the aggregate amount allocated under paragraph (2) for such calendar year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.

"(d) 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.

"(e) Refinancing Rules.—For purposes of paragraph (d)(5), a qualified project may be refinanced with proceeds of a clean renewable water supply bond only if the indebtedness being refinanced (including any obligations of any governmental body incurred by such indebtedness) was originally incurred by a qualified borrower after the date of the enactment of this section.

"(f) 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 a public water supply system, a water pollution control system, or any other public agency or instrumentality providing public water supplies within the State, pursuant to State or tribal law.

"(3) Qualified Desalination Facility.—The term 'qualified desalination facility' means any facility that is used to produce desalinated water, including any project for the desalinization of 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 or applicable to drinking water under Federal or State law (as in effect on the date of issuance of the issue).

"(4) Qualified Borrower.—The term 'qualified borrower' means a governmental body or a local water company.

"(5) Qualified Groundwater Remediation Facility.—The term 'qualified groundwater remediation facility' means any facility that is used to reclaim contaminated or naturally occurring groundwater for direct delivery for a 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) 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, for the benefit 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—

"(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) of this subparagraph.

"(B) Environmental Impact.—A project shall not be treated as a qualified project under subparagraph (A) unless such project is designed to minimize 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 is expected to meet 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—

"(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, and

"(III) used to provide water for direct delivery for a 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).

"(B) Impractical Uses.—Reclaimed wastewater is not used for a use described in subparagraph (A) if the extent such reclaimed wastewater is—

"(i) used to meet waterway discharge permit requirements and not used to supplement potable water supplies,

"(ii) used to restore habitat,

"(iii) used to provide water for direct delivery for a 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).

"(C) 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.''

"(9) 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 after subparagraph (D) and before 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 (v) and inserting “or” and “,” and by adding at the end the following new clause:

“(vii) if in the case of a clean renewable water supply bond, a purpose specified in section 54G(a)(1).”.

(3) The table of sections for part IV 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 Collection Facility 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.

The following 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 at 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 $35 billion on 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 taxpayer’s 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 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 access and are taking 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 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 reinforce the work the NIH and other Federal agencies have done to 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 that the NIH and other Federal agencies fund 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 electronic 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 will benefit from this bill, including patients diagnosed with a disease who will have the ability to use the Internet to read the latest articles on their condition and in turn be able to accelerate the pace of discovery and innovation.

While a comprehensive competitiveness agenda is still a work-in-progress, this legislation is a 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 access to 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 States do not lose 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 reimbursement 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 $77 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 approximate 10 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-07-77, 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 gaining access to the assistance they need. I believe that there should be an automatic economic trigger for State fiscal relief—indepedent 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 (FMAP) DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.**

(a) **National Economic Downturn Assistance FMAP.**—

(i) By Amending.—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)(2), 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:

(4) **National Economic Downturn Assistance FMAP.**—For purposes of clause (5) of the first sentence of subsection (b):

(A) **National Economic Downturn Assistance Period.**—A national economic downturn assistance period described in this paragraph—

(i) 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 (as referred to as the ‘‘trigger quarter’’); and

(ii) ends with the first succeeding fiscal year quarter for which the Secretary determines that for at least 20 States, the 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.

(B) **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.

[C] **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 providing medical assistance under the State plan for all individuals enrolled in the plan for the most recent fiscal year, as determined under subsection (y)(5), divided by 1.05.

(B) **Medicaid Additional Unemployment Increased Cost Amount.**—For purposes of sub-paragraph (A)(i)(II), the State’s total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

(i) multiplying the quotient determined under clause (i) by 100.

(C) **Medicaid Non-Federal Medical Expenditure Per Person in Poverty Amount.**—For purposes of sub-paragraph (A)(i)(I), the sum of the total amounts determined under subsection (y)(2) for all States; and

(ii) dividing—

(II) the Medicaid additional unemployment increased cost amount determined under subparagraph (B) for the quarter; by

(III) the State’s total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

(iii) multiplying the quotient determined under clause (i) by 100.

(D) **Medicaid Base Unemployment Quarter Defined.**—

(1) **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 clause (II) from the rolling average number of unemployed individuals in the State for the State’s quarter most recent 12-month period determined for 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.**—

(ii) **In General.**—The amount determined by under the State plan for all individuals enrolled in the plan for the most recent fiscal year, for which data is available; divided by

(iii) **Medicaid Base Unemployment Quarter.**—

(E) **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—

(i) 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 210(c)(5)) applicable to a family of the size involved, or, if the Secretary determines it appropriate, a multyear average of such data; and

(ii) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan for nonelderly adults, nonelderly disabled, nonelderly adults and children; and

(F) **Economic Studies of the Responsiveness of Medicaid Enrollments and Spending to Economic Conditions.**—The amount of 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, this term
means:
(A) the 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 initial claims for unemployment insurance or a State, the average of the 12 most recent month
(B) 'rolling average unemployment rate' means, with respect to a calendar quarter and a State, the average of the 12 most recent month
(C) 'monthly unemployment rate' means, with respect to a calendar quarter and a State, the average of the 12 most recent month

"(1) 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 described in subsection (d) shall be multiplied by 2.

"(7) Scope of application.—The national economic downturn assistance FMAP determined for all States described in paragraph (2) for a quarter shall not apply for purposes of payments under section 1902(a)(2), the State is required by the State law in effect on the first day of the fiscal year quarter occurring immediately prior to the trigger event may a State receive a payment on the basis of the national economic downturn assistance that the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP estimated to be required under 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 in addressing needs of States during periods of 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 1902(a)(2), the State shall not require that such political subdivisions pay for any fiscal year quarters occurring during such period, except to the extent that the political subdivisions pay for other purposes; 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.

Mr. GRASSLEY. Mr. President, President Obama, in his press briefing this past Tuesday, June 23, 2009, made the following statement regarding his assessment of 24 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 end 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's 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 able 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 models.

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 just over one-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 cannot even give an estimate of how many of the 150,000 jobs were created or 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 implementation 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 the Economic Policy Coordinator, 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 projection. 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 has expired, 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 90,000 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 new 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 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 businesses. 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/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 earlier levels. 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 has expired, 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 90,000 jobs.

While I am encouraged to see at least one sector of the economy experiencing 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 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. Now I want to turn to the afore-mentioned 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 tax burden on individuals and small businesses. These 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 to 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, an individual 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, or $250,000 if married, this proposal 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, policy makers focus on levying 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 Senate 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. 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.

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 carryback 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. My provision would expand 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 allow small businesses to make an immediate deduction for the value of the 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 25 percent of health insurance premiums that are paid by those who are self-employed.

We all want to see the jobs 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
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, such 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 of this Act shall follow:

SEC. 2. PERMANENT INCREASE IN LIMITATIONS ON EXPENISING 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

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service 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) 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 $5,000,000.

“(C) 34 percent of so much of the taxable income as exceeds $5,000,000 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 $10,000,000, 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:

“(G) 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 reference in other paragraph (1) (as modified by clause (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 arising in taxable years beginning after December 31, 2009.

SEC. 5. GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES CARRIED BACK 5 YEARS.

(a) IN GENERAL.—Section 38(a)(1) (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 (a) 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 20 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 paragraph, 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 qualified production activities income of the taxpayer for the taxable year, or

“(B) taxable income (determined without regard to this section) for the taxable year, and

“(C) 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 881), and

“(III) is not passive income (as defined in section 90(k)(1)(B)), over

“(I) the cost of goods sold that are allocable to such income, and

“(II) other expenses, losses, or deductions (other than the deductions 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 1221(b)(1)(D),

“(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.

“(D) SPECIAL RULES.—Except as otherwise provided by the Secretary, rules similar to the rules of subsection (c) 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)”. 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 1202(d)(1) (relating to special rules 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.—Notwithstanding purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 595(e), subparagraph (a) shall be applied without regard to the phrase '30-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 FROM 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.

"(1) 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, in the case of a loss incurred 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 (B)(ii) shall be applied by substituting '4' for '2', and

"(III) subparagraph (F) shall not apply.

"(2) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, 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 1231(a) (relating to exclusion) is amended to read as follows:

"(3) SPECIAL RULES FOR STOCK ACQUIRED BEFORE 2003.—In the case of a 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 this Act,

"(i) paragraph (1) shall be applied by substituting '55 percent' for '30 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 '75 percent' for '50 percent', and

"(ii) paragraph (2) shall not apply, and

"(iii) section 57(a)(7) shall not apply.

"(b) REDISTRIBUTIONS.—(1) IN GENERAL.—Subparagraph (A) of section 1221(b)(1) (relating to per-issue limitation on taxpayer's eligible gain) is amended by adding "$10,000,000" and inserting "+$15,000,000.

"(2) MARKED INDIVIDUALS.—Subparagraph (A) of section 1221(b)(3) (relating to treatment of purposes of amendments) 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 "$5,000,000" 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 ending after December 31, 2008, or, if applicable, following the taxable year ending after the date of the enactment of the Small Business Tax Relief Act of 2009, the 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 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 DATE.—

"(1) EXCLUSION; QUALIFIED SMALL BUSINESS.—The amendments made by subsections (a) and (c) shall apply to taxable years beginning 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 beginning after the date of the enactment of this Act.

SEC. 10. DEDUCTION FOR HEALTH INSURANCE CONTRIBUTION IN EXCLUDING 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 talk about this 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 Improvment and Expansion Act of 2000.

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 was from the city of Boston, raised in ethnically diverse neighborhoods in his youth. His wife Niki is Ethiopian—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 family. I served five years away from my 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 brought the Peace Corps to 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 American Volunteers 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 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 changed our lives and the identity of all Americans, who we are as a people, 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, let us consider 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 come by the 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 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. Overwhelmed, Kennedy instructed 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 rightly—now more than ever in the world. 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 by John Kennedy's 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." 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 to be a colleague of ours in the Senate—composed 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 likely have to sacrifice 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. It was

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?

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 that morning.

From the story of the Peace Corps, and my own story, we can learn three things: First, the Peace Corps works,
Mr. President. Beside 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 can come to be 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—human beings enrapored 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 trained people 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.

That’s cost at a price. 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 but also join 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 proposals. 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 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 because of its uniquely grassroots origin. And we can’t treat it like any other one. We can’t just be rogue, invented 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.

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So the Peace Corps Improvement and Expansion Act of 2009 does not include a list of mandates. It does not micro-manage.

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 identify the best candidates? Can we send 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 ambiguous sense of the possible that led JFK to send 1,000 Michigan 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 Harry Worth who 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 to wed, 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 so pleased to have the support of 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 products. 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 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 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 unreported.

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 in any chain of 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 dextromethorphan has often 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 to increase 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 manufacturer 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 battle the high rates of teen abuse of these products. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent to print the text of the bill in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1833

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) The Food and Drug Administration has issued prescription.

(2) An estimated 1,700,000 teenagers (7 percent of teens) abused over-the-counter cough and cold medicines containing dextromethorphan, the active ingredient found in the familiar cough syrup and other so-called "cold medicines". (3) Increasing numbers of teens and others are abusing dextromethorphan by ingesting it in excessive quantities. Prolonged use at 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.

(4) Dextromethorphan is inexpensive, legal, and readily accessible, which has contributed to the increased abuse of the drug, particularly among teenagers.

(5) 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.

(6) An estimated 1,700,000 teenagers (7 percent of teens) abused over-the-counter cough medicines in 2008.

(7) 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 consequences such as brain damage, seizure, loss of consciousness, and irregular heart beat."

In recognition of the problem, several retailers have voluntarily implemented age restrictions on purchases of cough and cold medicines containing dextromethorphan, and several prominent brand-name manufacturers have added 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 these 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. 811 et seq.) is amended by adding at the end the following:

"SEC. 424. CIVIL PENALTIES FOR CERTAIN DEXTROMETHORPHAN SALES.

(a) IN GENERAL.—

(1) SALES.—

"(A) In general.—Except as provided in paragraph (2), it shall be unlawful for any person to knowingly or intentionally sell, for sale or for any other reason 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) 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; and

"(B) not more than $5,000 for each subsequent violation of subsection (a)(1)(A) by a person; and

"(C) not more than $5,000 for the third violation of subsection (a)(1)(A) by a person.

"(3) EMPLOYER OR AGENT.—A violation of subsection (a)(1)(A) by an employee or agent shall be deemed to be 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 violation of this section, the Attorney General shall consider—

"(A) the size of the business; and

"(B) whether the business has taken appropriate steps to prevent subsequent violations, such as—

"(A) the establishment and administration of a documented employee training program to ensure that all employees are familiar with and abiding by the provisions of this section; and

"(B) other actions taken by a retailer to ensure compliance with this section.

"(C) DEFINITIONS.—In this section—

"(i) the term ‘identification card’ and

"(ii) defined in section 301 of this title.

"(D) A civil penalty under this subsection—

(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 section 301 of this title.

"(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 dangers 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 expertise and a national presence through its offices, programs, and abiding by the provisions of this section; and

(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.

(A) has conducted research upon which to base the campaign specified in subparagraph (A); and

(B) 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) SUPPLEMENTARY GRANTS.—Grant funds provided under this subsection shall be used to supplement, not supplant, Federal

SEC. 4. APPROPRIATIONS FOR DRUG ABUSE PREVENTION AND CONTROL.
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 91–513; 84 Stat. 1236) is amended by inserting after that term the words “in that community, in addition to the amounts made available to carry out the activities described in this subsection,” and by redesignating paragraph (3) as paragraph (4).

(B) **AUTHORIZED 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.

(3) **APPLICATION.—**An eligible entity seeking a grant under this subsection—

(A) **IN GENERAL.—**An eligible entity seeking a grant under this subsection shall submit an application to the Administrator, in accordance with the plan submitted under paragraph (3)(B).

(B) **GRANT TERMS.—**A grant under this subsection—

(A) shall be made for a period of not more than 4 years; and

(B) an eligible entity shall use the grant funds for implementing a comprehensive community-wide strategy that addresses abuse of prescription and non-prescription drugs (including dextromethorphan).

(4) **AUTHORIZATION OF APPROPRIATIONS.—**There are authorized to be appropriated $1,000,000 for each of fiscal years 2010 through 2012 to carry out this paragraph.

(5) **DATA COLLECTION.—**It is the sense of the Senate that Federal agencies and grantee organizations 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).

(6) **TECHNICAL AND CONFORMING AMENDMENTS.—**

(A) shall be applied to nonprescription drugs (including dextromethorphan).

(D) the term “nonprescription drug” has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321); and


(2) **AUTHORIZATION OF PROGRAM.—**From amounts made available to carry out this subsection, the Administrator, in consultation with the Director 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).

(A) **APPLICATION.—**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.—**An 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).

(C) **USES OF FUNDS.—**An eligible entity that receives a grant under this subsection shall use the grant funds to implement a comprehensive, community-wide strategy that addresses abuse of prescription and non-prescription drugs (including dextromethorphan).
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 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’re 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 currently is to bring 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—EX-PRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD IMMEDIATELY IMPLEMENT THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT

Mr. JOHANNS. Mr. President, I rise today to speak about the United States-Colombia Trade Promotion 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 the 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 continued 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 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 2008.

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, territory has been recovered 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.

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 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 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 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 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.

Mr. President, Colombia can take 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 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 the floor.

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 up to Congress.

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 this 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, 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 we oppose thisbegging protectionism that we see is a threat to the middle-class budget of every American.
Senator JOHANNES 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. MENENDEZ 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 when the Senate 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 estimated the loss as high 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 Institute of Medicine, the Office of Disease Prevention and Health Promotion, and RAND Corporation prove there is a need for a fundamental improvement 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 review entities; and 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 some States sometimes make mid-year changes to provide network providers, 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 level;
(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; 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 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; Chairman of the Majority and Minority Conference Committees, $7,500 each; Majority Leader or his designee, and Minority Leader or his designee, $7,500 each; and each Member of the Majority and Minority Leaders, $5,000 for each Chairman, in all, $19,000.

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 to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $5,152,000.

OFFICE OF THE VICE PRESIDENT EXPENSE ALLOWANCES
For offices 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, $8,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS
For Offices of the Majority and Minority Whips, $2,288,000.

COMMITTEE ON APPROPRIATIONS
For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES
For the Conference of the Minority and the Conference of the Majority, 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 MAJORITY AND MINORITY LEADERS
For Offices of the Secretaries of the Majority and the Minority, $752,000.

OFFICES OF THE SENATE
OFFICE OF THE MAJORITY LEADER
For salaries of the Majority Leader, $752,000.

OFFICE OF THE MAJORITY WHIPS
For salaries of the Majority and Minority Whips, $2,288,000.

OFFICE OF THE MINORITY LEADER
For salaries of the Minority Leader, $752,000.

OFFICE OF THE SENATE CHIEF CLERK
For salaries of the Chief Clerk and the Senate Office of Legal Counsel, $2,764,000.

OFFICE OF THE SENATE CLERK
For salaries of the Clerk, the Sergeant at Arms and Doorkeeper, $70,000,000.
OFICES 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, $65,500,000.

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.

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; for salaries and expenses of the Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Floor Leader; for salaries and expenses of the Minority Floor Leader, $1,565,000, including $10,000 for official expenses of the Minority Leader; for the Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; for the 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, $381,000; Republican Conference, $1,740,000; Democratic Leadership Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000, training and 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
For members’ salaries, 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, $5,075,000; for salaries and expenses of the Majority Leader, $7,154,000; for the Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Floor Leader; for the Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; for the 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, $381,000; Republican Conference, $1,740,000; Democratic Leadership Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000, training and 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
For Members’ representational allowances, including: Members’ Clerk Hire, official expenses of members, and official mail, $1,278,000,000.

STANDING COMMITTEES, SPECIAL AND SELECT
For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,876,000.

COMMITTEE EMPLOYEES
Standing committees, special and select
For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,876,000.

COMMITTEE ON APPROPRIATIONS
For salaries and expenses of the Committee on Appropriations, $31,300,000, including: salaries 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, 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: salaries 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, $278,278,000, of which not more than $20,000 is for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,447,000, subject to the level of appropriations, $2,060,000; 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, $1,299,000; 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, $317,849,000, including: house of representatives salaries and expenses; contingent expenses of the House; travel—majority, $201,000; government contributions for health, retirement, Social Security, and other applicable employee benefits, including: insurance on tuition assistance benefit payments, $3,500,000; authorized, and employee child care benefit payments, $1,000,000; authorized; Business Continuity and Disaster Recovery, $27,698,000, of which $9,000,000 shall remain available until expended; transition activities for new staff and members, $2,307,000; 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. 2902), subject to the level of appropriations 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 Transfer—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) Subsection (c) of Section 305 of the Legislative Branch Appropriations Act, 2006, shall apply to amounts provided in the Act for Members’ Representational Allowances.
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:

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 for 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 $5,000 to be expended on the certification of 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 provisions 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 Defense, Security, from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION
TRANSFER AUTHORITY
SEC. 1001. Appropriations appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings "Salaries and "General expenses" upon the approval of the Committee 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 purchase of a motor vehicle, $106,387,000, of which $5,400,000 shall remain available until September 30, 2014.

CONGRESSIONAL BUDGET OFFICE
SALARIES AND EXPENSES
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.

ADMINISTRATIVE PROVISION
CONGRESSIONAL BUDGET OFFICE
SALARIES AND EXPENSES
For all necessary expenses for the maintenance, care and operation of the Office of Congressional Accountability 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 entered into with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairman 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 toward 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, forensics services, stenographic services, personal and official services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel of 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 provisions 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 Defense, Security, from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION
EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE
SEC. 1291. Section 1291 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 the preceding sentence), by striking subsection (d), this" and inserting "This".

ARCHITECT OF THE CAPITOL
GENERAL ADMINISTRATION
For salaries for the Architect of the Capitol and other personnel expenses, 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 Architect of the Capitol, the Committees on Appropriations of the Senate and House office buildings, and other activities 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 vehicle, $106,387,000, of which $5,400,000 shall remain available until September 30, 2014.

HOUSE BUILDINGS
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 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 the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library; salaries 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 credit of the Architect of the Capitol, $18,597,000, of which $25,074,000 shall remain available until September 30, 2014: Provided, That not more than $8,000,000 of the funds credited to the 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, $30,754,000, 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, $36,160,000, 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 Librarian of Congress, $11,886,000, of which $1,280,000 shall remain available until September 30, 2014: Provided, That the amount made available under this heading 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 discard. 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 used to cover any 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”;
(2) in section 6122 by striking “and” before “or” and inserting “or” before “or”; and
(3) in section 6133 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 section 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 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 redesigning 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, after approval by the Board, enter into a service contract with a vendor who, notwithstanding section 510(c) of title 40, United States Code, may sell refreshments at 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.

“(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; printing, binding, processing and repair of publications; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library, including the 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, $411,036,000, of which not more than $6,000,000 shall be derived from collections under section 708(d) of title 17, United States Code, may be used for the costs incurred in the preparation of international legal information data-base and activities related thereto: Provided, That the Library of Congress 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 providing further. That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 113(b)(2), 119(b)(2), 800(b)(2), 105(b), and 136 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 Copyright Institute and for copyright delegations, visitors, and seminars: Provided further, That notwithstanding any provision of chapter 8 of title 37, United States Code, no services may be provided 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 or 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, $12,000,000: 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.
For salaries and expenses to carry out the Act of March 3, 1931 (chapter 404; 46 Stat. 1475; 42 U.S.C. 3151), which $30,577,000 shall remain available until expended: Provided, That the total amount appropriated, $650,000 shall be available to contract for newspapers to blind and physically handicapped residents at no cost to the individual.

Administrative Provisions

Reimburseable and revolving fund activities

SEC. 1401. (a) In general.—For fiscal year 2010, the obligatory authority of the Library of Congress for the activities described in subsection (b) shall be $370,182,000, which $30,577,000 shall remain available until expended: Provided, That the total amount appropriated, $650,000 shall be available to contract for newspapers to blind and physically handicapped residents at no cost to the individual.

(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” and the subheading “Salaries and Expenses”, to the revolving fund for the FEDLINK Program and the Federal Research Fund established under section 109 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 transferred 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 any amount appropriated under section 103 of the Library of Congress Appropriations Act, 2009 may be transferred under this section.

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(1)(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 at the end and inserting “,”; and

(3) by adding after subparagraph (G) the following:

“(H) a position in the Library of Congress 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

Government printing office: functions, missions, and binding

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 semi-monthly and session index to the Congressional Record (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 distribution of Government publications authorized by law to be distributed without charge to the recipient, $383,296,000: Provided, That this appropriation is available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates 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 47, United States Code, may be expended to print a document, report, or publication after the 2-month period beginning on the date that such document, report, or publication is issued to Congress or the Comptroller General of the United States: Provided further, That the printing, rebinding, or publication of any 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 for the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

Office of the 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, $71,000,000: Provided, That not more than $2,000,000 of such amounts shall be available for the costs of the Physical Access Forum, including necessary travel expenses of non-Federal participants: Provided further, That the costs of the Physical Access Forum shall be available to financial institutions and other Government agencies, and designated depository and international exchange libraries as authorized, under regulations prescribed by the Comptroller General of the United States; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4085(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $535,658,000: Provided, That not more than $5,449,000 of payments received under section 702 of title 31, United States Code, shall be available for use in fiscal year 2010: Provided further, That not more than $2,996,000 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 $71,000,000 of payments 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 any reappropriations 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 reimburse any 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, for expenses incurred under the appropriations for similar purposes for preceding fiscal years or appropriated for fiscal year 2010: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially funded.

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 “as determined by the respective Forum, including necessary travel expenses of non-Federal participants,”.

(b) Evaluation and audit of national transportation safety board.—Section...
1138 of title 49, United States Code, is re- pealed.

(c) LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.—Section 1604 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 674t) is repealed.

(d) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alas- ka Natural Gas Pipeline Act (15 U.S.C. 720i) 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 paragraphs (1) through (3).

(f) SEMIANNUAL AUDITS OF INDEPENDENT COUNCIL 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 expendi- turtes from the Independent Counsel permanent indefinite appropriation, and re- port their findings to the Committees on Appropriations of the House and Senate:”.

(g) REPORTS ON AMBULANCE SERVICE COSTS.—Subtitle B of the Medicare Pre- scription Drug, Improvement, and Mod- ernization Act of 2003 (Public Law 108-173) is amended.

(h) OPEN WORLD LEADERSHIP CENTER TRUST FUND.—For a payment to the Open World Leadership Center Trust Fund for financing activi- ties 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. 1151a(a)(2)) is amended.

(1) in subparagraph (A), by striking “mem- bers” and inserting “Members of the House of Repre- sentatives”;

(2) in subparagraph (B), by striking “mem- bers” and inserting “Senators”.

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151d) is amended in the first sentence by striking “The Board shall ap- point” and inserting “On behalf of the Board, the Librarian of Congress shall ap- point”.

(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 there- after.

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), $300,000.

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 emer- gency assistance and cleaning as may be pro- vided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administra- tion 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 obliga- tion beyond September 30, 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 (48 Stat. 27 et seq.) or any other compensation 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- ing contract or services to the Architect of the Capitol for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:


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:

On page 27, strike lines 5 through 10 and in- sert “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:

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 amend- ed by striking all after “shall audit an agen- cy” and inserting a period.

(b) LOCAL EDUCATIONAL AGENCY SPENDING AUDITS.—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(c) 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 sub- section (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.

“(B) CONTENTS.—The report under subpara- graph (A) shall include a detailed description of the findings and conclusion of the Comp- troller 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 fol- lowing:

SEC. ___.
ENGRAVING 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–336 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 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 9 a.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 Thursday, 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 Thursday, 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 Thursday, June 25, 2009, at 12 p.m. in room SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE 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 McNell, Sierra Spence, Nathan Kefler, 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 on that bill be 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. 214, 215, 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 Martines, 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.

DEPARTMENT OF DEFENSE
Dennis M. McCarthy, of Ohio, to be an Assistant Secretary of Defense.

NOMINATION OF JULIUS GENACHOWSKI

Mr. DE MINT. 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 produce are the 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 the rise in popularity of YouTube videos, Twitter, 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. A little over a year 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, I am concerned that 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 not just an industry, and the marketplace.” I hope this is true and promise to hold him to his commitments.
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 DOJ, the chief counsels at the defense intelligence agencies reported to him, and while in 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 deal 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, laws and treaties of the United States, the Executive Order, the Office of the DNI and the CIA and ensuring that compliance by other elements of the intelligence community through their host executive department or the Office of the general counsel 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 affecting the organisation and intelligence community. The general counsel also represents the executive branch in proposing and negotiating legislative provisions for our annual intelligence authorization bill 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 individual. It has been thetan, the standing 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 development 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 committee has raised several important questions in writing and in testimony before us. Individual members of the committee 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 concerns. Both nominees now have an abundantly clear idea, for example, of the importance we place on the law’s concerns. I am confident that they will quickly learn.

For both the ODNI and the CIA, the nomination of Daniel M. Rooney to be Ambassador to Ireland, I urge my colleagues to confirm them.

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of 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 made 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. Madden

DEPARTMENT OF STATE
Karl Miller Adam, of Texas
Anjum F. Akhtar, of California
Edward Kenneth Corrigan IV, of Virginia
Julia Elizabeth Apgar, of the District of Columbia
Daniel Patrick Aragon, of Vermont
Karla Ascaruzzo, of Virginia
Nathan D. Austin, of Washington
Dina A. Badawy, of California
Francoise I. Baramdyka, of California
Ashley Chantel Barrine-Bryd, 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 Branco-Cortes, of Virginia
Jennifer Leigh Bridges, of Georgia
Theodore Brosius, of the District of Columbia
Annmarie E. Bruen, of Virginia
Michael William Campbell, of Maryland
Karen C. Clark, of Maryland
Bianca M. Collins, of Virginia
Patricia A. Connelly, of Virginia
Justin John Cook, of Virginia
Adam M. Cooper, of Washington
Edward Kenneth Corrigan IV, of Virginia
Ann Marie Cote, of Michigan
Andrew J. Curiel, of California
Douglas M. Disabella, of Virginia
Jenny R. Donadio, of Virginia
Nick Donadio, of Virginia

June 25, 2009
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 the next bill. 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.

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) of the 10 leading causes of death, as defined by the Center 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 1 1/2 times the rate of women;

(5) men die of cancer at almost 1 1/2 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 95 percent survival rate;

(7) the number of cases of colon cancer among men will reach almost 75,500 in 2009, and 1 in 4 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;
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.

Resolved, That the Senate—

(1) recognizes the contributions of the recreational boating community and the boating industry to the continuing prosperity of the United States; and

(2) calls upon the people of the United States and its territories to observe National Men’s Health Week with appropriate ceremonies and activities.

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 370,000 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 academic performance of those who participate; and

Whereas, July 1, 2009, would be an appropriate day to establish as National Boating Day, 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 proclamations 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 re- cess or adjourn the time of any re- assembly pursuant to section 2 of this con- current resolution, whichever occurs first; and that when the House adjourns on any legislative day, Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolu- tion by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tues- day, July 7, 2009, or such other time on that day as may be specified in the motion to ad- journ, or until the time of any reassembly pursuant to section 2 of this concurrent resolu- tion, whichever occurs first.

Sec. 2. The Majority Leader of the Senate and the Speaker of the House, or their re- spective designees, acting jointly after con- sultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Sen- ate and the House, respectively, to reassemble at such place and time as they may des- ignate if, in their opinion, the public interest shall warrant it.

**AUTHORITY TO MAKE APPOINTMENTS**

Mr. REID. Mr. President, I ask unan- imous consent that notwithstanding the recess or adjournment of the Sen- ate, 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 concur- rent resolution 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 unan- imous consent that notwithstanding the adjournment of the Senate, Senate committees may file reported legisla- tive 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 ad- journ 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 Sen- ate 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 that Senate proceed to Senate 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. 2018, the Legislative Branch appropriations bill. The PRESIDING OFFICER. Without objection, it is so ordered.

**PROGRAM**

Mr. REID. Mr. President, as I an- nounced earlier, Senators should ex- pect a series of rollcall votes in rela- tion to the Legislative Branch appro- priations bill at about 5:30 on Monday, July 6.

**ADJOURNMENT UNTIL MONDAY, JUNE 29, 2009, AT 2 P.M. OR MON- DAY, 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**

SUNNY D. ATTELL, BAKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COM- MISION FOR THE REMAINDER OF THE TERM EXPiring JUNE 12, 2013, VICE J. RANDY STOKES, 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. CHELANDER, RESIGNED.

**DEPARTMENT OF STATE**

JUDITH GAIL GABLER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN- ESTER-COUNSELOR TO BE AMBASSADOR EXTRAOR- DINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

SUSAN E. MURPHY, OF IOWA, TO BE ASSISTANT SEC- RETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE CLAU- DIA A. MCNESEY, RESIGNED.

SAMUEL, LOUIS KAPLAN, OF MINNESOTA, TO BE AM- BASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

DAVID KILLION, OF THE DISTRICT OF COLUMBIA, FOR A TERM EXPiring DECEMBER 31, 2009, VICE STEPHANIE HENDRICKS, RESIGNED.

NOMINATIONS

**DEPARTMENT OF COMMERCE**

JAMES L. MASKELL, OF VIRGINIA, TO BE A MEM- BER OF THE FEDERAL MENTAL HEALTH SERVICES ADVISORY COMMITTEE, VICE JAMES L. REDMAN, RESIGNED.

**DEPARTMENT OF THE INTERIOR**

ERICK H. MILLER, OF WILMINGTON, DELAWARE, TO BE COUNSELOR TO THE AMBASSADOR OF THE UNITED STATES OF AMERICA IN VIETNAM.

**DEPARTMENT OF JUSTICE**

SHERROD BROWN, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLUMBIA.

**DEPARTMENT OF ENERGY**

DEBBIE W. ECKHOFF, OF IOWA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN AFFAIRS, VICE GLENN B. RAPER, RESIGNED.

**DEPARTMENT OF HOMELAND SECURITY**

DIANA A. HENEGAN, OF MARYLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND, VICE MICHAEL A. BURGER, RESIGNED.

**DEPARTMENT OF THE NAVY**

HARRIETT R. CUNNINGHAM, OF WISCONSIN, TO BE DEPUTY DEPUTY SECRETARY OF THE NAVY, VICE WILLIAM J. PERRY, RESIGNED.

**NOMINATIONS APPOINTMENTS**

**APPOINTMENTS**

JEFFREY T. LODEMEIER, OF MINNESOTA, TO BE A MEM- BER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPiring DECEMBER 31, 2012, VICE STEVEN R. CHELANDER, RESIGNED.

RACHEL BOREK CRANE, OF VIRGINIA, TO BE A UNITED STATES FEDERAL JUDGE FOR THE DISTRICT OF COLUMBIA, VICE ERIC H. MEYER, RESIGNED.

**REPORT**

**COMMISSIONS, COMMITTEES, BOARDS, CONFERENCES, OR INTERPARLIAMENTARY CONFERENCES**

**APPOINTMENTS OF THE CLASSES STATED.**

BRUCE J. GREECE, OF COLORADO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

MICHAEL A. BERNSTEIN, OF MINNESOTA, TO BE UNITED STATES FEDERAL JUDGE FOR THE DISTRICT OF MARYLAND, VICE WILLIAM J. PERRY, RESIGNED.

**APPOINTMENTS OF THE NATIONAL TRANSPORTATION SAFETY BOARD**

BRIAN D. KEE, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPiring DECEMBER 31, 2012, VICE STEVEN R. CHELANDER, RESIGNED.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AMBASSADOR **

BRIAN D. KEE, OF CALIFORNIA, TO BE AM- BASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LIBERIA.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-**

BRIAN D. KEE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-**

BRIAN D. KEE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-**

BRIAN D. KEE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-**

BRIAN D. KEE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-**

BRIAN D. KEE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-**

BRIAN D. KEE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-**

BRIAN D. KEE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.

**APPOINTMENTS OF THE SENIOR FOREIGN SERVICE, CLASS OF MIN-**

BRIAN D. KEE, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZIMBABWE.
THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

CAPT. TIMOTHY S. MATTHEWS
CAPT. RANDOLPH L. MARR
CAPT. TIMOTHY S. MATTHEWS
CAPT. GRETCHEN S. HERBERT
CAPT. ELIZABETH L. TRAIN

To be rear admiral (lower half)

CAPT. GRETCHEN S. HERBERT
CAPT. ELIZABETH L. TRAIN
CAPT. TIMOTHY S. MATTHEWS
CAPT. RANDOLPH L. MARR
CAPT. TIMOTHY S. MATTHEWS

To be rear admiral (lower half)

IN THE NAVY

EXECUTIVE NOMINATIONS

Executive nominations confirmed by the Senate, Thursday, June 25, 2009:

CAPT. ELIZABETH L. TRAIN

To be rear admiral (lower half)

IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations 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

DEPARTMENT OF STATE

KATHLEEN M. MARTINEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH SUSAN MARIE CARL AND ENDING WITH DALE N. TASHKARI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2009

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent and the nominations were 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. TASHKARI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2009

CONFIRMATIONS
HIGHLIGHTS
Senate agreed to S. Con. Res. 31, Adjournment Resolution.

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:
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:
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.

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.

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.

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.

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.

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.

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.

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.
- 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.)

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.

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”; and

An original bill entitled “Department of Defense Authorization Act for Fiscal Year 2010”; and

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.

MONTAINTOP 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. Verhceer, 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 Achteineier, 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


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).

Speaker: Read a letter from the Speaker wherein she appointed Representative Serrano to act as Speaker pro tempore for today.

Chaplain: The prayer was offered by the Guest Chaplain, Reverend Richard Fowler, Ninth Street Baptist Church, Covington, Kentucky.

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 Pelosi, and Representative McKeon, to rank before Representative Hoekstra.


Pages H7354–49

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.

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.

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.

Agreed to:

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

up, 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;
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;

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;

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.;

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 H7358–65

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 H7356–66

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 non-disclosure 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.

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


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;

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;

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;

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;

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;

Campbell amendment (No. 5 printed in part E 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;

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

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.

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


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


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 Markley of Massachusetts, Inslee, Perlmutter, Chairman Peterson of Minnesota, Representatives Abercrombie, Bowell, 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

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; 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)

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**


(House proceedings for today will be continued in the next issue of the Record.)